

**Findings and Decision- Amendment Application of Bill & Stanley Oyster Company Ltd. for AQ#1091**

**1. Overview:**

On October 8, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company Ltd. to amend Aquaculture Licence and Lease #1091 (AQ#1091) to authorize the cultivation of Sugar kelp, Finger kelp, Dulse, and Sea lettuce as described below.

Table 1. Description of Amendment Application

<b>Type:</b> Marine Shellfish	<b>Current Size:</b> 4.95 HA
<b>Number:</b> AQ#1091	<b>Current Cultivation Method:</b> Suspended shellfish method
<b>Applicant:</b> Bill & Stanley Oyster Company Ltd	<b>Current Species:</b> Blue mussel, American oyster
<b>Location:</b> Whitehead Harbour, Guysborough County	<b>Proposed Amendment:</b> Addition of the following species for cultivation:- Sugar kelp, Finger kelp, Dulse, Sea lettuce

**2. History**

AQ#1091 was first issued to 2382144 Nova Scotia Limited on October 18, 2002 for a ten year term (June 1<sup>st</sup>, 2002 to June 1<sup>st</sup>, 2012). On September 17, 2008, AQ#1091 was assigned from 2382144 Nova Scotia Limited to Atlantic Aqua Farms Partnership. AQ#1091 was renewed on November 26, 2013 for a five year term (June 1, 2012 to June 1, 2017). On February 13, 2014, AQ #1091 was assigned from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. AQ#1091 was amended on May 19, 2014 to allow for the cultivation of American oyster.

**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 performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations, and recommended that the site be amended based on the technical and biological assessment.

*3.2 Public Comment Period*

Notice of the application for the amendment of AQ#1091 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 14, 2016 to August 12, 2016. Notice of the application was also published in the Royal Gazette Part I on July 13, 2016, July 20, 2016, July 27, 2016, and August 3, 2016.

*3.3 Submissions*

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

#### 4. Factors to be considered

AQ#1091 is an integral component of the operators plans to incrementally develop a multi-site aquaculture operation in Guysborough County. While the operation intends to primarily produce American oysters, the amendment to allow marine plants will allow for diversification in the operation. Records indicate recent employment since the 2014 assignment. The amendment plan indicates continued 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 note the presence of 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. There is no evidence that the amendment of AQ#1091 to include marine plants will have impacts on the sustainability of wild salmon. The growth of these particular marine plants in the local environment is not proven; however, the operator has engaged the scientific community to work on 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#1091 interfering with other users of the public waters surrounding the operation. Upon amendment, AQ#1091 will be 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#1091 is located in Yankee Cove, approximately 70 metres from the shoreline at its nearest point. The nearest site to AQ#1091 is AQ#1307, which is approximately 600 metres away. Thus, the physical separation of AQ#1091 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

#### 5. Decision

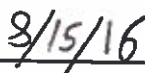
Based on the considerations above, Aquaculture Licence #1091 and Lease #1091 shall be amended to authorize the cultivation of Sugar kelp, Finger kelp, Dulse, and Sea lettuce. Except as expressly amended, Licence #1091 and Lease # 1091 shall continue in full force and effect.

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*.



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Date