

Findings and Decision- Renewal Application of Bill & Stanley Oyster Company Ltd. for AQ#0028

1. Overview:

On February 3, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company to renew Aquaculture Licence and Lease #0028 (AQ#0028), as described below:

Table 1. Description of Aquaculture Licence and Lease #0028

Type: Marine	Size: 58.82 HA
Number: AQ#0028	Cultivation Method: Suspended shellfish method
Applicant: Bill & Stanley Oyster Company Limited	Species: Blue mussel, American oyster, Kelp, Sea lettuce, Dulse
Location: Marie Joseph Harbour, Guysborough County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0028 was first issued to Guysboro Aquatic Ventures Limited on July 16, 1987 for a ten-year term (August 1, 1987 to July 31, 1997). AQ#0028 was assigned on March 1, 1990 from Guysboro Aquatic Ventures Limited to 1932844 Nova Scotia Limited. AQ#0028 was assigned on June 28, 1994 from 1932844 Nova Scotia Limited to 2382144 Nova Scotia Limited. AQ#0028 was renewed on September 22, 1997 for a five-year term from September 22, 1997 to September 22, 2002. AQ#0028 was renewed on February 7, 2003 for a five-year term (January 1, 2003 to January 1, 2008). AQ#0028 was renewed again on August 14, 2008 for a five-year term (January 2, 2008 to January 1, 2013). AQ#0028 was assigned on September 17, 2008 from 2382144 Nova Scotia Limited to Atlantic Aqua Farms Partnership. AQ#0028 was amended on April 19, 2011 to expand the site from 56.97 HA to 58.82 HA. AQ# 0028 was renewed on November 16, 2013 for a five-year term (January 1, 2013 to January 1, 2018). AQ#0028 was amended on May 29, 2014 to authorize cultivation of American oyster. AQ#0028 was assigned on February 13, 2014 from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. AQ#0028 was amended on May 29, 2014 to authorize the cultivation of Sugar kelp, Finger kelp, Dulse and Sea lettuce.

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 March 6, 2017.

3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#0028 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for

the period of September 7, 2017 to October 6, 2017. Notice of the application was also published in the Royal Gazette Part I on September 13, 20, 27 and October 1, 2017.

3.3 Submissions

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

4. Factors to be considered

AQ#0028 is an integral component of the operators plans to incrementally develop a multi-site aquaculture operation in Guysborough County. The operation intends to primarily produce American oysters. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

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 renewal of AQ#0028 that shellfish aquaculture will have impacts on the sustainability of wild salmon. 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#0028 interfering with other users of the public waters surrounding the operation. Upon renewal, AQ#0028 will be 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#0028 is located in Smith Cove, approximately 300 metres in a southerly direction from Big Island. AQ#0028 is located in the nearshore environment, with distance to shoreline along both the eastern and western boundaries varying between approximately 70 to 80 metres. AQ#0028 is within 2.0 km of two additional aquaculture sites. Thus, the physical separation of AQ#0028 from the shoreline and neighboring 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 #0028 shall be renewed for a period of 10 years (January 1, 2018 to January 1, 2028) and Aquaculture Lease #0028 shall be renewed for a period of 20 years (January 1, 2018 to January 1, 2038).

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:

The operator 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.

Brennan Goreham

Dec 1/17
Date

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture