

Findings and Decision- Amendment Application of James L. Mood Fisheries Ltd. for AQ#1029

1. Overview:

On September 22, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from James L. Mood Fisheries Ltd. to amend Aquaculture Licence and Lease #1029 (AQ#1029) to authorize the cultivation of giant sea scallop, as described below:

Table 1. Description of Aquaculture Licence and Lease #1029

Type: Marine Shellfish	Current Size: 3.15 HA
Number: AQ#1029	Current Cultivation Method: Marine cage cultivation
Applicant: James L. Mood Fisheries Ltd.	Current Species: Atlantic cod
Location: Barrington Passage, Shelburne County	Proposed Amendment: Authorize the cultivation of an additional species (Giant sea scallop)

2. History

AQ#1029 was first issued to Captain Sea Fisheries Ltd. on October 23, 1996 for a ten year term (October 23, 1996 to October 23, 2006). AQ#1029 was amended on October 1, 1998 to remove Giant sea scallops and European oysters as species authorized for cultivation and to add Atlantic cod as a species authorized for cultivation. AQ#1029 was issued to S&G Live Fish Limited on November 1, 1999 for a term from November 1, 1999 to October 23, 2006. AQ#1029 was assigned on March 28, 2002 from S&G Live Fish Limited to Cook Point Fisheries Ltd.

AQ#1029 was renewed on May 9, 2007 for a five year term (October 23, 2006 to October 22, 2011). AQ#1029 was renewed on December 4, 2012 for a five year term (October 23, 2011 to October 22, 2016). AQ# 1029 was renewed on July 21, 2017 for a ten year licence term (October 22, 2016 to October 22, 2026) and a twenty year lease term (October 22, 2016 to October 22, 2036). AQ#1029 was assigned on August 24, 2017 from Cook Point Fisheries Ltd to James L. Mood Fisheries Ltd.

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 renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations and was completed on May 16, 2016.

3.2 Public Comment Period

Notice of the application for the amendment of AQ#1029 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 7, 2019 to March 8, 2019. Notice of the application was also published in the Royal Gazette Part I on February 6, 13, 19, 25, and March 6, 2019.

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 does not indicate production over the past tenure of the lease and licence; however, information submitted in support of the amendment suggests future development and resulting production and employment.

Other fishing activities occur within the Barrington Passage area; however, there is no indication that development of the site for shellfish aquaculture will pose ecological concerns or have an impact on the sustainability of wild salmon. Despite having been previously authorized to cultivate shellfish species, records indicate that the suspended cultivation of shellfish at this site has not been proven to date. The current Canadian Shellfish Sanitation Program (CSSP) shellfish classification for this area does not support the direct harvest of shellfish species from the site. As such, any future harvest activities will require re-evaluation of the area through the CSSP. The operators of AQ#1029 will be required to remain compliant with all relevant provincial and federal legislation.

The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. There are no recorded instances on file of AQ#1029 interfering with other users of the public waters surrounding the operation. AQ#1029 is authorized to use 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 (see below) and keep each site marked during the term of their licence.

AQ#1029 is located in the near-shore environment near the community of Newellton, approximately 320 metres from the shoreline at its nearest point. There are no additional marine aquaculture sites within the vicinity of AQ#1029. AQ#1029 is located near several significant commercial wharves; however, the physical separation of AQ#1029 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 sites within the harbour has exceeded the carrying capacity of the area.

5. Decision

Based on the considerations above, Aquaculture Licence #1029 and Lease #1029 shall be amended to authorize the cultivation of giant sea scallop. Except as expressly amended, Licence #1029 and Lease #1029 shall continue in full force and effect.

The Licence and Lease amendment 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*.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture



Date