

## Findings and Decision - Renewal Application of Jeffrey S. Lee for AQ#1315

### 1. Overview:

On April 20, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Jeffrey S. Lee to renew Aquaculture Licence and Lease #1315 (AQ#1315), as described below:

Table 1. Description of Aquaculture Licence and Lease #1315

<b>Type:</b> Marine	<b>Size:</b> 4.00 HA
<b>Number:</b> AQ#1315	<b>Cultivation Method:</b> Bottom shellfish without gear
<b>Applicant:</b> Jeffrey S. Lee	<b>Species:</b> American oyster
<b>Location:</b> Mabou Harbour, Inverness County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### 2. History

AQ#1315 was first issued on November 18, 2005 for a ten-year term (November 1, 2005 to November 1, 2015). AQ#1315 was renewed on July 16, 2015 for a five-year term (November 1, 2015 to November 1, 2020).

### 3. Procedure

#### 3.1 *Performance Review*

A performance review of the information submitted by the operator in support of their renewal 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(c) of the Aquaculture Licence and Lease Regulations, and was completed on August 25, 2020.

#### 3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#1315 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 23, 2020 to August 21, 2020. Notice of the application was also published in the Royal Gazette Part I on July 29, August 5, August 12 and August 19, 2020.

#### 3.3 *Submissions*

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

### 4. Factors to be considered

The renewal plan indicates continued production is planned for this site and therefore resulting employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. A review of the information submitted indicates

that successful development of this site will have a positive impact on the local and provincial economy.

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. The successful growth of American oysters in Mabou harbour has been proven. AQ#1315 is licensed to cultivate American oyster, and there is no evidence to suggest that shellfish aquaculture has impacts on the sustainability of wild salmon.

The information reviewed did not indicate adverse impacts on the surrounding public waters. AQ#1315 is located within waters that are currently classified as *Conditionally Approved* by the Canadian Shellfish Sanitation Program (CSSP); therefore, product can only be harvested pursuant to a Conditional Management Plan that is approved by the CSSP Partners (Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Canadian Food Inspection Agency).

AQ#1315 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. 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 and keep each site marked during the term of their licence. Furthermore, AQ#1315 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The Farm Operations section of the Farm Management Plan for AQ#1315 will require the operator to indicate how they will operate AQ#1315 in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1315, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1315 is located in the nearshore environment of Mabou Harbour, near the mouth of Sam's Cove. AQ#1315 is one of nine shellfish aquaculture sites located within Mabou Harbour, and is located approximately 430 metres from the nearest aquaculture site (AQ#1330). There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

## **5. Decision**

Based on the considerations above, Aquaculture Licence #1315 shall be renewed for a period of 10 years (November 1, 2020 to October 31, 2030) and Aquaculture Lease #1315 shall be renewed for a period of 20 years (November 1, 2020 to October 31, 2040).

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



**6. Conditions**

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) Mark each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.

*Brennan Goreham*

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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

*Sept. 15, 2020*

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**Date**