

## **Findings and Decision- Renewal Application of Atlantic Shellfish Products Inc. for AQ#0020**

### **1. Overview:**

On August 21, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Atlantic Shellfish Products Inc. to renew Aquaculture Licence and Lease #0020 (AQ#0020), as described below:

Table 1. Description of Aquaculture Licence and Lease #0020

<b>Type:</b> Marine	<b>Size:</b> 112.73 HA
<b>Number:</b> AQ#0020	<b>Cultivation Method:</b> Suspended cultivation
<b>Applicant:</b> Atlantic Shellfish Products Inc.	<b>Species:</b> Blue mussel, American oyster
<b>Location:</b> Tatamagouche Bay, Cumberland County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **2. History**

AQ#0020 was first issued on April 14, 1988 to Charles Kennedy for a ten-year term ((February 1<sup>st</sup>, 1988 to January 31<sup>st</sup>, 1998). AQ#0020 was assigned to Sea Farming Industries B.V. on March 1, 1991. AQ#0020 was renewed on April 6<sup>th</sup>, 1998 for a five-year term (April 6, 1998 to April 6, 2003). AQ#0020 was amended on May 27, 1999 to authorize the cultivation of American oysters. AQ#0020 was renewed on June 30<sup>th</sup>, 2004 for a five-year term (April 6, 2003 to April 6, 2008). AQ#0020 was issued to Atlantic Shellfish Products Incorporated on April 26<sup>th</sup>, 2010 for a ten-year term (March 2<sup>nd</sup>, 2010 to March 1<sup>st</sup>, 2020). AQ#0020 was assigned on April 15, 2019 from Atlantic Shellfish Products Inc. (previous ownership) to Atlantic Shellfish Products Inc. (current ownership).

### **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 March 17, 2020.

#### *3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0020 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, 2020 to 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#0020 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#0020 will require the operator to indicate how they will operate AQ#0020 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#0020, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0020 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#0020 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

AQ#0020 is one of ten marine shellfish aquaculture sites Tatamagouche Bay and is located approximately 250 metres from the shoreline of Emerys Island at its nearest point. The nearest aquaculture sites to AQ#0020 are located more than 150 metres away respectively. As such, the physical separation of AQ#0020 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 #0020 shall be renewed for a period of 10 years (March 1, 2020 to March 1, 2030) and Aquaculture Lease #0020 shall be renewed for a period of 20 years (March 1, 2020 to March 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 on 1 corner of the licenses or leased area.

*Brennan Goreham*

**March 19, 2020**

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**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

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**Date**