

Findings and Decision- Renewal Application of Cape Breton Bivalve Inc. for AQ#1187

1. Overview:

On August 30, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an amendment application from Cape Breton Bivalve Inc. to amend Aquaculture Licence and Lease #1187 (AQ#1187), as described below:

Table 1. Description of Aquaculture Licence and Lease #1187

Type: Marine	Current Size: 73.23 HA
Number: AQ#1187	Current Cultivation Method: Suspended shellfish cultivation
Applicant: Cape Breton Bivalve Inc.	Current Species: Blue mussel, Kelp, American oyster
Location: St. Ann's Harbour, Victoria County	Proposed Amendment: Species amendment to add Giant sea scallop

2. History

AQ#1187 was first issued to Bounty Bay Shellfish Inc. and 5M Aqua Farms Inc. on April 5, 2002 for a ten-year term (March 1st, 2002 to March 1st, 2012). AQ#1187 was assigned on February 22nd, 2006 from Bounty Bay Shellfish Inc. and 5M Aqua Farms Inc. to 5M Aqua Farms Inc. AQ#1187 was amended on June 23rd, 2010 to change the sub-surface depth of two existing longlines. AQ#1187 was renewed to 5M Aqua Farms Limited for a one-year term (March 2, 2012 to March 1, 2013). On January 9, 2013, 5M Aqua Farms Limited, as a corporate entity, underwent a name change and became Cape Breton Bivalve Inc. AQ#1187 was renewed on April 16, 2014 for a two-year term (March 1st, 2013 to March 1st, 2015). AQ#1187 was renewed on July 22, 2015 for a five-year term (March 1st, 2015 to March 1st, 2020). AQ#1187 was renewed on November 10, 2020 for a ten-year term- for the licence (March 2nd, 2020 to March 1st, 2030) and twenty-year term for the lease (March 2nd, 2020 to March 1st, 2040).

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 April 19, 2022.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1187 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 14, 2021 to November 12, 2021. Notice of the application was also published in the Royal Gazette Part I on October 13, 2021, October 20, 2021, October 27, 2021, November 3, 2021 and November 10, 2021.

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 levels of activity in recent years. AQ#1187 is a component of the operator's multi-site aquaculture operation. The information in support of the amendment application suggests that continued production is planned for this site and thus resultant employment. Department staff will continue to monitor that production plans are implemented as submitted.

The addition of Giant sea scallop to this site is expected to improve the utilization of the site and increase overall production, thus having a beneficial impact to the provincial economic development.

This amendment would not result in any new impact to fisheries activities or other users of the public waters surrounding the already approved site.

The performance review noted that there are no expected impacts on fisheries activities as a result of the renewal of this lease and licence. There is a Farm Management Plan approved for implementation. Since 2003, benthic monitoring has been conducted at this lease. Cape Breton BiValve Inc. participates in two annual Community Liaison Committee Meetings with the local community and other stakeholders to discuss activities on the site, including the Environmental Monitoring Program. This site is situated in a reported MSX positive area.

This amendment would not result in any new impact to the public right of navigation. The operator of AQ#1187 will be required to adhere to the navigation requirements of the *Canadian Navigable Waters Act*, including necessary site marking requirements.

AQ#1187 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon.

AQ#1187 is located in St. Ann's Harbour, approximately 250 metres from the shoreline at its nearest point. The nearest site to AQ#1187 is AQ#1189 (licensed to Bounty Bay Shellfish Inc.) which borders the site. AQ#1188 is located approximately 750 metres to the northwest of AQ#1187 at its nearest point and is licensed to Bounty Bay Shellfish Inc. AQ#1187 is located approximately 2.25 km from the Englishtown Ferry. There are nine total shellfish aquaculture sites licensed in St. Ann's Harbour, four of which are operated by Cape Breton Bivalve 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 and Lease #1187 (AQ#1187) shall be amended to authorize the cultivation of Giant sea scallop. Except as expressly amended, Licence and Lease #1187 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*.

6. Conditions

The operator shall adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number 8200-00-2188



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April 26, 2022

Date