

Findings and Decision- Renewal Application of Maritime Oyster Company Limited for AQ#1087

1. Overview:

On October 7, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from The Maritime Oyster Company Limited to renew Aquaculture Licence and Lease #1087 (AQ#1087), as described below:

Table 1. Description of Aquaculture Licence and Lease #1087

Type: Marine	Size: 3.56 HA
Number: AQ#1087	Cultivation Method: Suspended cultivation
Applicant: The Maritime Oyster Company Limited	Species: American oyster
Location: Eel Lake, Yarmouth County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1087 was first issued on April 3, 2000 for a term of ten years from April 3, 2000 to April 3, 2010 to Shawn d'Entremont & John Babin. AQ#1087 was assigned on August 23, 2006 from Shawn d'Entremont & John Babin to John Babin. AQ#1087 was amended on September 28, 2010 to expand the existing site from 2.21 HA to 3.9 HA. AQ#1087 was renewed on March 17, 2010 for a term of five years (April 3, 2010 to April 2, 2015). AQ#1087 was renewed on June 24, 2015 for a term of five years (April 3, 2015 to April 2, 2020). AQ#1087 was assigned on June 8, 2019 from John Babin to The Maritime Oyster Company Limited.

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 March 24, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1087 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#1087 is part of a two-site oyster farming operation in the Eel Lake area. 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. AQ#1087 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#1087 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#1087 will require the operator to indicate how they will operate AQ#1087 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#1087, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1087 is located in the nearshore environment of the southern portion of Eel Lake, approximately 30 metres from the shoreline. AQ#1087 is within approximately 250 metres of two additional shellfish aquaculture sites (AQ#1314 - issued to Nolan d'Eon; AQ#1326 also currently issued to The Maritime Oyster Company Limited). AQ#1087 also contains a navigation corridor. As such, the physical separation of AQ#1087 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the area. AQ#1087 is one of four shellfish aquaculture sites located within Eel Lake. 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 #1087 shall be renewed for a period of 10 years (April 2, 2020 to April 2, 2030) and Aquaculture Lease #1087 shall be renewed for a period of 20 years (April 2, 2020 to April 2, 2040).

The Licence and Lease 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*.

6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter;
- b) mark all corners of the leased bottom with a cement block or similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence or lease number at 1 corner of the licenses or leased area.

Brennan Goreham

March 27, 2020

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

Date