

## Findings and Decision- Renewal Application of Bay Enterprises Limited for AQ#1147

### 1. Overview:

On February 6, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bay Enterprises Limited to renew Aquaculture Licence and Lease #1147 (AQ#1147), as described below:

Table 1. Description of Aquaculture Licence and Lease #1147

<b>Type:</b> Marine Shellfish	<b>Current Size:</b> 41.27 ha
<b>Number:</b> AQ#1147	<b>Current Cultivation Method:</b> Bottom shellfish without gear method
<b>Applicant:</b> Bay Enterprises Limited	<b>Current Species:</b> American oyster, Bay Quahog
<b>Location:</b> McNabs Bay, Colchester County	<b>Proposed Term:</b> 10 year licence/20 year lease

### 2. History

AQ#1147 was first issued to Bay Enterprises Ltd. on September 5, 2002 for a ten year term (August 26, 2002 to August 26, 2012). AQ#1147 was amended on October 31, 2002 to authorize the cultivation of Bay quahogs. AQ#1147 was amended on July 11, 2006 to increase the size from 20.11 Ha to 41.27 Ha. AQ#1147 was renewed on June 19, 2013 for a five year term (August 26, 2012 to August 26, 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 March 1, 2017.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#1147 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of May 11, 2017 – June 9, 2017. Notice of the application was also published in the Royal Gazette Part I on May 10, 2017, May 17, 2017, May 24, 2017, and May 31, 2017. Submissions were due by June 9, 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 that the site has had consistent production and employment. AQ#1147 is an integral component of the operator's multi-site and shore-based aquaculture operation. The information submitted in support of the renewal indicates that continued production is planned for this site and therefore continued employment. Department staff will continue to monitor production plans to ensure that these plans are implemented as submitted.

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#1147 is currently authorized for the bottom cultivation of shellfish without gear, and as such at this time there is no gear permitted within the boundaries of the lease. The licence and lease documents for AQ#1147 allow for access to the site by the general public for recreational activities, provided that the public does not harvest the product on site. This clause serves to reduce potential interference with other users.

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 to keep each site marked during the term of their licence. There is an amendment application in progress to allow for suspended gear on a certain portion of the lease. Should this amendment be approved, the operator will be required to adhere to the Navigable Waters provisions of Transport Canada.

AQ#1147 is located in McNab's Bay, Colchester County and is approximately 200 metres from the shoreline at its nearest point. The southern boundary of AQ#1147 is immediately adjacent to AQ#0502 (Allen J. MacDonald), and AQ#1147 is within 2.0 km of five additional shellfish aquaculture sites. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay. AQ#1147 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

#### **5. Decision**

Based on the considerations above, Aquaculture Licence #1147 shall be renewed for a period of 10 years (August 26, 2017 to August 26, 2027) and Aquaculture Lease #1147 shall be renewed for a period of 20 years (August 26, 2017 to August 26, 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**

*6/22/17*

**Date**