

Findings and Decision- Assignment Application of Atlantic Shellfish Products Inc. for AQ#0020

1. Overview:

On June 19, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an assignment application from Atlantic Shellfish Products Inc. for Aquaculture Licence and Lease #0020 (AQ#0020), as described below:

Table 1. Description of Aquaculture Licence and Lease #0020

Type: Marine Shellfish	Location: Tatamagouche Bay, Cumberland County
Number: AQ# 0020 Size: 112.73 HA	
Assignor: Atlantic Shellfish Products Inc. (current ownership)	Cultivation Method: Suspended Cultivation
Assignee: Atlantic Shellfish Products Inc. (prospective ownership)	Species: Blue mussel and American oyster

2. History

AQ#0020 was first issued on April 14, 1988 to Charles Kennedy for a ten year term ((February 1st, 1988 to January 31st, 1998). AQ#0020 was assigned on March 1, 1991 to Sea Farming Industries B.V. AQ#0020 was renewed on April 6th, 1998 for a five-year term (April 6, 1998 to April 6, 2003). AQ#0020 was amended on May 27, 1999 to authorize the cultivation of American oysters. AQ#0020 was renewed on June 30th, 2004 for a five-year term (April 6, 2003 to April 6, 2008). AQ#0020 was issued to Atlantic Shellfish Products Incorporated on April 26th, 2010 for a ten-year term from (March 2nd, 2010 to March 1st, 2020).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their assignment application was completed. This review recommended that the site be assignment 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 February 1, 2019.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#0020 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of November 15, 2018 to December 14, 2018. Notice of the application was also published in the Royal Gazette Part I on November 14, 21, 28, December 5, and 12, and submissions were due by December 14, 2018 at 11:59PM.

3.3 Submissions

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

4. Factors to be considered

Records indicate sporadic production and employment in recent years. The assignment plan indicates production is planned for this site and therefore resulting employment. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. Performance review indicates that successful development of this site will have a positive impact on the local and provincial economy.

The performance review and subsequent public comment period did not adverse impacts to 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. AQ#0020 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon. The successful growth of shellfish in the area is proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

There are past instances on file of loose gear being located off-site from shellfish aquaculture sites in the area; however, records do not directly implicate AQ#0020 in this loose gear. AQ#0020 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#0020 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

AQ#0020 is one of ten marine shellfish aquaculture sites Tatamagouche Bay and is located approximately 250 metres from the shoreline at its nearest point. The nearest aquaculture sites to AQ#0020 are located more than 150 metres away respectively. As such, the physical separation of AQ#0020 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 in the area has exceeded the carrying capacity of the area.

5. Decision

Based on the considerations above, Atlantic Shellfish Products Inc's right, title and interest in and to Aquaculture Licence #0020 and Aquaculture Lease #0020 is hereby assigned to Cindy Dockendorff and Jacob Dockendorff. The assignment shall have an effective date of March 15, 2019.

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*.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

March 14, 2019
Date