

Findings and Decision - Renewal Application of Bay Enterprises Limited for AQ#1305

1. Overview:

On February 4, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bay Enterprises Limited to renew Aquaculture Licence 1305 (AQ#1305), as described below:

Table 1. Description of Aquaculture Licence and Lease #1305

Type: Land-Based Shellfish	Location: Malagash, Cumberland County
Number: AQ#1305	Species: Blue mussel, American oyster, European oyster, Bay quahog, Bay scallop
Applicant: Bay Enterprises Limited	Proposed Term: 10 year Licence

2. History

AQ#1305 Licence was issued to Bay Enterprises Limited on October 27, 2004 for a ten year term (June 10, 2004 to June 10, 2014); AQ#1305 was amended on June 28, 2010 to authorize the cultivation of Bay scallops. AQ#1305 was renewed on February 25, 2014 for a five year term from (June 10, 2014 to June 9, 2019).

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 July 11, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1305 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 6, 2019 to April 5, 2019. Notice of the application was also published in the Royal Gazette Part I on March 6, March 13, March 20, and March 27, 2019.

3.3 Submissions

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

4. Factors to be considered

AQ#1305 is a land-based shellfish hatchery, authorized to produce the above-noted species, and has demonstrated past levels of production. The history of the operator, and the proposed operation for the renewed tenure, suggest that the proposed continuation of the hatchery is viable. The site has a record of compliance with respect to the Act, Regulations, guidelines, and policies of the Department. The nature in which Bay Enterprises Limited intends to operate this

landbased site is consistent with the Act, Regulations, licence requirements, guidelines, and policies of the Department.

The technical information on file related to the renewal application indicates that the proposed continuation of the operation is technically viable. The known technical information relating to the site the indicates that acceptable infrastructure and procedures are in place for the method and scale of operation. All other aspects of the application information submitted and subsequent review of this information supports the renewal of this site.

5. Decision

Based on the considerations above, Aquaculture Licence #1305 shall be renewed for a period of 10 years (June 9, 2019 to June 9, 2029).

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*.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date