

Findings and Decision- Renewal Application of Purewater Mussel Farm Inc. for AQ#0146

1. Overview:

On September 16, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Purewater Mussel Farm Inc. to renew Aquaculture Licence and Lease #0146 (AQ#0146), as described below:

Table 1. Description of Aquaculture Licence and Lease #0146

Type: Marine Shellfish Cultivation	Size: 83.44 HA
Number: AQ#0146	Cultivation Method: Suspended Cultivation
Applicant: Purewater Mussel Farms Inc.	Species: Blue mussel, American oyster, European oyster
Location: Tatamagouche Bay, Cumberland County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0146 was first issued to Web's Bay Mussel Farm Ltd. on April 13th, 1988 for a ten-year term (April 1st, 1988 to March 31st, 1998). AQ#0146 was assigned on August 5th, 1992 to Amet Shellfish Co-op Ltd. AQ#0146 was amended on March 25th, 1997 to change the name from Amet Shellfish Co-op Ltd. to Bay Enterprises Limited. AQ#0146 was renewed on July 17th, 1998 for a two-year term (July 17th, 1998 to July 17th, 2000). AQ#0146 was renewed on March 7th, 2000 for a five-year term (July 1st, 2000 to July 1st, 2005). AQ#0146 was renewed on July 28th, 2005 for a five-year term (July 1st, 2005 to July 1st, 2010). AQ#0146 was amended on July 9th, 2008 to authorize the cultivation of Blue mussel, American oyster, and European Oyster. AQ#0146 was assigned on April 26th, 2010 from Bay Enterprises Limited to Purewater Mussel Farm Incorporated. AQ#0146 was renewed on April 26, 2010 for a five-year term (July 2nd, 2010 to July 1st, 2015). AQ#0146 was renewed on August 4th, 2015 for a five-year term (July 1st, 2015 to July 1st, 2020).

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 14, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0146 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 9-February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 8, 15, 22, 29 and February 5, 2020.

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 production and employment in recent years. AQ#0146 is an integral component of a multi-site aquaculture operation. The information in support of the renewal 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 site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. 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#0146 will require the operator to indicate how they will operate AQ#0146 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#0146, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0146 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 and keep each site marked during the term of their licence. Furthermore, AQ#0146 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

AQ#0146 is the most northeastern of ten marine shellfish aquaculture sites issued in Tatamagouche Bay and is located approximately 500 metres from the shoreline at its nearest point. The nearest aquaculture sites to AQ#0146 are AQ#0020 (issued to Atlantic Shellfish Products Inc.) and AQ#0021 (issued to Purewater Mussel Farm Inc.). These two sites are each located within approximately 250 metres from AQ#0146. As such, the physical separation of AQ#0146 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 #0146 shall be renewed for a period of 10 years (July 1, 2020 to July 1, 2030) and Aquaculture Lease #0146 shall be renewed for a period of 20 years (July 1, 2020 to July 1, 2040).

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 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 of 1 corner of the licensed or leased area.

Brennan Goreham

June 12, 2020

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

Date