

Findings and Decision - Renewal Application of Aquadelights Seafoods Limited for AQ#1112

1. Overview:

On December 18, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Aquadelights Seafoods Limited to renew Aquaculture Licence and Lease #1112 (AQ#1112), as described below:

Table 1. Description of Aquaculture Licence and Lease #1112

Type: Marine	Size: 2.57 HA
Number: AQ#1112	Cultivation Method: Bottom shellfish without gear
Applicant: Aquadelights Seafoods Limited	Species: American oyster, Bay quahog
Location: Little Harbour, Pictou County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1112 was first issued to Peter Kittilsen on June 25, 1999 for a ten-year term (June 25, 1999 to June 25, 2009). AQ#1112 was amended on October 11, 2000 to authorize the cultivation of Bay quahogs. AQ#1112 was amended on January 15, 2008 to amend the location and cultivation method. AQ#1112 was assigned on December 2, 2008 from Peter Kittilsen to Aquadelights Seafoods Limited. AQ#1112 was renewed on November 3, 2009 for a five-year term (June 25, 2009 to June 24, 2014). AQ#1112 was renewed on May 1, 2014 for a five-year term (June 24, 2014 to June 24, 2019).

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 8, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1112 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 4, 2019 to May 3, 2019. Notice of the application was also published in the Royal Gazette Part I on April 4, 2019, April 11, 2019, April 18, 2019 and April 25, 2019.

3.3 Submissions

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

4. Factors to be considered

Over the past tenure of the licence and lease, AQ#1112 has had consistent employment and production. The renewal application indicates continued production for this site is planned and therefore resulting employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. AQ#1112 is one of five sites held by the operator, and forms part of a multi-site and multi-species operation.

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. AQ#1112 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation. 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 (see below) and keep each site marked during the term of their licence. The Farm Management Plan of AQ#1112 has been conditionally approved. This approval is contingent on the operator addressing issues of gear on-site, either through submission of an amendment application or the removal of gear.

AQ#1112 is located in the near-shore environment near Melmerby Beach Provincial Park; however, the licence and lease documents for AQ#1112 will allow for access to the site by the general public for recreational activities, provided that the public does not harvest the product on site. This clause serves to reduce potential interference with other users. AQ#1112 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. The closest aquaculture site to AQ#1112 in Little Harbour is approximately 450 metres away (AQ#0177), with two others within 1.00 kilometres. 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 #1112 shall be renewed for a period of 10 years (June 24, 2019 to June 24, 2029) and Aquaculture Lease #1112 shall be renewed for a period of 20 years (June 24, 2019 to June 24, 2029).

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 each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;

- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.

Brennan Goreham

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08/19/19
Date