

Findings and Decision - Renewal Application of Bounty Bay Shellfish Inc. for AQ#0277

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 #0277 (AQ#0277), as described below:

Table 1. Description of Aquaculture Licence and Lease #0277

Type: Marine	Size: 35.00 HA
Number: AQ#0277	Cultivation Method: Suspended cultivation
Applicant: Bounty Bay Shellfish Inc.	Species: Blue mussel
Location: St. Anns Harbour, Victoria County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0277 was issued to Donald Jardine and David Quimby on November 2, 1990 for a ten-year term from November 1, 1990 to October 31, 2000. AQ#0277 was assigned from Donald Jardine and David Quimby to Bounty Bay Shellfish Inc. on March 16, 1999. The Licence and Lease were renewed on June 21st, 2000 for a five-year term from November 1, 2000 to November 1, 2005. On December 20th, 2005, the licence and lease was renewed for a five-year term from November 1, 2005 to November 1, 2010. AQ#0277 was renewed for a five-year term from November 2, 2010 to November 1, 2015. AQ#0277 was renewed on February 2, 2011 for a five-year term from November 2, 2010 to November 1, 2015. On August 26, 2015, AQ#0277 was renewed for a five-year term from November 1, 2015 to November 1, 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(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#0277 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, 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 consistent production and employment, AQ#0277 is an integral component of the operator's 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 noted that there are no expected impacts on fisheries activities as a result of the renewal of this lease and licence. Since 2003, benthic monitoring has been conducted at this lease. Data collected indicates that the lease has maintained oxic conditions, and therefore, has repeatedly shown limited potential for impact. Bounty Bay Shellfish Inc. participates in two annual Community Liaison Committee Meetings with the local community and other stakeholders to discuss activities on the site, including the Environmental Monitoring Program.

There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#0277 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The successful growth of blue mussels in St. Ann's Harbour has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are no recorded instances on file of AQ#0277 interfering with other users of the public waters surrounding the operation. AQ#0277 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. The licence and lease holder is to comply with the Canadian Navigable Waters Act and the agreed upon site markings with public access corridors where applicable.

The Department is aware of past concerns regarding loose gear from suspended shellfish sites in St. Ann's Harbour. The Farm Operations section of the Farm Management Plan for AQ#0277 will require the operator to indicate how they will operate AQ#0277 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#0277, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0277 is located in St. Ann's Harbour. The nearest site to AQ#0277 is AQ#0148, located approximately 100 metres away. AQ#0277 is located less than 250 metres from the shoreline at its nearest point. There are eight other shellfish aquaculture sites licensed in St. Ann's Harbour,

four of which are operated by Bounty Bay Shellfish Incorporated. 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 #0277 shall be renewed for a period of 10 years (November 2, 2020 to November 1, 2030) and Aquaculture Lease #0277 shall be renewed for a period of 20 years (November 2, 2020 to November 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 licenses or leased area.



Robert Ceschuitti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

October 26, 2020

Date