

Findings and Decision - Renewal Application of K&N Fisheries Limited for AQ#1047

1. Overview:

On July 14, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from K&N Fisheries Limited to renew Aquaculture Licence and Lease #1047 (AQ#1047), as described below:

Table 1. Description of Aquaculture Licence and Lease #1047

Type: Marine Shellfish	Size: 10.0 Ha
Number: AQ#1047	Cultivation Method: Suspended shellfish method
Applicant: K&N Fisheries Limited	Species: Blue Mussel, Giant sea scallop
Location: Wine County, Guysborough County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1047 was first issued for a ten-year term from February 20, 1998 to February 19, 2008 to K&N Fisheries Limited for the suspended cultivation of Giant sea scallop. AQ#1047 was amended on September 4, 2003 to include the cultivation of Blue mussel. On June 4, 2008, AQ#1047 was renewed for a five-year term from February 20, 2008 to February 19, 2013. AQ#1047 was renewed again on March 13, 2013 for a five-year term from February 19, 2013 to February 19, 2018. On August 7, 2015, AQ#1047 was discontinued. On July 19, 2019, AQ#1047 was reinstated with a term from April 8, 2019 to May 15, 2021.

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(d) of the Aquaculture Licence and Lease Regulations and was completed on April 26, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1047 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 11, 2021 to March 12, 2021. Notice of the application was also published in the Royal Gazette Part I on February 10, 17, 24, and March 3, and 10, 2021.

3.3 Submissions

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

4. Factors to be considered

AQ#1047 is the marine shellfish farming portion of K+N Fisheries Limited's seafood operation. AQ#1047 has had cyclical production over the past number of years, largely due to impacts of invasive species and predators on production. The information submitted in support of the renewal relies on an amendment (currently in a separate review) to authorize suspended cultivation of American oyster in order to ensure the site is productive. 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 renewal of AQ#1047 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#1047 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#1047 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#1047 will require the operator to indicate how they will operate AQ#1047 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#1047, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1047 is located in Port la Tour Harbour, Shelburne County, approximately 600 metres from the shoreline of Upper Port la Tour and approximately 350 metres from the shoreline of John's Island. The nearest aquaculture site to AQ#1047 is AQ#1029, which is approximately 16 km away and located in a separate body of water. The physical separation of AQ#1047 from the shoreline and neighbouring sites 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 #1047 shall be renewed for a period of 10 years (May 16, 2021 to May 15, 2031) and Aquaculture Lease #1047 shall be renewed for a period of 20 years (May 16, 2021 to May 15, 2041).

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*.

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 licenses or leased area.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

April 30, 2021

Date