

**Findings and Decision – Amendment Application of Vince Stuart for AQ#0828**

**1. Overview:**

On July 14, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Vince Stuart to amend Aquaculture Licence and Lease #0828 (AQ#0828) to authorize the cultivation of Sugar kelp (*Saccharina latissima*), as described below:

Table 1. Description of Aquaculture Licence and Lease #0828

<b>Type:</b> Marine	<b>Size:</b> 24.00 HA
<b>Number:</b> AQ#0828	<b>Cultivation Method:</b> Suspended cultivation
<b>Applicant:</b> Vince Stuart	<b>Current Species:</b> Blue mussel, Giant sea scallop, Bay quahog, Bay scallop, Soft shell clam, European oyster
<b>Location:</b> St. Mary’s Bay, Digby County	<b>Proposed Amendment:</b> Addition of species – Sugar kelp ( <i>Saccharina latissima</i> )

**2. History**

AQ#0828 was first issued on May 24, 1996 for a ten-year term (May 24, 1996 to May 24, 2006) for suspended cultivation of Giant sea scallop and Soft shell clam (one year experimental). AQ#0828 was amended on September 28, 1998 to extend the term of the experimental Soft-shell clam cultivation and to authorize the cultivation of European oyster. AQ#0828 was amended on October 12, 2000 to authorize the cultivation of Blue mussel and Soft-shell clam, and the suspended cultivation of Bay quahogs. AQ#0828 was renewed on June 6, 2007 for a five-year term (May 24, 2006 to May 23, 2011). AQ#0828 was renewed on April 11, 2012 for a five-year term (May 24, 2011 to May 23, 2016). AQ#0828 licence was renewed on November 25, 2016 for a term of ten years (May 23, 2016 to May 23, 2026). AQ#0828 lease was renewed on November 25, 2016 for a twenty-year term (May 23, 2016 to May 23, 2036).

**3. Procedure**

*3.1 Performance Review*

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the amendment be approved based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations and was completed on March 3, 2021.

*3.2 Network Review*

AQ#0828 was sent for review on September 18, 2020 to the following agencies: Transport Canada, Canadian Food Inspection Agency, Environment and Climate Change Canada and Nova Scotia Office of Aboriginal Affairs.

### *3.3 Public Comment Period*

Notice of the application for the renewal of AQ#0828 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 29, 2021 to February 26, 2021. Notice of the application was also published in the Royal Gazette Part I on February 3, 10, 17 and 24, 2021.

### *3.4 Submissions*

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

## **4. Factors to be considered**

AQ#0828 has shown low production of shellfish over the past number of years, largely due to the high energy conditions that exist on the site. The operator of this site has experienced abundant marine plant growth occurring naturally on the existing aquaculture equipment and intends to conduct a trial to determine if the oceanographic environment is suitable for the cultivation of Sugar kelp. Should the site not be operated as planned, the Department's site utilization review procedures will commence.

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. There is no evidence that the amendment to AQ#0828 will have impacts on the sustainability of wild salmon. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0828 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 and keep each site marked during the term of their licence. Furthermore, AQ#0828 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

The Farm Operations section of the Farm Management Plan for AQ#0828 will require the operator to indicate how they will operate AQ#0828 in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#0828, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0828 is one of three commercial (non-experimental) shellfish aquaculture sites located within St. Mary's Bay, Digby County, the nearest of which (AQ#1037) is located approximately 400 metres to the South-West. AQ#0828 is located near the town of St. Bernard, approximately 110 metres from the shoreline at its nearest point. There are currently no other sites in St. Mary's Bay licensed for the cultivation of marine plants. The physical separation of AQ#0828 from the shoreline and neighboring aquaculture site 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 #0828 and Aquaculture Lease #0828 shall be amended to authorize the cultivation of Sugar kelp. Except as expressly amended, Licence #0828 and Lease #0828 shall continue in full force and effect.

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.



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**Robert Ceschiutti**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

March 12, 2021

**Date**