

Findings and Decision- Amendment Application of PEI Mussel Farms Inc. for AQ#0726

1. Overview:

On January 24, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from PEI Mussel Farms Inc. to amend Aquaculture Licence and Lease #0726 (AQ#0726) to authorize the cultivation of Sugar kelp, as described below:

Table 1. Description of Aquaculture Licence and Lease #0726

Type: Marine Shellfish	Current Size: 5.97 Ha
Number: AQ#0726	Current Cultivation Method: Suspended shellfish
Applicant: PEI Mussel Farms	Current Species: Blue mussel, Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Amendment: Addition of the following species for cultivation: - Sugar kelp

2. History

AQ#0726 was first issued to Russel Fougere and Clifford Marchand on July 28th, 2014 for a ten-year term (August 2, 1994 to August 2, 2004). It was assigned to Russel Fougere from Russel Fougere and Clifford Marchand on May 21st, 1996. AQ#0726 was assigned on December 2nd, 1997 from Russel Fougere to J-M&M Shellfish Farm Incorporated. AQ#0726 was assigned on July 2nd, 2003 from J-M&M Shellfish Farm Incorporated to PEI Mussel Farms Inc. AQ#0726 was renewed on September 14, 2004 for a five year term (August 2, 2004 to August 2, 2009). AQ#0726 was renewed on September 28, 2010 for a five year term (August 2, 2009 to August 2, 2014). AQ#0726 was renewed on March 13, 2014 for a five year term (August 2, 2014 to August 2, 2019). AQ0726 was renewed on September 6, 2019 for a ten year licence term (August 2, 2019 to August 2, 2029) and a twenty year lease term (August 2, 2019 to August 2, 2039).

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 April 3, 2019.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0726 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for

the period of August 12th, 2019 to September 11th, 2019. Notice of the application was also published in the Royal Gazette Part I on August 14, 21, 28, September 4, and 11, 2019. Submissions were due by September 11, 2019 at 11:59PM.

3.3 Submissions

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

4. Factors to be considered

AQ#0726 is one of several sites in a multi-site operation located in Lennox Passage. The performance review indicates that successful development of this site will have a positive impact on the local and provincial economy. The amendment to include Sugar kelp will allow for the operator to ascertain the commercial viability of this species for further development and species diversification.

The performance review noted that there are no expected impacts on fisheries activities as a result of the amendment of this lease and licence. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. There is no evidence that the amendment of AQ#0726 to include marine plants will have impacts on the sustainability of wild salmon. The commercial growth of this particular marine plant in the local environment is not proven; however, the operator has engaged the scientific community to assist with their development. 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#0726 interfering with other users of the public waters surrounding the operation. Subsequent to this amendment, AQ#0726 is authorized to cultivate both shellfish and marine plants 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#0726 is located in Lennox Passage. The nearest site to AQ#0726 is approximately 1.40 km to the west, which is also issued to PEI Mussel Farms Inc. Individual sites within Lennox Passage are geographically separated, providing corridors through which other uses can navigate. There are seven other shellfish aquaculture sites licensed in Lennox Passage, four of which are operated by Bounty Bay Shellfish Incorporated or the affiliated company PEI Mussel Farms 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 #0726 and Lease #0726 shall be amended to authorize the cultivation of Sugar kelp. Except as expressly amended, Licence #0726 and Lease # 0726 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

November 5, 2019

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date