

Findings and Decision- Amendment Application of Matthew and Stephen Mattie for AQ#1387

1. Overview:

On February 21, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Matthew and Stephen Mattie to amend Aquaculture Licence and Lease #1387 (AQ#1387), as described below:

Table 1. Description of Aquaculture Licence and Lease #1387

Type: Marine	Current Size: 12.11 HA
Number: AQ#1387	Current Cultivation Method: Suspended cultivation
Applicant: Matthew and Stephen Mattie	Current Species: American oyster
Location: Havre Boucher, Antigonish County	Proposed Amendment: Boundary amendment with no increase in size

2. History

On March 5, 2015, AQ#1387 was first issued to Matthew and Hugh Mattie for a 10-year term from November 1, 2014 to November 1, 2024. On April 26, 2018, AQ#1387 was assigned from Matthew and Hugh Mattie to Matthew and Stephen Mattie. AQ#1387 was amended on August 23, 2018 to include suspended gear on a portion of the site.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their amendment application was completed. This review recommended that the site be amended 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 April 26, 2021.

3.2 Public Comment Period

Notice of the application for the amendment of AQ#1387 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 23, 2020 to August 21, 2020. Notice of the application was also published in the Royal Gazette Part I on July 22, 29, August 5, 12, and 19th, 2020.

3.3 Submissions

6 submissions were received by NSDFA during the 30-day public comment period. All 6 of these submissions met criteria for consideration and are included with this document. Several items of note were raised that will be further discussed in the Factors to be Considered section of this document.

4. Factors to be considered

The amendment application for AQ#1387 was submitted to adjust the site boundaries, without increasing the size, to allow for the site to be located in optimum depth to allow for full site utilization. Review of the file indicates that the site has had production and employment in recent years. The information in support of the amendment application suggests continued production is planned for this site and continued employment. The proposed changes are expected to support and improve economic prosperity in the local community and province. This will be achieved through increased production at the site, which will lead to economic contributions in the community and increase shellfish exports for the province. Department staff will continue to monitor that production plans are implemented as submitted.

The performance review and public comment responses noted the presence of other fishery activities in the surrounding area of the proposed amended boundaries. A commercial wharf is located on the opposite side of the harbour.

One public comment identified concerns regarding access to commercial berths for eel fishery. The concern was shared with the related regulatory body, and a map was provided to identify the exact locations of concern. The existing site boundaries of AQ#1387 limited access to two (2) out of twelve (12) commercial berths via the water, due to the fact that the boundaries extended to the shoreline. The proposed boundary amendment would restore access to all twelve (12) commercial berths, as the amendment of AQ#1387 will shift the site away from the shoreline, allowing access to the commercial berths by water. AQ#1387 remains 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. Furthermore, AQ#1387 is required to maintain compliance with Transport Canada as it relates to Navigable Waters. The new boundaries of AQ#1387 requires an updated approval from Transport Canada.

Two public comments identified concerns regarding access to fishing within the harbour. The proposed change in boundaries does not result in an increase in the overall size of the site. Therefore, the proposed amendment would not result in a reduction in the area of the harbour available for commercial or recreational fishing.

There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries, and the proposed boundary amendment does not indicate future negative impacts.

Several public comments were received, concerning the impact the proposed boundary amendment would have on the other users of the public waters surrounding the site, including the public right of navigation. One concern was regarding access around Crispos Island. Another concern was regarding access in and around the harbour. Following review, modifications were made to the proposed application to improve access and navigation near the site. Refer to the Decision section for further details. As the amendment of AQ#1387 will shift the site away from the shoreline, access around Crispos Island would not be impeded. Another concern was

regarding refuge for recreational boaters during inclement weather. As this boundary amendment will not result in an increase in the size of the site, there is no reduction in the area of the harbour accessible to recreational boaters.

There is no indication that development of the site for shellfish aquaculture will pose ecological concerns or have an impact on the sustainability of wild salmon.

AQ#1387 is located in the Northeastern portion of Havre Boucher. The nearest aquaculture site, AQ#0136, is located approximately 6.5km away. 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 #1387 and Lease #1387 shall be amended with modifications to authorize the boundary amendment (without increasing the size). Except as expressly amended, Licence #1387 and Lease #1387 shall continue in full force and effect, including any terms and conditions. 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*.

Modifications:

A “no-gear” zone has been added to the site, to improve public navigation in the surrounding waters. The new boundaries of AQ#1387, including the no-gear zone is subject to approval from Transport Canada.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

June 10, 2021

Date

Spencer, Amanda L

From: Brad and Roxy Melong [REDACTED]
Sent: August 21, 2020 9:44 PM
To: Aquaculture Administrator
Subject: Re:Amendment application number AQ#1387

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Dear Aquaculture Administrator:

My name is Brad Melong. I live at [REDACTED] Havre Boucher, Nova Scotia and my mailing address is [REDACTED] Havre Boucher, Nova Scotia, B0H 1P0. I can be reached at [REDACTED].

I am writing in regards to this amendment application number AQ#1387 put forth by Matthew and Stephen Mattie to amend their current boundary. I have issues concerning this boundary amendment because I currently have commercial berths for eel fishery where they are proposing to move to. I was not contacted, nor were any other fishermen from our harbour, including others that have eel licence and berths for this area. If you require further information concerning my eel licence and berths you can contact me anytime. I am quite concerned that an area that is technically reserved for another fishery is being looked at for something totally different than what is intended for. There is very little area in our harbour currently that isn't closed due to pollution so I think that considering they already have a portion of the harbour for American Oyster, that the remaining areas that contain eel berths should be left as is.

Thank you,
Brad Melong



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Spencer, Amanda L

From: Richard Melong [REDACTED]
Sent: August 21, 2020 9:40 PM
To: Aquaculture Administrator
Cc: NPPATL-PPNATL@tc.gc.ca
Subject: Letter regarding amended application AQ@1387
Attachments: NS Dept of Fisheries & Aquaculture AQ#1387.docx

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Good evening

please find attached a letter expressing my opposition and concerns regarding the amendment application AQ#1387 by Matthew & Stephen Mattie.

Regards
Richard Melong

The attached records were submitted by third parties to the Department of Fisheries and Aquaculture as a part of a public submission process. The Department does not endorse, and is not responsible for, the content of the attached records, including, but not limited to, the accuracy, reliability, or currency of the information contained in the attached records.

Richard Melong
[REDACTED]
Havre Boucher, NS
BOH 1P0

August 21/2020

Nova Scotia Department of Fisheries & Aquaculture
1575 Lake Road, Shelburne, NS
BOT 1W0

To whom it may concern

My name is Richard Melong. I live at [REDACTED]. I am a fisherman, my homeport is Havre Boucher, I am a member of the Havre Boucher Harbour Authority and I am a community member who uses the Havre Boucher harbour for recreational purposes such as tubing with my family and kayaking. I am writing in regards to the proposed amendment application #AQ1387 by Matthew & Stephen Mattie.

I am opposed to the proposed amendment that has been put forward by Matthew and Stephen Mattie. This amended proposal will impact both my commercial fishing and recreational activities in this harbour. For commercial fishing, this could limit traps and nets being put in the harbour that could affect my livelihood. From a Harbour Authority perspective, it could impact the recreational boating that we rely on to help fund and maintain the wharf and from a recreational perspective it would definitely effect the boating, tubing and kayaking that families enjoy during the summer months by blocking being able to fully access going around Crispo Island.

I am completely taken a-back by the lack of communication and notice that there has been in regards to this application, I would like to know what the proper protocol is for making such proposals known to the harbours and community members that these types of ventures will so greatly affect. The few people that I know, that have had any knowledge about this amendment, literally found out on Friday evening on August 21. I know of no community members, boaters, jet skiers or land owners who have any knowledge about the amended proposal, a proposal that will limit access to areas in our harbour that we would normally enjoy on a regular basis. Thanks to what appears to be a very sneaky attempt by the applicants, these community members will now, no longer have a chance to voice their opinions.

I have included my email and phone numbers and would like to hear from the NS Dept of Fisheries and Aquaculture Administrative Decision makers, hopefully before any decisions are made. This decision will have a lasting and great impact on me, my family and my community.

Regards

Richard Melong

The attached records were submitted by third parties to the Department of Fisheries and Aquaculture as a part of a public submission process. The Department does not endorse, but not impeded to, the accuracy, reliability, the content or the currency of the information contained in the attached records.

Spencer, Amanda L

From: james a brow [REDACTED]
Sent: August 25, 2020 9:23 PM
To: Aquaculture Administrator
Subject: Oyster Lease

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To Whom it may concern ..

I submitted a written submission on Aquaculture /Lease Number 1387 -Havre Boucher on August 21,2020 .

My Mailing Address James A Brow
[REDACTED]
Havre Boucher ,Nova Scotia
BOH 1PO

Phone Number [REDACTED]

Thank you James

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Spencer, Amanda L

From: james a brow [REDACTED]
Sent: August 21, 2020 8:42 PM
To: Aquaculture Administrator
Cc: Heighton, Ralph
Subject: Oyster Lease

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I neglected to put in this information .

it is lease number 1387 -AQ #1387 Havre Boucher .

thank you James

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Spencer, Amanda L

From: james a brow [REDACTED]
Sent: August 21, 2020 8:37 PM
To: Aquaculture Administrator
Cc: Heighton, Ralph
Subject: oyster lease -Havre Boucher

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To Who it May Concern ..

Over 50 %of Havre Boucher harbour is polluted .This site is planning to take 75% of what is left .This harbour is just not big enough .Mattie is not from here and for him to think he can walk all over us is not acceptable .At the meeting in Antigonish Mattie offered to include the fishermen in the lease but that was forgotten once the lease was approved .Also a lot of fishermen had eel sites for fyke traps myself included .in that area .We were all told we could not go there any more .Some of us have mussel and clam licences for that area also .We were displaced .

95 % of the fishermen from Havre Boucher were at the original meeting in Antigonish ...we were 100 % opposed to that lease coming here .There was a lot of animosity after Mattie came here .There was violence here and at other harbours that Mattie went to. I am sure you know that .

Mr Mattie caused some problems when he began harassing local boaters accusing them of stealing oysters .

Our concerns were totally ignored and to add insult to injury i was told there were no minutes kept of the meeting in Antigonish .I did express my concerns in emails to the department to Brendan G .Got one response then no more .

We asked for the original lease agreement to be reviewed .We were ignored .

We do not want to be ignored this time .

I grew up here and have been a fisherman for 50 years .

I am Metis as many us here are .We should not have to resort to violence to be heard .

sincerely James A Brow
Havre

Boucher

Spencer, Amanda L

From: Allan Macaskill <[REDACTED]>
Sent: August 21, 2020 7:13 PM
To: Aquaculture Administrator
Subject: AQ# 1387

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I am sending this email to express my serious concerns about losing access to even more of our harbor. The Mattie boys (lease number AQ#1387) are liking to expand or move boundaries and none of us Commercial fishermen of Havre Boucher and also no members of Havre Boucher Harbour Authority have been informed about any of it. All of us have used the waterway around the island most every day we fish. I have used the area that the Mattie boys are trying to acquire for 30 years for my oysters and eel pots. And many times i fish my Gasperough nets in that area . The community uses this area every summer as well. There is no need to have found out this way. The Matties should have come to the fishermen and talked about it . I would like to see them succeed but not this way. This cannot go ahead as proposed.

Allen MacAskill

[REDACTED]
[REDACTED] Havre Boucher

Nova Scotia
BOH 1PO

Spencer, Amanda L

From: [REDACTED]
Sent: August 21, 2020 11:58 PM
To: Aquaculture Administrator
Subject: AQ#1387

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To whom may concern,

As president of the Havre Boucher Harbour Authority there has been concerns of the reshaping of the current Oyster Lease in the harbour. First there is history of fishing activities in the harbour and particularly in the new proposed area of that have not been considered or consulted with the fisherman. Second our harbour provides a refuge from tourist/sailboats to take cover from weather and reducing the protected area is a concern for the safety of people. And third a member of our community the owns the land that borders new boundary of lease is in disagreement of the proposal at it will directly affect the value and future usage of the land. And finally our harbour has been used for multiple activities and it looks like the proposed area will limit people access around the island weather it be commercially or recreationally.

Believe further discussion needs to take place with members of our community.

Thanks Larry Meagher
President of Havre BoucherHarbour Authority

[REDACTED]
Havre Boucher NS
B0H1P0
[REDACTED]

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Spencer, Amanda L

From: Roxanne Pelrine [REDACTED]
Sent: August 21, 2020 9:29 PM
To: Aquaculture Administrator
Subject: Havre Boucher Harbour

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We are writing today regarding Matthew and Stephen Mattie, license #AQ1387.

We have just been informed in the last hour that they want to expand or move boundaries in our harbour in Havre Boucher. We own waterfront property near the area and feel this infringes upon the use of public water for not just our family but multiple others in the village and surrounding communities who enjoy fishing, boating, kayaking, canoeing, water skiing and tubing in the harbour and around the island . By granting this request it will cut off access to an area that has been enjoyed by many for decades. It should continue to be accessible to the public for recreational enjoyment.

Regards

Raymond and Roxanne Pelrine
[REDACTED]

East Havre Boucher
Ant.Co, NS
BOH 1PO
[REDACTED]

Sent from my iPad