

Findings and Decision - Renewal 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 renew Aquaculture Licence and Lease #0726 (AQ#0726), as described below:

Table 1. Description of Aquaculture Licence and Lease #0726

Type: Marine	Size: 5.97 HA
Number: AQ#0726	Cultivation Method: Suspended shellfish method
Applicant: PEI Mussel Farms	Species: Blue mussel, Giant sea scallop
Location: Lennox Passage, Richmond County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0726 was first issued on July 28th, 2014 to Russel Fougere and Clifford Marchand for a ten year term (August 2, 1994 to August 2, 2004). AQ#0726 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 then renewed on March 13, 2014 for a five year term (August 2, 2014 to August 2, 2019).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal 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 July 9, 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 April 4, 2019 to May 3, 2019. Notice of the application was also published in the Royal Gazette Part I on April 3, 10, 17, 24, and May 3, 2019.

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 renewal plan indicates planned development to add sugar kelp to the site through an amendment application currently under review. Should the site be approved for sugar kelp, it has the potential to become the preferred culture species for this lease. The performance review indicates that successful development of this site will have a positive impact on the local community.

The performance review noted that there are no expected impacts on fisheries activities as a result of the renewal 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. AQ#0726 is licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture will have impacts on the sustainability of wild salmon. The successful growth of shellfish in Lennox Passage has been proven; however, predation of mussels and invasive species have impacted production in this area. 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. AQ#0726 is authorized to cultivate both 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.

AQ#0726 is located in Lennox Passage. The nearest site to AQ#0726 is approximately 1.2 km to the west, which is also issued to PEI Mussel Farms Inc (AQ#0728). 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 shall be renewed for a period of 10 years (August 2, 2019 to August 2, 2029) and Aquaculture Lease #0726 shall be renewed for a period of 20 years (August 2, 2019 to August 2, 2039).

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

July 24, 2019

Date