

Findings and Decision- Amendment Application of Purewater Mussel Farm Inc. for AQ#0021

1. Overview:

On August 29, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Purewater Mussel Farm Inc. to amend Aquaculture Licence and Lease #0021 (AQ#0021), as described below:

Table 1. Description of Aquaculture Licence and Lease #0021

Type: Marine	Current Size: 47.1 HA Proposed Size: 45.9 HA
Number: AQ#0021	Current Cultivation Method: Suspended cultivation
Applicant: Purewater Mussel Farm Inc.	Current Species: Blue mussel, American oyster, Bay quahog
Location: Tatamagouche Bay, Colchester County	Proposed Amendment: Amendment to site boundaries that does not increase the area of the site (see attached maps)

2. History

AQ#0021 was first issued to Charles Kennedy on January 19, 1988. AQ#0021 was amended on May 27, 1999 to authorize the cultivation of American oysters. AQ#0021 was amended on September 3, 2004 to authorize the cultivation of Bay quahogs. AQ#0021 was issued to Purewater Mussel Farm Inc. on April 26, 2010. AQ#0021 was renewed on May 26, 2020 for a ten-year term for the licence (March 1, 2020 to March 1, 2030) and a twenty-year term for the lease (March 1, 2020 to March 2040).

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 site be amended 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 January 19, 2021.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0021 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 23, 2020 to August 21, 2020. Notice of the application was also published in the Royal Gazette Part I on July 22, 29, August 5, 12, and 19th, 2020.

3.3 Submissions

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

4. Factors to be considered

The amendment application for AQ#0021 was submitted to adjust the site boundaries, without increasing the size, to allow for the site to be located in optimum depth to allow for full site utilization. Review of the file indicates that the site has had production and employment in recent years. AQ#0021 is an integral component of a multi-site aquaculture operation. The information in support of the amendment application suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production 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 proposed amended boundaries. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries, and the proposed boundary amendment does not indicate future negative impacts. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters as a result of amending the site boundaries.

The Department is aware of past concerns regarding loose gear from suspended shellfish sites in Tatamagouche Bay. The Farm Operations section of the Farm Management Plan for AQ#0021 will require the operator to indicate how they will operate AQ#0021 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#0021, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

The amendment of AQ#0021 will shift the site away from the shoreline. AQ#0021 remains 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#0021 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The new boundaries of AQ#0021 required an updated approval from Transport Canada.

AQ#0021 is one of ten marine shellfish aquaculture sites issued in Tatamagouche Bay, and the new boundaries lead to the site being located approximately 750 metres from the shoreline at its nearest point. The nearest aquaculture site to AQ#0021 is also licensed to Purewater Mussel Farm Inc. (AQ#0146) and is located approximately 250 metres away. As such, the physical separation of AQ#0021 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the area. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

5. Decision

Based on the considerations above, Aquaculture Licence #0021 and Lease #0021 shall be amended to authorize the boundary amendment (without increasing the size). Except as expressly amended, Licence #0021 and Lease #0021 shall continue in full force and effect, including any terms and conditions.

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*.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

February 26, 2021

Date