

Findings and Decision- Renewal Application of Bounty Bay Shellfish Incorporated for AQ#0147

1. Overview:

On October 14, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bounty Bay Shellfish Incorporated to renew Aquaculture Licence and Lease #0147 (AQ#0147), as described below:

Table 1. Description of Aquaculture Licence and Lease #0147

Type: Marine Shellfish	Current Size: 8.93 HA
Number: AQ#0147	Current Cultivation Method: Suspended shellfish cultivation
Applicant: Bounty Bay Shellfish Incorporated	Current Species: Blue mussel, Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0147 was first issued to Felmar Mussel Farms Ltd. on April 27th, 1992 for a ten year term (May 1st, 1992 to April 30th, 2002). AQ#0147 was renewed on September 24th, 1997 to Kevin A. King for a ten year term (September 24, 1997 to September 24, 2007). AQ#0147 was assigned on February 16, 1998 from Kevin A. King to Madame Isle Sea Farms Limited. AQ#0147 was assigned on January 15, 2001 from Ernest and Young Inc. to Bounty Bay Shellfish Incorporated. AQ#0147 was renewed on January 23, 2008 for a five year term (September 24, 2007 to September 23, 2012). AQ#0147 was renewed on February 12, 2014 for a five year term (September 24, 2012 to September 23, 2017).

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 October 20, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0147 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for

the period of June 8, 2017 to July 7, 2017. Notice of the application was also published in the Royal Gazette Part I on June 7, 14, 21, and 28.

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 that the site has not had consistent production during the last ten years. This triggered the Department's site utilization review procedures, and the operator was required to provide NSDFA with their plans to develop the site. These plans indicate production is planned for this site and therefore resulting employment. Department staff will be completing site visits in the future to ensure that these plans are implemented as submitted. AQ#0147 is one of several sites in a multi-site operation located in Lennox Passage. The performance review indicates that successful development of this site will have a positive impact on the local and provincial economy.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0147 is licensed to cultivate Blue mussel, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. The successful growth of Blue mussels in Lennox Passage using suspended methods has been proven; however, an increased presence of invasive tunicates has impacted the extent of production. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#0147 interfering with other users of the public waters surrounding the operation. 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 (see below) 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 the site.

AQ#0147 is located approximately 140 metres from the shoreline at its nearest point. The nearest site to AQ#0147 is approximately 850 metres to the west, also issued to Bounty Bay Shellfish Inc. Individual sites within Lennox Passage are geographically separated, providing corridors through which other users can navigate. There are seven other shellfish aquaculture sites licensed in Lennox Passage, four of which are operated by Bounty Bay Shellfish Inc. or the affiliated company PEI Mussel Farms Inc. There is no evidence to suggest that the extent of existing aquaculture in the passage has exceeded the carrying capacity of the passage.

5. Decision

Based on the considerations above, Aquaculture Licence #0147 shall be renewed for a period of 10 years (September 25, 2017 to September 25, 2027) and Aquaculture Lease #0147 shall be renewed for a period of 20 years (September 25, 2017 to September 25, 2037).

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:

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

August 2, 2017

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

Date