

Decision on Application to Assign a Marine Aquaculture Licence and Lease

Application to the Administrator:

On May 25, 2022, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to assign Aquaculture Licence and Lease #0683 (AQ#0683), as described below:

Application Summary:

Type: Marine	Size: 5.95 HA
Number: AQ#0683	Cultivation Method: Suspended cultivation
Assignor: Kevin and Jason Pattengale	
Location: Lennox Passage, Richmond County	Species: American oyster, Bay quahog, Blue mussel, Giant sea scallop
Proposed Assignee: Breton Oysters Ltd.	

Site History:

AQ#0683 was first issued to Development Isle Madame on November 3, 1997, for a 10-year term (November 3, 1997 to November 3, 2007).

AQ#0683 was assigned to Development Isle Madame Association Inc. in February, 2007.

AQ#0683 was assigned to Kevin and Jason Pattengale in February 2018.

AQ#0683 has been subsequently renewed since it was first issued in 1997, with the current lease term of November 1, 2017 to November 1, 2037 and the current licence term of November 1, 2017 to November 1, 2027.

Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#0683, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

Public Submissions on Application to Administrator:

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department's website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on August 25, 2022.

Zero (0) submissions were received by the Department during the 30-day public comment period.

Factors to be Considered (as set out in Section 3 of the Regulations):

The optimum use of marine resources

The applicant's development plan demonstrates an optimum use of marine resources. Review of the file indicates that the site has had production and employment in recent years. The information in support of the assignment application suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted and that the site is utilized for Aquaculture.

The contribution of the proposed operation to community and Provincial economic development
The proposed assignment did not involve any change to the operator's services and suppliers and did not involve any change to the operator's employment impact to the community.

Fishery activities in the public waters surrounding the proposed aquacultural operation

This application to assign an existing Aquaculture licence and lease contained no expected novel impacts to the fishery activities in the public waters near the existing site.

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

The site is in an open area, classified under the Canadian Shellfish Sanitation Program. There were no anticipated changes identified in the development plan which reflect the oceanographic and biophysical characteristics of the public waters surrounding the existing operation.

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

This application to assign an existing Aquaculture licence and lease contained no expected novel impacts to the other users of the public waters near the existing site.

The public right of navigation

The operator shall adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the *Canadian Navigable Waters Act*, reference number 8200-93-3007.

The sustainability of wild salmon

There is no indication that continued operation of the site for shellfish aquaculture will pose ecological concerns or have an impact on the sustainability of wild salmon.

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

Site AQ#0683 is located near Knife Island in Lennox Passage, Richmond County. The site is approximately 40 metres from the shoreline at the nearest point. There are an additional 6 aquaculture sites located in Lennox Passage, all of which are for the cultivation of shellfish species. The nearest sites, AQ#0725 and AQ#0921, are approximately 2.0km SE and E of AQ#0683, respectively. There is no evidence to suggest that the extent of the existing aquaculture in Lennox Passage has exceeded the carrying capacity

Decision:

Based on the factors considered above, AQ#0683 shall be assigned to Breton Oysters Ltd. The assignment shall have an effective date of December 1, 2022. Except as expressly assigned, AQ#0683 shall remain unchanged in full force and effect, including any terms and conditions.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

December 1, 2022

Date