

**Findings and Decision- Amendment Application of Bill & Stanley Oyster Company Ltd. for  
AQ#0075**

**1. Overview:**

On February 10, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company Ltd. to amend Aquaculture Licence and Lease #0075 (AQ#0075) to amend the site boundaries without increasing the size, as described below:

Table 1. Description of Aquaculture Licence and Lease #0075

<b>Type:</b> Marine Shellfish	<b>Current Size:</b> 42.26 HA
<b>Number:</b> AQ#0075	<b>Current Cultivation Method:</b> Suspended shellfish method
<b>Applicant:</b> Bill & Stanley Oyster Company Limited	<b>Current Species:</b> Blue mussel, European oyster, American oyster, Bay scallop
<b>Location:</b> Wine Harbour, Guysborough County	<b>Proposed Amendment:</b> Boundary amendment-no change in size (see attached maps)

**2. History**

AQ#0075 was first issued on September 2, 1993 for a ten year term (September 6, 1993 to September 6, 2003). AQ#0075 was issued to L&B Seafarms on July 8, 1998 for a five year term (July 8, 1998 to July 8, 2003). AQ# 0075 was assigned on July 5, 1999 from L&B Seafarms to Brian Mailman & Lenny Mahar. AQ#0075 was renewed on May 7, 2004 for a five year term (July 8, 2003, to July 8, 2008). AQ#0075 was issued on January 14, 2009 for a five year term (July 8, 2008, to July 8, 2013). AQ#0075 was amended on June 28, 2010 to authorize the cultivation of American oyster and Bay scallop. AQ#0075 was assigned on May 29, 2014 from Brian Mailman & Lenny Mahar to Bill & Stanley Oyster Company. AQ#0075 was renewed on May 29, 2014 for a five year term from July 7, 2013 to July 7, 2018.

**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 June 6, 2016.

*3.2 Public Comment Period*

Notice of the application for the renewal of AQ#0075 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of March 16<sup>th</sup> to April 14<sup>th</sup>, 2017. Notice of the application was also published in the Royal Gazette Part I on March 22, 29, April 5, and 12, 2017

### 3.3 Submissions

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

#### 4. Factors to be considered

AQ#0075 is an integral component of the operator's plans to incrementally develop a multi-site oyster aquaculture operation in Guysborough County. Records indicate recent employment since the 2014 assignment. The renewal 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. AQ#0075 is located in waters that are approved for harvest under the *Canadian Shellfish Sanitation Program*. AQ#0075 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 American oysters within the pre-amended boundaries has been demonstrated; there are no indications that production within the amended boundaries will be impacted. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

The amendment of AQ#0075 will shift the site away from the shoreline and serve to prevent potential conflicts with nearshore users of the harbour. AQ#0075 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.

AQ#0075 is located in the western portion of Wine Harbour. With the amended boundaries, AQ#0075 is now located further from the shoreline. The nearest aquaculture sites to AQ#0075 are located more than 15.0 km away in Country Harbour and Marie Joseph. Thus, the physical separation of AQ#0075 from the shoreline and neighbouring aquaculture sites provides for sufficient navigation 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.

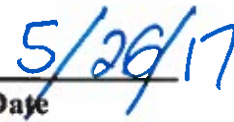
#### 5. Decision

Based on the considerations above, Aquaculture Licence #0075 and Lease #0075 shall be amended to amend the site boundaries without increasing the size. Except as expressly amended, Licence #0075 and Lease #0075 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**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

  
**Date**

