

Findings and Decision- Renewal Application of PEI Mussel Farms Inc. for AQ#0760

1. Overview:

On October 20, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from PEI Mussel Farms Inc. to renew Aquaculture Licence and Lease #0760 (AQ#0760), as described below:

Table 1. Description of Aquaculture Licence and Lease #0760.

Type: Marine Shellfish	Size: 4.42 HA
Number: AQ#0760	Cultivation Method: Suspended shellfish method
Applicant: PEI Mussel Farms Inc.	Species: Blue mussel
Location: Lennox Passage, Richmond County	Proposed Term: 10 year licence/20 year lease

2. History

AQ#0760 was first issued on May 23rd, 1997 for a ten-year term (May 23rd, 1997 to May 23rd, 2007). AQ#0760 was assigned on July 2nd, 2003 from Allan Savoury to PEI Mussel Farms Inc. AQ#0760 was renewed on October 30th, 2007 for a five-year term (May 23rd, 2007 to May 22nd, 2012). AQ#0760 was renewed on September 12th, 2012 for a five-year term (May 23rd, 2012 to May 22nd, 2017). AQ#0760 was amended on March 25th, 2015 to increase the size from 4.02 Hectares to 4.42 Hectares.

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 January 31st, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0760 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 9 to March 10, 2017. Notice of the application was also published in the Royal Gazette Part I on February 8, 15, 22, and March 1, 2017.

3.3 Submissions

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

4. Factors to be considered

A review of the file indicates the successful growth of blue mussels in the past. 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. 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#0760 is licensed to cultivate shellfish species, 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 is proven; however, the operator has indicated challenges with invasive tunicates which require mitigation efforts. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#0760 is located near several islands as well as Lennox Passage Provincial Park; however, there are no recorded instances on file of AQ#0760 interfering with other users of the public waters surrounding the operation. AQ#0760 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. 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.

AQ#0760 is located on the Poulamon Bay portion of Lennox Passage. AQ#0760 is located in the nearshore environment, with distance to the shoreline of approximately 100 metres at its nearest point. AQ#0760 is within approximately 1.0 km of two other suspended shellfish sites (AQ#0229 and 0728). Thus, the physical separation of AQ#0760 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the 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 #0760 shall be renewed for a period of 10 years (May 22, 2017 to May 22, 2027) and Aquaculture Lease #0760 shall be renewed for a period of 20 years (May 22, 2017 to May 22, 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

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

April 4, 2017

Date