

**Findings and Decision - Assignment Application of Kevin Pattengale and Jason Pattengale
for AQ#0683**

1. Overview:

On June 29, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Kevin Pattengale and Jason Pattengale for Aquaculture Licence and Lease #0683 (AQ#0683), as described below:

Table 1. Description of Aquaculture Licence and Lease #0683

Type: Marine Shellfish	Location: Lennox Passage, Richmond County
Number: AQ#0683	Size: 5.95 HA
Assignor: Development Isle Madame Association Inc.	Cultivation Method: Suspended shellfish Cultivation
Assignee: Kevin Pattengale and Jason Pattengale	Species: Blue mussel, Bay quahogs, Giant sea scallops, American oyster

2. History

AQ#0683 was first issued on November 3, 1997 for a ten year term (November 3, 1997 to November 3, 2007). AQ#0683 was assigned on February 9, 2007 from Development Isle Madame Limited to Development Isle Madame Association Inc. AQ#0683 was renewed on October 10, 2007 for a five year term (November 3, 2007 to November 2, 2012). AQ#0683 was renewed on March 27, 2013 for a five year term (November 2, 2012 to November 1, 2017). AQ#0683 licence was renewed on January 29, 2018 for a ten year term (November 1, 2017 to November 1, 2027). AQ#0683 lease was renewed on January 29, 2018 for a twenty year term (November 1, 2017 to November 1, 2037).

3. Procedure

3.1 *Performance Review*

A performance review of the information submitted by the operator in support of their assignment 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(b) of the Aquaculture Licence and Lease Regulations, and was completed on February 5, 2018.

3.2 *Public Comment Period*

Notice of the application for the assignment of AQ#0683 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 11, 2018 to February 9, 2018. Notice of the application was also published in the Royal Gazette Part I on January 10, 17, 24 and 31, 2018.

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 does not indicate production over the past tenure of the lease and licence; however, information submitted in support of the assignment suggests future development and resulting production and employment. Should the planned production not be realized, the Department's site utilization review procedures will be triggered.

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#0683 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. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#0683 is located near Knife Island in Lennox Passage. There are instances on file regarding AQ#0683 and improperly maintained gear and lack of site markings. This situation was investigated by Provincial Inspectors, and the necessary action taken to remedy the situation. AQ#0683 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#0683 is located near Knife Island, with a distance to the shoreline of approximately 40 metres at its nearest point. AQ#0683 is within 2.0 km of two other suspended shellfish sites (AQ#0725 and 0921). Thus, the physical separation of AQ#0683 from the shoreline and neighboring aquaculture 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, Development Isle Madame Association Inc.'s right, title, and interest in and to Aquaculture Licence #0683 and Aquaculture Lease #0683 is hereby assigned to Kevin Pattengale and Jason Pattengale. The assignment shall have an effective date of February 27, 2018. The approval documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publically available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

In addition, the following condition shall apply.

6. Conditions

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 licensed or leased area.

Brennan Goreham

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Aquaculture Administrator

Nova Scotia Department of Fisheries and Aquaculture

Feb 27/18

Date