

**Findings and Decision- Renewal Application of Bill and Stanley Oyster Company Ltd. for
AQ#0623**

1. Overview:

On May 7, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill and Stanley Oyster Company Ltd. to renew Aquaculture Licence and Lease #0623 (AQ#0623), as described below:

Table 1. Description of Aquaculture Licence and Lease #0623

Type: Marine	Size: 14.24 HA
Number: AQ#0623	Cultivation Method: Suspended cultivation
Applicant: Bill and Stanley Oyster Company	Species: Blue mussel and Giant sea scallop
Location: County Harbour, Guysborough	Proposed Term: 10 year Licence/20 year Lease

2. History

AQ#0623 was first issued to County Harbour Seas Farms Co-operative Ltd. on May 13, 1992 for a ten year term (May 18, 1992 to May 17, 2002). AQ#0623 was renewed again on December 15, 1993 for a ten year term (December 20, 1993 to December 20, 2003). AQ#0623 was assigned on November 13, 1997 to Country Harbor Sea Farms Limited. AQ#0623 was renewed on July 16, 2003 for a five year term (December 20, 2003 to December 20, 2008). AQ#0623 was assigned on June 16, 2006 to 2382144 Nova Scotia Limited. AQ#0623 was assigned on September 17, 2008 to Atlantic Aqua Farms Partnership. AQ#0623 was renewed on December 16, 2008 for a five year term (December 20, 2008 to December 19, 2013). AQ#0623 was renewed on January 9, 2014 for a five year term (December 19, 2013 to December 19, 2018). AQ#0623 was assigned on February 13, 2014 to Bill and Stanley Oyster Company Limited. AQ#0623 was amended on May 19, 2014 to authorize the cultivation of American oysters. AQ#0623 was amended on October 14, 2014 to increase the size of the size from 6.73 HA to 14.24 HA. AQ#0623 was amended on September 27, 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 October 5, 2018.

3.2 *Public Comment Period*

Notice of the application for the renewal of AQ#0623 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 2, 2018 to August 31, 2018. Notice of the application was also published in the Royal Gazette Part I on August 1, 8, 15 and 22, 2018.

3.3 Submissions

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

4. Factors to be considered

AQ#0623 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 Whitehead Harbour is proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding waters.

AQ#0623 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#0623 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#0623 is located approximately 200 metres to the northwest of the Country Harbour ferry. Also, there is a submerged cable spanning the harbor in the area between the ferry crossing and AQ#0623. Neither of these are identified as being negatively impacted by AQ#0623. AQ#0623 is located in the nearshore environment, with distance to shoreline along the western boundary varying between approximately 70 to 80 metres. The nearest sites to AQ#0623 is AQ#1307, which is approximately 600 metres away. Thus, the physical separation of AQ#0623 from the shoreline and neighbouring aquaculture sites provides for multiple corridors within the harbor. There is no evidence to suggest that the extend of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #0623 shall be renewed for a period of 10 years from December 19, 2018 to December 19, 2028 and Aquaculture Lease #0623 shall be renewed for a period of 20 years from December 19, 2018 to December 19, 2038.

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly 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

11/2/18

Date