

Findings and Decision - Renewal Application of Bounty Bay Shellfish Inc. for AQ#0921

1. Overview:

On March 20, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bounty Bay Shellfish Inc. to renew Aquaculture Licence and Lease #0921 (AQ#0921), as described below:

Table 1. Description of Aquaculture Licence and Lease #0921

Type: Marine	Size: 6.83 HA
Number: AQ#0921	Cultivation Method: Suspended cultivation
Applicant: Bounty Bay Shellfish Inc.	Species: Blue mussel, Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0921 was first issued to Kevin King on September 22, 1995 for a ten-year term from September 22, 1995 to September 22, 2005. On February 16, 1998, AQ#0921 was assigned from Kevin King to Madam Isle Sea Farms Limited. AQ#0921 was assigned on January 15, 2001 from Ernst & Young Inc. (Receiver and Manager for Madame Isle Sea Farms Limited) to Bounty Bay Shellfish Inc. AQ#0921 was renewed to Bounty Bay Shellfish Inc. on August 18, 2005 for a five-year term from September 22, 2005 to September 22, 2010. AQ#0921 was issued on January 5, 2011 for a five-year term from September 22, 2010 to September 21, 2015. On April 14, 2015, AQ#0921 was amended to increase the size of the site from 4.20 Ha to 6.83 Ha. On October 13th, 2015, AQ#0921 was renewed for a five-year term from September 22, 2015 to September 22, 2020. On August 13th, 2018, an amendment was made to Schedule B regarding the harvesting of giant sea scallop.

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(d) of the Aquaculture Licence and Lease Regulations and was completed on October 6, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0921 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of June 25, 2020 to July 24, 2020. Notice of the application was also published in the Royal Gazette Part I on June 24, July 1, 8, 15, and 22.

3.3 Submissions

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

4. Factors to be considered

AQ#0921 has had cyclical production over the past number of years, largely due to impacts of invasive species and predators on production. The information submitted in support of the renewal suggests future production is viable with appropriate predation mitigation measures in place. Should the site not be operated as planned, the Department's site utilization review procedures will commence. AQ#0921 is one of five aquaculture sites within Lennox Passage that are operated by Bounty Bay Shellfish Inc. and their affiliated company PEI Mussel Farms Inc.

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. There is no evidence that the renewal of AQ#0921 will have impacts on the sustainability of wild salmon. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0921 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#0921 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

The Farm Operations section of the Farm Management Plan for AQ#0921 will require the operator to indicate how they will operate AQ#0921 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#0921, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0921 is one of eight shellfish aquaculture sites located within Lennox Passage, Richmond County, the nearest of which (AQ#0725) is located approximately 530 metres to the south. AQ#0921 is located near Indian Island, approximately 140 metres from the shoreline at its nearest point. The physical separation of AQ#0921 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, Aquaculture Licence #0921 shall be renewed for a period of 10 years (September 23, 2020 to September 22, 2030) and Aquaculture Lease #0921 shall be renewed for a period of 20 years (September 23, 2020 to September 22, 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 licenses or leased area.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

October 26, 2020

Date