

Findings and Decision- Renewal Application of Bill & Stanley Oyster Company Ltd. for AQ#0613

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 #0613 (AQ#0613), as described below:

Table 1. Description of Aquaculture Licence and Lease #0613

Type: Marine	Size: 6.39 HA
Number: AQ#0613	Cultivation Method: Suspended shellfish method
Applicant: Bill & Stanley Oyster Company Limited	Species: Blue mussel, American oyster, Giant sea scallops
Location: Whitehead Harbour, Guysborough County	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0613 was first issued to Fisheries Resource Development (1988) Limited on June 4, 1992 for a ten-year (June 8, 1992 to June 7, 2002). AQ#0613 was assigned on March 27, 1997 from Fisheries Resource Development (1988) Limited to 2382144 Nova Scotia Limited. AQ#0613 was renewed on February 7, 2003 for a five-year term (January 1, 2003 to January 1, 2008). AQ#0613 renewed on August 14, 2008 for a five-year term (January 2, 2008 to January 1, 2013). AQ#0613 was assigned on September 17, 2008 from 2382144 Nova Scotia Limited to Atlantic Aqua Farms Partnership. AQ#0613 was renewed on November 26, 2013 for a five-year term (January 1, 2013 to January 1, 2018). AQ#0613 was assigned on February 13, 2014 from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. AQ#0613 was amended on May 29, 2014 to authorize the cultivation of American oyster.

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#0613 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#0613 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#0613 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#0613 interfering with other users of the public waters surrounding the operation. AQ#0613 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#0613 is located approximately 100 metres from the shoreline at its nearest point and is within 500 metres of the nearest aquaculture site (AQ#0904). Thus, the physical separation of AQ#0613 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbour. AQ#0613 is one of eleven shellfish aquaculture sites located within Whitehead Harbour, nine of which are held by Bill & Stanley Oyster Company Ltd. AQ#0613 is within 2.0 km of six additional shellfish aquaculture sites. 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 #0613 shall be renewed for a period of 10 years (January 1, 2018 to January 1, 2028) and Aquaculture Lease #0613 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

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Dec 11/17

Date