

## **Findings and Decision- Renewal Application of Bill and Stanley Oyster Limited for AQ#0075**

### **1. Overview:**

On, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from September 22, 2017 to renew Aquaculture Licence and Lease #0075 (AQ#0075), as described below:

Table 1. Description of Aquaculture Licence and Lease #0075

<b>Type:</b> Marine Shellfish	<b>Size:</b> 42.26 HA
<b>Number:</b> AQ#0075	<b>Cultivation Method:</b> Suspended shellfish method
<b>Applicant:</b> Bill & Stanley Oyster Company Limited	<b>Species:</b> Blue Mussel, Bay scallop, European oyster, American oyster
<b>Location:</b> Wine Harbour, Guysborough County	<b>Proposed Term:</b> 10 year Licence/20 year Lease

### **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 Sea Farms 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 Sea Farms 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 renewed 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 and Lenny Mahar to Bill and Stanley Oyster Company Limited. AQ#0075 was renewed on May 29, 2014 for a five year term (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 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 16, 2018.

#### *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 8, 2018 to April 6, 2018. Notice of the application was also published in the Royal Gazette Part I on March 14, 2018, March 21, 2018, March 28, 2018 and April 4, 2018.

#### *3.3 Submissions*

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

### **4. Factors to be considered**

AQ#0075 is a part of the operator's multi-site oyster aquaculture operation in Guysborough County, which also includes a processing operation. The renewal plan indicated 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 the negative impact to the other fisheries. The successful growth of shellfish species in Country Harbour is proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding waters.

AQ#0075 is authorized to cultivate shellfish species 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 must also continue to hold approval from Transport Canada as it relates to navigable waters. Also, it is a requirement for the equipment and aquacultural produce to remain within the geographic boundaries of the site.

AQ#0075 is located in the western portion of Wine Harbour. The nearest aquaculture sites to AQ#0075 are located more than 15.0 km away in County Harbour and Marie Joseph. Thus, the physical separation of AQ# 0075 from the shoreline and non-boarding aquaculture sites provides for sufficient navigation within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbor has exceeded the carrying capacity of the harbor.

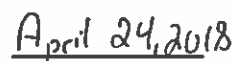
#### 5. Decision

Based on the considerations above, Aquaculture Licence #0075 shall be renewed for a period of 10 years (August 7, 2018 to August 7, 2028) and Aquaculture Lease #0075 shall be renewed for a period of 20 years (August 7, 2018 to August 7, 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*.



**Brennan Goreham**  
**Aquaculture Administrator**  
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**Date**