

## Findings and Decision - Assignment Application of K & H Capital for AQ#1157

### 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 #1157 (AQ#1157) from Wayne Turple, as described below:

Table 1. Description of Aquaculture Licence and Lease #1157

<b>Type:</b> Marine Shellfish	<b>Location:</b> Mahone Bay, Lunenburg County
<b>Number:</b> AQ#1157	<b>Size:</b> 14.44 HA
<b>Assignor:</b> Wayne Turple	<b>Cultivation Method:</b> Suspended Cultivation
<b>Assignee:</b> K&H Capital	<b>Species:</b> Blue mussel, Bay scallop, Giant sea scallop and European oyster

### 2. History

AQ#1157 was first issued to Wayne Turple on August 1, 1999 for a five year term (August 1, 1999 to August 1, 2004). AQ#1157 was renewed on June 12, 2004 for a five year term (August 1, 2004 to August 1, 2009). AQ#1157 was assigned on November 5, 2008 from Wayne Turple to Martin's Point Aquaculture Farm. AQ#1157 was renewed on March 24, 2010 for a five year term (August 2, 2009 to August 1, 2014). AQ#1157 was reissued on January 11, 2012 to Wayne Turple for a five year term (October 25, 2011 to October 24, 2016). AQ#1157 was amended on October 21, 2015 to allow for the cultivation of Giant sea scallop. AQ#1157 was renewed on October 24, 2016 for a ten year licence term (October 25, 2016 to October 25, 2026). AQ#1157 was renewed on October 24, 2016 for a twenty year lease term (October 25, 2016 to October 25, 2036).

### 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#1157 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 (*Cinnoa*) which has impacted production. AQ#1157 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 the 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#1157 is located approximately 150 meters from Sam's Island, 550 meters from Mash Island and is located approximately 100 meters from the nearest aquaculture operation (AQ#0055). 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#1157 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.



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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

Feb. 16, 2018

**Date**