

Decision – Application to Administrator

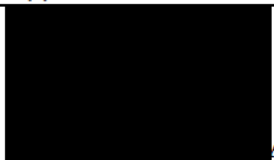
Application Summary:

Application Reference Number:	REF#609
Aquaculture Site Number:	AQ#1373
Application Class:	Class III
Application Type:	Amendment
Abstract:	ALLR s. 42 application to amend licence and lease site boundaries to encompass identified out-of-bounds aquaculture equipment.
Applicant Name:	Cape Breton Bivalve
Date Received by Department:	January 28, 2026
Location:	St. Anns Harbour
County:	Victoria
Site Type:	Marine
Operation Type:	Commercial

Current Licence / Lease Information:

Site Size (in hectares):	69.25
Method(s) of Cultivation:	Suspended
Species:	Blue mussel
Term of Licence:	March 1, 2020, to March 1, 2030
Term of Lease:	March 1, 2020,, to March 1, 2040

Decision:

Decision Issued:	Approved
Signature and Date:	 August 17, 2026 Bruce Hancock, Aquaculture Administrator

Definitions:

The following are terms, acronyms and definitions that may appear in this document:

Act means the Nova Scotia *Fisheries and Coastal Resources Act*

Department means the Nova Scotia Department of Fisheries and Aquaculture

Regulations means the Nova Scotia *Aquaculture Licence and Lease Regulations*

Site History:

Aquaculture licence/lease no. 1373 was first licensed by the Province on June 13, 2012, for a one-year term from March 2, 2012, to March 1, 2013. The licence/lease authorized suspended cultivation of blue mussel on a 69.25-hectare site in St. Anns Harbour, Victoria County.

On January 9, 2013, an amendment was approved to change the company name to Cape Breton Bivalve Inc. On April 16, 2014, a renewal for lease/licence with new term from March 1, 2013, to March 1, 2015. On July 22, 2015 a renewal extending the term from March 1, 2015, to March 1, 2020. On November 10, 2020, a renewal, establishing a new licence term from March 1, 2020, to March 1, 2030, and a new lease term from March 1, 2020, to March 1, 2040. On April 30, 2021, an amendment was approved to revise Schedule B with respect to Environmental Monitoring Program (EMP) frequency requirements.

Consultations on Application to Administrator:

Pursuant to Clause 38(a) of the Regulations, the Administrator must undertake consultations with any of the following as required under the laws of the Province or of Canada with respect to the application:

- A department or agency of the Government of Nova Scotia
- A department or agency of the Government of Canada

With respect to this Class III application, no consultations were required to be undertaken pursuant to Clause 38(a) of the Regulations.

Factors to be Considered:

Under Section 17(1) of the Regulations, in making decisions related to marine aquaculture sites, the Administrator must take into consideration the optimum use of marine resources, as determined by taking into consideration the following factors only:

- a) The contribution of the proposed operation to community and Provincial economic development;
- b) Fishery activities in the public waters surrounding the proposed aquacultural operation;
- c) The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- d) The other users of the public waters surrounding the proposed aquacultural operation;
- e) The public right of navigation;
- f) For marine finfish applications, the sustainability of wild salmon;
- g) The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

All of the above factors have been taken into consideration prior to making the decision on this application. The following is a summary of the outcomes of the Departmental review and any consultation undertaken (where indicated above). This summary is not intended to be an exhaustive account of the results following review and consultation.

The contribution of the proposed operation to community and Provincial economic development

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to have any novel impacts (positive or negative) to the economic development of the community or Province given the site is actively operated in its current location.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to result in novel impacts to the fishery activities in the public waters near the existing site, as the site operations have taken place in its current location and new, unused area is not being applied for.

The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation

The species and methods of cultivation authorized for this site are suitable for this area and are demonstrated through the on-going production of shellfish at this site.

The other users of the public waters surrounding the proposed aquacultural operation

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to result in novel impacts to other users of the public waters near the existing site, as the site operations have taken place in its current location and new, unused area is not being applied for.

The public right of navigation

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to impact to the public's right of navigation. Upon approval of applications to amend site boundaries where aquaculture gear (containment equipment) is used, licence holders are required to obtain and adhere to a Navigation Protection Program Approval issued by Transport Canada under the Canadian Navigable Waters Act. The Transport Canada Approval will indicate the site marking requirements to protect public navigation.

The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation

Aquaculture site no. 1373 is located in St. Anns Harbour. There is currently a total of 9 marine aquaculture sites in St. Anns Harbour. There is no evidence to suggest that the amendment of this licence and lease would negatively impact the productivity of other aquaculture sites.

The information on file supports that the scope of the requested boundary amendment is reasonably necessary to ensure that existing aquaculture equipment is located within the proposed boundaries of the aquaculture site.

Decision:

In determination of the optimum use of marine resources, based on a review of the application that considers the seven regulated factors, the application to amend licence and lease no. 1373 is hereby approved.

Implementation:

The licence and lease documents shall be prepared in accordance with the Department's standard operating documents. The decision shall be deemed implemented once the licence and lease documents have been signed by all parties. The licence and lease shall be made publicly available subject to the provisions of the Freedom of Information and Protection of Privacy Act, once the decision has been implemented.