

Findings and Decision- Renewal Application of Bill & Stanley Oyster Company Ltd. for AQ#1199

1. Overview:

On October 14, 2015, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company Ltd. to renew Aquaculture Licence and Lease #1199 (AQ#1199), as described below:

Table 1. Description of Aquaculture Licence and Lease #1199

Type: Marine Shellfish	Size: 28.75 HA
Number: AQ#1199	Cultivation Method: Suspended Cultivation
Applicant: Bill & Stanley Oyster Company Ltd.	Species: Blue mussel, American oyster
Location: Whitehead Harbour, Guysborough County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#1199 was first issued to Robert Fortune on July 24, 2001 for a ten year term (July 24, 2001 to July 24, 2011). AQ#1199 was assigned on September 17, 2008 from Robert Fortune to Atlantic Aqua Farms Partnership. AQ#1199 was renewed on February 23, 2012 for a five year term (July 24, 2011 to July 23, 2016). AQ#1199 was assigned on February 13, 2014 from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. AQ#1199 was amended on May 29, 2014 to allow for the cultivation of American oysters.

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(c) of the Aquaculture Licence and Lease Regulations, and was completed on November 6, 2015.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1199 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of February 3, 2016 to March 3, 2016. Notice of the application was also published in the Royal Gazette Part I on February 3, 2016, February 10, 2016, February 17, 2016, and February 24, 2016.

3.3 Submissions

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

4. Factors to be considered

AQ#1199 is an integral component of the operators 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#1199 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 blue mussels in Whitehead Harbour is proven; however, the operator intends to grow American oysters on this site. Preliminary results suggest that the environment is conducive to the successful growth of oysters. 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#1199 interfering with other users of the public waters surrounding the operation. AQ#1199 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 (see below) and keep each site marked during the term of their licence.

AQ#1199 is located in the Northeast Branch of Whitehead Harbour. AQ#1199 is located in the nearshore environment, within 100 metres of the shoreline on the northwest boundary and within 150 to 200 metres for much of the southeast boundary. AQ#1199 is within approximately 300 metres of the nearest aquaculture site (AQ#0616). Thus, the physical separation of AQ#1199 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. As AQ#1199 spans much of the Northeast Branch, ensuring required site markings are in place will be a focus of on-going site monitoring. AQ#1199 is one of eleven shellfish aquaculture sites located within Whitehead Harbour, nine of which are held by Bill & Stanley Oyster Company Ltd. and five others of which are within 2 km of AQ#1199. 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 #1199 shall be renewed for a period of 10 years (July 23, 2016 to July 23, 2026) and Aquaculture Lease #1199 shall be renewed for a period of 20 years (July 23, 2016 to July 23, 2036).

The Licence and Lease 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*.

6. Conditions

In addition, the following condition shall apply:

Bill & Stanley Oyster Company Limited shall adhere to the following site marking requirements:

- a) mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter;
- b) mark all corners of the leased bottom with a cement block or similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence or lease number at 1 corner of the licensed or leased area.

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5/3/16
Date