

Findings and Decision- Amendment Application of Blair MacDonald for AQ#1246

1. Overview:

On May 16, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Blair MacDonald to amend Aquaculture Licence and Lease #1246 (AQ#1246) to authorize the suspended cultivation with gear (two cages) and the bottom culture with gear (two cages), as described below:

Table 1. Description of Aquaculture Licence and Lease #1246

Type: Marine	Current Size: 11.12 HA
Number: AQ#1246	Current Cultivation Method: Bottom shellfish without gear
Applicant: Blair MacDonald	Current Species: Atlantic oyster
Location: St. Patrick's Channel, Victoria County	Proposed Amendment: Amendment to change cultivation method to authorize suspended cultivation of American oyster

2. History

AQ#1246 was first issued on July 10, 2001 to Washabuck Aqua Resources for a ten year term (July 10, 2001 to July 10, 2011). AQ#1246 was renewed on July 4, 2012 for a five year term (July 10, 2011 to July 9, 2016). AQ#1246 was renewed on September 12, 2016 for a licence term of 10 years (July 9, 2016-July 9, 2026) and a lease term of 20 years (July 9, 2016 to July 9, 2036). AQ#1246 was amended on August 15, 2019 to change the name from Washabuck Aqua Resources to Blair MacDonald.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations and was completed on April 28, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1246 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 9- February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 8, 15, 22, 29, and February 5, 2020.

3.3 Submissions

Zero submissions were received by NSDFA during the 30-day public comment period.

4. Factors to be considered

AQ#1246 is located in waters which are currently MSX positive, and thus there has been no/limited production in recent years. The amendment of AQ# 1246 is part of a Research and Development project, seeking to determine whether cultivating oysters in the water column allows the oysters to reach market size prior to succumbing to MSX. AQ# 1246 is one of seven shellfish aquaculture sites in the Bras d'Or Lake involved in this project. Should the project demonstrate that oysters can survive to market size in the water column in significant numbers, AQ# 1246 can be part of a successful shellfish aquaculture industry.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. Until the negative impacts of MSX were fully realized, the area was considered conducive for shellfish aquaculture. The amendment documents for AQ# 1246 will allow for access to the bottom-culture portion of the site by the general public for recreational activities, provided that the public does not harvest the product on site. This clause serves to reduce potential interference with other users.

Section 55 of the *Licence and Lease Regulations* requires an aquaculture licence holder to mark each of their sites in a manner determined by the Minister (see below) and to keep each site marked during the term of their licence. Furthermore, due to the presence of suspended gear, the operator will be required to adhere to the Navigable Waters provisions of Transport Canada. All aquacultural produce and equipment must remain within the boundaries of the site.

AQ#1246 is located in the nearshore environment in MacIvers Cove. The closest aquaculture site to AQ#1246 is AQ#0745 which is approximately 6.5 km away. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay. AQ#1246 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence #1246 and Lease #1246 shall be amended to authorize the suspended cultivation with gear (two cages) and the bottom culture with gear (two cages). Except as expressly amended, Licence #1246 and Lease # 1246 shall continue in full force and effect.

The Licence and Lease amendment documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.



June 24, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date