

Findings and Decision - Renewal Application of Bay Tender Shellfish Limited for AO#0995

1. Overview:

On February 2, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bay Tender Shellfish Limited to renew Aquaculture Licence and Lease #0995 (AQ#0995), as described below:

Table 1. Description of Aquaculture Licence and Lease #0995

Type: Marine Shellfish	Size: 1.00 HA
Number: AQ#0995	Cultivation Method: Suspended shellfish method
Applicant: Bay Tender Shellfish Limited	Species: Blue mussel and giant sea scallop.
Location: Mahone Bay, Lunenburg County	Proposed Term: 10 year Licence/20 year Lease

2. History

A#0995 was first issued to Michael J. Dadswell on June 3, 1996 for a ten year term (June 3, 1996 to June 3, 2006). AQ#0995 was assigned on October 13, 2004 from Michael J. Dadswell to Bay Tender Shellfish Limited. AQ#0995 was renewed on August 23, 2006 for a five year term (June 3, 2006 to June 3, 2011). AQ#0995 was renewed on January 11, 2012 for a five year term (June 3, 2011 to June 2, 2016).

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 April 8, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0995 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 14, 2016 to May 13, 2016. Notice of the application was also published in the Royal Gazette Part I on April 13, 2016, April 20, 2016, April 27, 2016, and May 4, 2016.

3.3 Submissions

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

4. Factors to be considered in decisions related to marine aquaculture sites

Review of the file indicates many years of successful production. The renewal plan indicates continued production is planned for this site and therefore resulting employment. Should the operator not operate the site as indicated, 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. Records indicate past instances of invasive species impacting production. AQ#0995 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#0995 is located approximately 60 metres from Snake Island, and is located approximately 400 metres from the nearest aquaculture operation (AQ#0652). 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#0995 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 #0995 shall be renewed for a period of 10 years (June 3, 2016 to June 3, 2026) and Aquaculture Lease #0995 shall be renewed for a period of 20 years (June 3, 2016 to June 3, 2036).

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*.

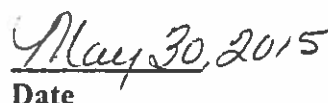
6. Conditions

In addition, the following condition shall apply:

1. 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
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date