

Findings and Decision- Renewal Application of Paul Lewis for AQ#0725

1. Overview:

On March 6, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Paul Lewis to renew Aquaculture Licence and Lease #0725 (AQ#0725), as described below:

Table 1. Description of Aquaculture Licence and Lease #0725

Type: Marine	Size: 10.14 HA
Number: AQ#0725	Cultivation Method: Suspended cultivation
Applicant: Paul Lewis	Species: Blue mussel
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0725 was first issued on September 6, 1995 for a ten-year term (September 11, 1995 to September 11, 2005). AQ#0725 was assigned from Ervin Touesnard to Paul Lewis on November 7, 2001. AQ#0725 was amended on November 7th, 2001 to authorize the suspended cultivation of sea scallops and blue mussel. AQ#0725 was renewed on September 27, 2005 for a five-year term (September 11, 2005 to September 11, 2010). AQ#0725 was renewed on April 19th, 2011 for a five year term (September 11, 2010 to September 10, 2015). AQ#0725 was renewed on October 13th, 2015 for a five year term (September 11, 2015 to September 11, 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 August 13, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0725 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 4, 2020 to July 3, 2020. Notice of the application was also published in the Royal Gazette Part I on June 3, 10, 17, 24 and July 1, 2020.

3.3 Submissions

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

4. **Factors to be considered**

AQ#0725 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 application 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.

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#0725 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#0725 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#0725 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

Upon resuming production and implementing an approved Farm Management Plan, the operator of AQ#0725 will be required to indicate how they will operate AQ#0725 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#0725, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0725 is one of eight shellfish aquaculture sites located within Lennox Passage, Richmond County, the nearest of which (AQ#0921) is located approximately 530 metres to the north. AQ#0725 is located near Birch Island, approximately 50 metres from the shoreline at its nearest point. The physical separation of AQ#0725 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 #0725 shall be renewed for a period of 10 years (September 12, 2020 to September 11, 2030) and Aquaculture Lease #0725 shall be renewed for a period of 20 years (September 12, 2020 to September 11, 2040).

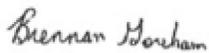
The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

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 of 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 licenses or leased area.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

August 21, 2020

Date