

Findings and Decision- Amendment Application of Bay Enterprises Limited for AQ#1147

1. Overview:

On August 17, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bay Enterprises Limited to amend Aquaculture Licence and Lease #1147 (AQ#1147), as described below:

Table 1. Description of Aquaculture Licence and Lease #1147

Type: Marine Shellfish	Current Size: 41.27 ha
Number: AQ#1147	Current Cultivation Method: Bottom shellfish without gear method
Applicant: Bay Enterprises Limited	Current Species: American oyster, Bay Quahog
Location: McNabs Bay, Colchester County	Proposed Amendment: Add suspended culture method to a portion of the site.

2. History

AQ#1147 was first issued to Bay Enterprises Ltd. on September 5, 2002 for a ten year term (August 26, 2002 to August 26, 2012). AQ#1147 was amended on October 31, 2002 to authorize the cultivation of Bay quahogs. AQ#1147 was amended on July 11, 2006 to increase the size from 20.11 Ha to 41.27 Ha. AQ#1147 was renewed on June 19, 2013 for a five year term (August 26, 2012 to August 26, 2017). AQ#1147 was renewed on July 21, 2017 for a ten year licence term (August 26, 2017 to August 26, 2027). AQ#1147 was renewed on July 21, 2017 for a twenty year lease term (August 26, 2017 to August 26, 2037).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be amended 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 October 11, 2016.

3.2 Public Comment Period

Notice of the application for the amendment of AQ#1147 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 9, 2017 to December 8, 2017. Notice of the application was also published in the Royal Gazette Part I on November 9, November 16, November 23, and November 30, 2017. Submissions were due by December 8, 2017 at 11:59PM.

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#1147 is an integral component of the operator's multi-site and shore-based aquaculture operation. The information submitted in support of the amendment indicates that continued production is planned for this site and therefore continued employment. Department staff will continue to monitor production plans to ensure that these 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 amendment documents for AQ#1147 will allow for access to the bottom-culture portion of the site by the general public for recreational activities, provided that the public does not harvest the product on site. This clause serves to reduce potential interference with other users.

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 to keep each site marked during the term of their licence. Furthermore, due to the presence of suspended gear, the operator will be required to adhere to the Navigable Waters provisions of Transport Canada.

AQ#1147 is located in McNab's Bay, Colchester County and is approximately 200 metres from the shoreline at its nearest point. The southern boundary of AQ#1147 is immediately adjacent to AQ#0502 (Allen J. MacDonald), and AQ#1147 is within 2.0 km of five additional shellfish aquaculture sites. There is no evidence to suggest that the extent of existing aquaculture sites within the bay has exceeded the carrying capacity of the bay. AQ#1147 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

5. Decision

Based on the considerations above, Aquaculture Licence and Lease AQ#1147 shall be amended to add suspended culture method to a 5.76 ha portion of the site.

The Licence and Lease 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*.

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 at 1 corner of the licensed or leased area.



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1/16/18
Date