

Decision on Application to Amend a Marine Aquaculture Licence and Lease

Application to the Administrator:

On August 24, 2022, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #0995 (AQ#0995), as described below:

Application Summary:

Type: Marine	Size: 1.00 HA
Number: AQ#0995	Cultivation Method: Suspended cultivation
Applicant: Bay Tender Shellfish Limited	
Location: Mahone Bay, Lunenburg County	Species: Blue mussel and Giant sea scallop
Proposed Amendment: Change site boundaries (no increase in size)	

Site History:

The licence and lease for site AQ#0995 were first issued in June, 1996 to Michael J. Dadswell for a ten-year term. The licence and lease were assigned to Bay Tender Shellfish Limited in October, 2004. The licence and lease have been consecutively renewed, with the current licence issued with a term of June 3, 2016 to June 3, 2026 and the current lease issued with a term of June 3, 2016 to June 3, 2036.

Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#0995, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

Consultations on Application to Administrator:

The application was sent for consultation to the following departments or agencies of the Government of Nova Scotia, pursuant to Clause 40(1)(a) of the Regulations: Environment & Climate Change, Agriculture, Communities Culture Tourism & Heritage (CCTH), Office of L’Nu Affairs (OLA), Natural Resources & Renewables.

The application was sent for consultation to the following departments or agencies of the Government of Canada, pursuant to Clause 40(1)(b) of the Regulations:
Fisheries & Oceans Canada (DFO), Canadian Food Inspection Agency (CFIA), Transport Canada (TC), Environment & Climate Change Canada (ECCC), Canadian Wildlife Services (CWS).

Public Submissions on Application to Administrator:

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department's website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on May 11, 2023.

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

Factors to be Considered (as set out in Section 3 of the Regulations):

The optimum use of marine resources

The amendment application for AQ#0995 was submitted to adjust the site boundaries, without increasing the size, to allow for the site to be located in optimum depth to allow for full site utilization. Review of the file indicates that the site has had production and employment in recent years. The information in support of the amendment application suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted and that the site is utilized for Aquaculture.

The contribution of the proposed operation to community and Provincial economic development

The proposed amendment did not involve any change to the operator's services and suppliers and did not involve any change to the operator's employment impact to the community.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The amendment was assessed to consider any potential impact to fishery activities within and surrounding the new proposed boundaries of the site. There was no indication that this amendment would impact any specific fishery activities.

The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation

The proposed amendment has taken into account the storms and ice events in the surrounding waters. The applicant has proposed that these issues can be mitigated by relocating to deeper waters. The results of the review indicate that the deeper waters are more suitable to scallop

aquaculture. The site located in an area that is currently classified by the Canadian Shellfish Sanitation Program as “Approved.”

The other users of the public waters surrounding the proposed aquacultural operation

This application to amend an existing Aquaculture licence and lease contained no expected novel impacts to the other users of the public waters near the existing site. Recommendations were provided by one or more departments or agencies of the Government of Canada and the Government of Nova Scotia, to mitigate any potential impacts to other users including wildlife. These recommendations were shared with the operator.

The public right of navigation

The operator shall adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number NPP#191-200162.

The sustainability of wild salmon

There is no indication that the proposed amendment will pose ecological concerns to, or have an impact on, the sustainability of wild salmon.

The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation

Aquaculture Site AQ#0995 is located North of Snake Island, approximately 5.5km due East of the city center of Chester. The nearest aquaculture site, AQ#0652, is approximately 400m West. There are currently 8 aquaculture sites within Mahone Bay, which are authorized to cultivate various species of shellfish and/or marine plants. There is no evidence to suggest that the extent of the existing aquaculture in the bay has exceeded the carrying capacity.

Decision:

Based on the factors considered above, AQ#0995 shall be amended to change the licence and lease boundaries in accordance with the applicant’s proposal. Except as expressly amended, AQ#0995 shall remain unchanged in full force and effect, including any terms and conditions. Documents shall be prepared to effect the above-approved amendments respectively to the Licence and Lease, in accordance with the Department’s standard operating documents and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

June 19, 2023

Date