

Findings and Decision- Renewal Application of Cape Breton Bivalve Inc. for AQ#1187

1. Overview:

On August 30, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Cape Breton Bivalve Inc. to renew Aquaculture Licence and Lease #1187 (AQ#1187), as described below:

Table 1. Description of Aquaculture Licence and Lease #1187

Type: Marine	Size: 73.23 HA
Number: AQ#1187	Cultivation Method: Suspended cultivation
Applicant: Cape Breton Bivalve Inc.	Species: Blue mussel, American oyster and kelp
Location: St. Ann's Harbour, Victoria County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1187 was first issued to Bounty Bay Shellfish Inc. and 5M Aqua Farms Inc. on April 5, 2002 for a ten-year term (March 1st, 2002 to March 1st, 2012). AQ#1187 was assigned on February 22nd, 2006 from Bounty Bay Shellfish Inc. and 5M Aqua Farms Inc. to 5M Aqua Farms Inc. AQ#1187 was amended on June 23rd, 2010 to change the sub-surface depth of two existing longlines. AQ#1187 was renewed to 5M Aqua Farms Limited for a one- year term (March 2, 2012 to March 1, 2013). On January 9, 2013, 5M Aqua Farms Limited, as a corporate entity, underwent a name change and became Cape Breton Bivalve Inc. AQ#1187 was renewed on April 16, 2014 for a two-year term (March 1st, 2013 to March 1st, 2015). AQ#1187 was renewed on July 22, 2015 for a five-year term (March 1st, 2015 to March 1st, 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 July 14, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1187 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 consistent production and levels of activity in recent years. AQ#1187 is a component of the operator's multi-site aquaculture operation. The information in support of the renewal application suggests that continued production is planned for this site and thus resultant 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 on an annual basis. Data collected indicates that the lease has maintained oxic conditions, and therefore, has repeatedly shown limited potential for impact. Cape Breton BiValve 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#1187 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 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#1187 will require the operator to indicate how they will operate AQ#1187 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#1187, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

There are no recorded instances on file of AQ#1187 interfering with other users of the public waters surrounding the operation. AQ#1187 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.

AQ#1187 is located in St. Ann's Harbour, approximately 250 metres from the shoreline at its nearest point. The nearest site to AQ#1187 is AQ#1189 (licensed to Bounty Bay Shellfish Inc.) which borders the site. AQ#1188 is located approximately 750 metres to the northwest of AQ#1187 at its nearest point, and is licensed to Bounty Bay Shellfish Inc. AQ#1187 is located approximately 2.25 km from the Englishtown Ferry. There are nine total shellfish aquaculture sites licensed in St. Ann's Harbour, four of which are operated by Cape Breton Bivalve Inc. There is no evidence to suggest that the extent of existing aquaculture in the passage has exceeded the carrying capacity of the passage.

5. Decision

Based on the considerations above, Aquaculture Licence #1373 shall be renewed for a period of 10 years (March 2nd, 2020 to March 1st, 2030) and Aquaculture Lease #1373 shall be renewed for a period of 20 years (March 2nd, 2020 to March 1st, 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.



July 14, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date