

Findings and Decision- Renewal Application of Aquadelights Seafoods Limited for AO#1329

1. Overview:

On February 22, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Aquadelights Seafoods Limited to renew Aquaculture Licence and Lease #1329 (AQ#1329), as described below:

Table 1. Description of Aquaculture Licence and Lease #1329

Type: Marine	Current Size: 2.94 HA
Number: AQ#1329	Current Cultivation Method: Bottom shellfish without gear
Applicant: Aquadelights Seafoods Limited	Current Species: American oyster, Bay scallop, and Bay quahog
Location: Chance Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

Licence and Lease first issued on September 6, 2007 for a ten year term (August 31, 2007 to August 30, 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 May 4, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1329 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 6, 2017 to July 7, 2017. Notice of the application was also published in the Royal Gazette Part I on Royal Gazette on June 7, 14, 21, and 28, 2017. Submissions were due by July 7, 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

In recent years, AQ#1329 has had consistent employment and 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. AQ#1329 is one of five sites held by the operator, and forms part of a multi-site and multi-species operation.

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#1329 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

AQ#1329 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation. Should the operator apply to have gear on the lease, the application will undergo a review process that includes Navigable Waters approval by Transport Canada. 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.

There are no recorded instances on file of AQ#1329 interfering with other users of the public waters surrounding the operation. The licence and lease documents for AQ#1329 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. The allowance for access to the site by other users and the fact that AQ#1329 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#1329 is located in the near-shore environment immediately adjacent to the shoreline, with the exception of the southeastern boundary. The northeastern corner of AQ#1329 abuts the southeastern corner of AQ#1349, also issued to Aquadelights Seafoods Limited. 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 #1329 shall be renewed for a period of 10 years (August 30, 2017 – August 30, 2027) and Aquaculture Lease #1329 shall be renewed for a period of 20 years (August 30, 2017 – August 30, 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.

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7/21/17
Date