

Findings and Decision- Renewal Application of Cape North Mussels Limited for AQ#0758

1. Overview:

On July 14, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Cape North Mussels Limited to renew Aquaculture Licence and Lease #0758 (AQ#0758), as described below:

Table 1. Description of Aquaculture Licence and Lease #0758

Type: Marine Shellfish	Size: 33.03 HA
Number: AQ#0758	Cultivation Method: Suspended shellfish method
Applicant: Cape North Mussels Limited	Species: Blue mussel
Location: Aspy Bay, Victoria County	Proposed Term: 10 year Licence/20 year Lease

2. History

Licence and Lease AQ#0758 was originally issued to Roger A. Fraser on January 7, 1997 for a term of 10 years (January 7, 1997 to January 7, 2007) for the suspended cultivation of Blue mussel. AQ#0758 was assigned to Fraser's Boatshop Limited on October 8, 1998. AQ#0758 was amended on October 19, 1998 to adjust the size of the site from 14.00 HA to 34.00 HA (encompassing what was previously AQ#0207). AQ#0758 was assigned to Cape North Mussels Limited on June 7, 2000. Licence and Lease AQ#0758 was renewed on December 5, 2006 for a term of 5 years (January 7, 2007 to January 6, 2012). Licence and Lease AQ#0758 was renewed on January 30, 2012 for a term of 5 years (January 7, 2012 to January 6, 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 September 21, 2016.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0758 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of October 13, 2016 to November 11, 2016. Notice of the application was also published in the Royal Gazette Part I on October 12, 2016, October 19, 2016, October 26, 2016, and November 2, 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 over the last ten years. Records indicate continuous employment. 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. Performance review indicates contribution to local economy through culture of market sized mussels as well as production of mussel seed to supply other farms.

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#0758 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 mussel in North Harbour using suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#0758 is located in North Harbour, along with several other Aquaculture sites. There are no recorded instances on file of AQ#0758 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 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 – AQ#0758 has submitted an application to NSDFA to amend the site boundaries to meet this requirement.

Individual sites within North Harbour are geographically separated, providing corridors through which other users can navigate. AQ#0758 also includes a navigation corridor running through the centre of the site. There are six other shellfish aquaculture sites licensed in North Harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #0758 shall be renewed for a period of 10 years (January 6, 2017 – January 6, 2027) and Aquaculture Lease #0758 shall be renewed for a period of 20 years (January 6, 2017 – January 6, 2037).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

6. Conditions

In addition, the following condition shall apply:

Cape North Mussels Limited 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

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2/27/17

Date