

Findings and Decision- Assignment Application of Duncan Bates and Blaine E. Bond for AQ#0652

1. Overview:

On September 22, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Duncan Bates and Blaine E. Bond for Aquaculture Licence and Lease #0652 (AQ#0652), as described below:

Table 1. Description of Aquaculture Licence and Lease #0652

Type: Marine Shellfish	Location: Mahone Bay, Lunenburg County
Number: AQ#0652	Size: 1.03 HA
Assignor: Duncan Bates	Cultivation Method: Suspended Cultivation
Assignee: Blaine E. Bond	Species: Blue mussel, Giant sea scallop and European oyster

2. History

AQ#0652 was first issued to Armstrong Aquaculture Products on June 21, 1993 for a ten year term (June 28, 1993 to June 28, 2003) for the cultivation of Blue mussel, Giant sea scallop, and European oyster. AQ#0652 was assigned from Armstrong Aquaculture Products to Blaine E. Bond and Duncan Bates on August 31, 2000. AQ#0652 was renewed on September 24, 2003 for a five year term (July 1, 2003 to July 1, 2008). AQ#0652 was renewed on September 30, 2008 for a five year term (July 2 2008 to July 1, 2013). AQ#0652 was renewed on February 25, 2014 for a five year term (July 2, 2013 to July 2, 2018).

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(b) of the Aquaculture Licence and Lease Regulations, and was completed on October 20, 2015.

3.2 *Public Comment Period*

Notice of the application for the assignment of AQ#0652 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 3, 2016 to March 3, 2016. Notice of the application was also published in the Royal Gazette Part I on February 3, 2016, February 10, 2016, February 17, 2016, and February 24, 2016.

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 the site has had consistent annual production since 2006. Records indicate continuous employment. Assignment plan indicates continued production is planned for this site and therefore resulting employment. The assignor also operates additional aquaculture sites in Mahone Bay (AQ#1244 and 0846). Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. Performance review indicates contribution to local economy through relationship with other aquaculturalists.

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. AQ#0652 is located approximately 2.5 km from Graves Island Provincial Park. There are no recorded instances on file of AQ#0652 interfering with other users of the public waters surrounding the operation. AQ#0652 is located in the near-shore environment, in proximity but not adjacent to Snake Island. AQ#0652 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 Mahone Bay using suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0652 is located approximately 0.5 km from the nearest aquaculture operation, and is one of four shellfish aquaculture operations currently licensed in the northeast portion of Mahone Bay. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area. AQ#0652 is licensed for shellfish aquaculture, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Duncan Bates' right, title, and interest in and to Aquaculture Licence #0652 and Aquaculture Lease #0652 is hereby assigned to Blaine E. Bond. The assignment shall have an effective date of May 29, 2016. The approval 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*.

In addition, the following condition shall apply.

6. Conditions

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 licensed or leased area.

Brennan Goreham

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

4/27/15
Date