

Findings and Decision- Renewal Application of Bill & Stanley Oyster Company Limited for AQ#1091

1. Overview:

On July 14, 2016, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company Limited to renew Aquaculture Licence and Lease #1091 (AQ#1091), as described below:

Table 1. Description of Aquaculture Licence and Lease #1091

Type: Marine Shellfish	Size: 4.95 HA
Number: AQ#1091	Cultivation Method: Suspended shellfish method
Applicant: Bill & Stanley Oyster Company Limited	Species: Blue mussel, American oyster, Dulse, Sea lettuce, Kelp
Location: Whitehead Harbour, Guysborough County	Proposed Term: 10 year licence/ 20 year lease

2. History

AQ#1091 was first issued to 2382144 Nova Scotia Limited on October 18, 2002 for a 10 year term (June 1st, 2002 to June 1st, 2012). AQ#1091 was assigned on September 17th, 2008 from 2382144 Nova Scotia Limited to Atlantic Aqua Farms Partnership. AQ#1091 was renewed on November 26th, 2013 for a five year term (June 1st, 2012 to June 1st, 2017). AQ#1091 was assigned on February 13, 2014 from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Limited. AQ#1091 was amended on May 29th, 2014 to authorize the cultivation of American oyster. AQ#1091 was amended on September 27th, 2016 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 January 30, 2017.

3.2 Public Comment Period

Notice of the application for the renewal 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 February 9 to March 10, 2017. Notice of the application was also published in the Royal Gazette Part I on February 8th, 15th, 22nd, and March 1st.

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 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#1091 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#1091 interfering with other users of the public waters surrounding the operation. AQ#1091 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#1091 is located in Yankee Cove, within Whitehead Harbour. AQ#1091 is located in the nearshore environment, with distance to the shoreline of approximately 50 metres at its nearest point. AQ#1091 is within approximately 2.0 km of three additional aquaculture sites, all currently issued to Bill & Stanley Oyster Company Limited, the nearest of which is approximately 450 metres to the northeast (AQ#0839). Thus, the physical separation of AQ#1091 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. As AQ#1091 spans a significant portion of Yankee Cove, ensuring required site markings are in place will be a focus of on-going site monitoring. AQ#1091 is one of eleven shellfish aquaculture sites located within Whitehead Harbour, nine of which are held by Bill & Stanley Oyster Company Ltd. 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 shall be renewed for a period of 10 years (May 17, 2017 to May 17, 2027) and Aquaculture Lease #1091 shall be renewed for a period of 20 years (May 17, 2017 to May 17, 2037).

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.

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Mar 17 / 17

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Date