

Findings and Decision - Assignment Application of K & H Capital for AQ#0055

1. Overview:

On September 29, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from K&H Capital to assign Aquaculture Licence and Lease #0055 (AQ#0055), as described below:

Table 1. Description of Aquaculture Licence and Lease #0055

Type: Marine Shellfish	Location: Mahone Bay, Lunenburg County
Number: AQ#0055	Size: 5.40 HA
Assignor: Wayne Turple	Cultivation Method: Suspended Cultivation
Assignee: K&H Capital	Species: Blue mussel, Bay scallop, Giant sea scallop and European oyster

2. History

AQ#0055 was first issued on August 16, 1989 to Wayne Turple for a ten year term (August 1, 1989 to August 1, 1999). AQ#0055 was amended on August 16, 1990 to authorize the cultivation of Bay scallop. AQ#0055 was amended on August 9, 1994 to increase the size of the site. AQ#0055 was renewed on May 11, 1999 for a five year term (August 1, 1999 to August 1, 2004). AQ#0055 was renewed on June 12, 2004 for a five year term from (August 1, 2004 to August 1, 2009). AQ#0055 was renewed on December 22, 2009 for a five year term (August 2, 2009 to August 1, 2014). AQ#0055 was renewed on April 9, 2015 for a three year term (August 2, 2014 to August 2, 2017). AQ#0055 was amended on October 21, 2015 to authorize the cultivation of Giant sea scallop. AQ#0055 was renewed on April 11, 2017 for a ten year licence term (August 2, 2017 to August 2, 2027). AQ#0055 was renewed on April 11, 2017 for a twenty year lease term (August 2, 2017 to August 2, 2037).

3. Procedure

3.1 *Performance Review*

A performance review of the information submitted by the operator in support of the assignment application was completed. This review recommended that the site be assigned based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(b) of the Aquaculture Licence and Lease Regulations, and was completed on November 20, 2017.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0055 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of Advertised on the NSDFA website from October 19, 2017 – November 17, 2017. Notice of the application was also published in the Royal Gazette Part I on October 18, October 25, November 1 and November 8, 2017 (attached). Submissions were due by November 17, 2017 at 11:59PM.

3.3 Submissions

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

4. Factors to be considered

Review of the file indicates years of successful mussel production; however, the assignee intends to operate the site to cultivate Giant Sea Scallops. Information provided by the assignee suggests that continued production is planned for the site, which will create local employment. Should the new operator not operate the site as indicated in the assignment plan, the Department's site utilization review procedures will be triggered.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There are no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. The assignee will be required to adhere to the provisions of the *Canadian Shellfish Sanitation Program (CSSP)* as it relates to shellfish harvesting classifications. Records indicate instances of invasive species (*Ciona*) which impacts production. AQ#0055 is authorized to conduct suspended cultivation of marine shellfish. 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. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of that site.

The successful growth of shellfish in the area using suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0055 is located approximately 300 meters from the neighbouring shoreline, and is located approximately 100 meters from the nearest aquaculture operation (AQ#1157). The physical separation from the shoreline and other aquaculture sites provides for navigation channels within the waterway. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#0055 is licensed for shellfish aquaculture, and there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence and Lease #0055 shall be assigned to "Tina Dauphinee carrying on business under the name of K&H Capital". A letter approving this assignment shall be prepared in accordance with NSDFA policy, and shall be made publicly available subject to the provisions of the Freedom of Information and Protection of Privacy Act.

Brennan Goreham

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Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture

Feb. 16, 2018

Date