

Findings and Decision- Renewal Application of PEI Mussel Farms Incorporated for AO#0728

1. Overview:

On August 10, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from PEI Mussel Farms Incorporated to renew Aquaculture Licence and Lease #0728 (AQ#0728), as described below:

Table 1. Description of Aquaculture Licence and Lease #0728

Type: Marine	Size: 4.57 HA
Number: AQ#0728	Cultivation Method: Suspended shellfish method
Applicant: PEI Mussel Farms Incorporated	Species: Blue mussel and Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0728 was first issued to Roderick Hearn on February 26, 1998 for a ten year term (February 26, 1998 to on February 26, 2008). AQ#0728 was assigned on August 24, 2000 from Roderick Hearn to Allen Savoury Scallop & Mussel Farms Incorporated. AQ#0728 was assigned on July 2, 2003 from Allen Savoury Scallop & Mussel Farms Inc to PEI Mussel Farms Incorporated. AQ#0728 was renewed on March 19, 2008 for a five year term (February 26, 2007 to February 25, 2013). AQ#0728 was renewed on February 25, 2014 for a five year term (February 25, 2013 to February 25, 2018). AQ#0728 was amended on April 14, 2015 to increase the size of the site.

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.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0728 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 12, 2017 to November 10, 2017. Notice of the application was also published in the Royal Gazette Part I on October 11, October 18, October 25, and November 1.

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 not had consistent production during the last ten years. AQ#0728 is one of several sites in a multi-site operation located in Lennox Passage. The renewal plan indicates planned development of this site to cultivate Blue mussels. The 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. The performance review indicated the presence of invasive tunicates in the area, and that appropriate measures are undertaken to mitigate their impact. There is no evidence that the amendment of AQ#0728 to include marine plants that shellfish aquaculture will have impacts on the sustainability of wild salmon. The commercial growth of Blue mussels in the local environment is proven; however, the operator has engaged the scientific community to work on their development. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#0728 interfering with other users of the public waters surrounding the operation. AQ#0728 is authorized to cultivate both 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 and keep each site marked during the term of their licence.

AQ#0728 is located in the Poulamon Bay area of Lennox Passage, in the midst of Crow Island, Eagle Island, and Île Sec. The nearest site to AQ#0728 is approximately 80 metres to the south, issued to the affiliated company Bounty Bay Shellfish Incorporated. Individual sites within Lennox Passage are geographically separated, providing corridors through which other uses can navigate. There are seven other shellfish aquaculture sites licensed in Lennox Passage, four of which are operated by Bounty Bay Shellfish Incorporated or the affiliated company PEI Mussel Farms Inc. There is no evidence to suggest that the extent of existing aquaculture in the passage has exceeded the carrying capacity of the passage.

5. Decision

Based on the considerations above, Aquaculture Licence #0728 shall be renewed for a period of 10 years (February 25, 2018 to February 25, 2028) and Aquaculture Lease #0728 shall be renewed for a period of 20 years (February 25, 2018 to February 25, 2028). Furthermore, the size of site is hereby adjusted from 4.57 hectares to 4.58 hectares to more accurately reflect the exact dimensions of the site.

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

Feb. 12/18

Brennan Goreham

Date

Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture