

## **Findings and Decision- Renewal Application of Bay Enterprises Limited for AQ#0664**

### **1. Overview:**

On August 31, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bay Enterprises Limited to renew Aquaculture Licence and Lease #0664 (AQ#0664), as described below:

Table 1. Description of Aquaculture Licence and Lease #0664.

<b>Type:</b> Marine Shellfish	<b>Current Size:</b> 48.46 HA
<b>Number:</b> AQ#0664	<b>Current Cultivation Method:</b> Suspended Shellfish Method
<b>Applicant:</b> Bay Enterprises Limited	<b>Current Species:</b> Blue mussel, American oyster, Bay quahog, Soft shell clam
<b>Location:</b> McNabs Bay, Colchester County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0664 Licence and Lease was issued on July 15, 1993 to Amet Shellfish Co-op Ltd. for a ten year term (July 19, 1993 to July 19, 2003). AQ#0664 Licence and Lease were Amended on September 1, 1993 to add an additional species Blue mussel. AQ#0664 was Amended on March 25, 1997 to change the company name from Amet Shellfish Co-Op Ltd. to Bay Enterprises Limited. AQ#0664 was renewed on May 5, 2003 for a five year term (April 1, 2003 to April 1, 2008). AQ#0664 was renewed on April 9, 2008 for a five year term (April 1, 2008 to April 1, 2013). AQ#0664 was renewed on May 10, 2013 for a five year term (April 1, 2013 to March 31, 2018).

### **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, 2017.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0664 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of December 7 to January 5, 2018. Notice of the application was also published in the

Royal Gazette Part I on December 7, 2017, December 14, 2017, December 21, 2017 and December 28, 2017. Written submissions were accepted until 11:59PM on January 5, 2018.

### 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#0664 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. The successful growth of shellfish in the area using bottom cultivation methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#0664 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#0664 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.

AQ#0664 is located in McNab's Bay, Colchester County and is located immediately adjacent to the shoreline. The southern boundary of AQ#0664 is near AQ#1036 (Barrie D. and Kimberly A. Ferguson), and AQ#0664 is within 2.0 km of eight 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#0664 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 #0664 shall be renewed for a period of 10 years (April 1, 2018 to March 31, 2028) and Aquaculture Lease #0664 shall be renewed for a period of 20 years (April 1, 2018 to March 31, 2038).

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*.

**10. 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**

*2/7/18*

**Date**