

Findings and Decision - Renewal Application of Peter F. Landry for AQ#0229

1. Overview:

On October 15, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Peter F. Landry to renew Aquaculture Licence and Lease #0229 (AQ#0229), as described below:

Table 1. Description of Aquaculture Licence and Lease #0229

Type: Marine	Size: 6.02 HA
Number: AQ#0229	Cultivation Method: Suspended cultivation
Applicant: Peter F. Landry	Species: Blue mussel, Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0229 was first issued on April 14, 1994 for a ten-year term (April 18, 1994 to April 18, 2004). AQ#0229 was amended on June 6, 2002 to authorization the cultivation of blue mussel. AQ#0229 was renewed on March 31, 2004 for a five-year term (April 18, 2004 to April 18, 2009). AQ#0229 was renewed on May 15, 2009 for a five-year term (April 18, 2009 to April 18, 2014). AQ#0229 was renewed on March 13, 2014 for a five-year term (April 18, 2014 to April 18, 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 3, 2019.

3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#0229 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of December 6, 2018 to January 4, 2019. Notice of the application was also published in the Royal Gazette Part I on December 12, 19, 26 and January 2, 2019.

3.3 *Submissions*

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

4. Factors to be considered

A review of the file indicates growth of blue mussel and giant sea scallop in the past. The renewal plan indicates future production is planned for this site and therefore resulting in employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. Performance review indicates that successful development of this site will have a positive impact on the local and provincial economy.

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#0229 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 successful growth of blue mussels in Lennox Passage is proven; however, the operator has indicated challenges with invasive tunicates which require mitigation efforts. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#0229 is located near several islands as well as Lennox Passage Provincial Park; however, there are no recorded instances on file of AQ#0229 interfering with other users of the public waters surrounding the operation. AQ#0229 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 (see below) and keep each site marked during the term of their licence.

AQ#0229 is located on the Poulamon Bay portion of Lennox Passage. AQ#0229 is located in the nearshore environment, with distance to the shoreline approximately 1.0 km of two other suspended shellfish sites (AQ#0728 and AQ#0760). Thus, the physical separation of AQ#0229 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. There is no evidence to suggest that the extent of the existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #0229 shall be renewed for a period of 10 years (April 18, 2019 to April 18, 2029) and Aquaculture Lease #0229 shall be renewed for a period of 20 years (April 18, 2019 to April 18, 2039).

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 60cm 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 licensed or leased area.

Brennan Goreham

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

April 8/19

Date