

# Decision on Application to Amend a Marine Aquaculture Licence and Lease

## Application to the Administrator:

On December 18, 2023, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Aquaculture Licence and Lease #1400 (AQ#1400), as described below:

## Application Summary:

<b>Type:</b> Marine	<b>Size:</b> 15.03 HA
<b>Number:</b> AQ#1400	<b>Cultivation Method:</b> Suspended
<b>Applicant:</b> D’Eon Oyster Company Ltd	
<b>Location:</b> Salt Bay, Yarmouth County	<b>Species:</b> American oyster
<b>Proposed Amendment:</b> Authorize bottom with gear cultivation method	

## Site History:

AQ#1400 was first issued on January 30, 2015, for a ten year term (November 1, 2014 to November 1, 2024). On September 3, 2019, Licence and Lease were amended to change the name from Eel Lake Oyster Farm Ltd. to D’Eon Oyster Company Ltd.

An application to renew the existing licence and lease was also submitted by the applicant. This document applies to the application to amend the existing licence and lease, however some elements are discussed in both decision documents, due to the nature of the proposed development plan.

## Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1400, pursuant to Sections 71-72 of the Aquaculture Licence and Lease Regulations (the “Regulations”). There were no significant concerns raised following the performance review.

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### **Consultations on Application to Administrator:**

AQ#1400 was sent for consultation to the following person(s) group(s) or organization(s) that the Administrator considered necessary in the circumstances, pursuant to subsection 40(2) of the Regulations: Canadian Food Inspection Agency, Department of Fisheries and Oceans Canada, Environment & Climate Change Canada, Canadian Wildlife Services, Transport Canada, Nova Scotia Office of L’nu Affairs, Nova Scotia Communities Culture Tourism and Heritage, Nova Scotia Department of Natural Resources.

### **Public Submissions on Application to Administrator:**

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department’s website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on September 25, 2024.

4 submissions were received by the Department during the 30-day public comment period. Of the submissions received, 2 met the requirements set out in subsection 41(5) of the Regulations and are included with this document.

### **Factors to be Considered (as set out in Section 3 of the Regulations):**

#### *The optimum use of marine resources*

The applicant’s production history has demonstrated proper utilization of marine resources, save for the shallower portions of the site. The applicant’s development plan proposes an optimum use of marine resources by deploying gear to the seafloor of the shallower portions of the site. Review of the file history indicates that the site has had production and employment in recent years. The information in support of the application suggests continued production is planned for this site and continued employment. Department staff will continue to monitor that production plans are implemented as submitted and that the site is utilized for Aquaculture.

#### *The contribution of the proposed operation to community and Provincial economic development*

The species and methods of cultivation authorized for this site are suitable for this area and are expected to be a positive contribution to the local and provincial economy.

Concerns were raised by the public regarding the alleged impact of the current aquaculture site on real property values within the surrounding area. In addition to involving subjective aspects and being speculative in nature, such concerns, it is noted, do not come within the scope of criteria that the Administrator must take into account with respect to this application, further to section 3 of the Regulations. Having said this, of note in this context is Section 57 of the Regulations, which states that “An aquaculture licence holder must conduct their aquacultural operation so as not to deprive any riparian landowner of reasonable access to and from the water

adjacent to the land of the riparian land owner.” (Section 57 of the Regulations is also relevant below, in the context of the public right to navigation.)

*Fishery activities in the public waters surrounding the proposed aquacultural operation*

The review of this application to amend an existing aquaculture licence and lease (with no change to the site boundaries) resulted in no novel impacts identified to the fishery activities in the public waters near the existing site.

*The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation*

The applicant’s development plan has taken into account the oceanographic and biophysical characteristics of the public waters surrounding the existing operation. While there were no outstanding significant issues raised following review or network consultation in respect to this factor, there were several mitigation measures recommended, which have been provided to the applicant along with this decision.

Worthy of note, there was no eelgrass observed to be present in the area that is the subject of this application (to authorize bottom with gear cultivation).

*The other users of the public waters surrounding the proposed aquacultural operation*

The proposed amendment is not expected to have an unacceptable level of impact to wildlife or wildlife habitat, provided that waste material is disposed of properly. The applicant has been provided with strategies to mitigate impact to sensitive species and other migratory birds. Recommendations were provided by several departments or agencies of the Government of Canada and the Government of Nova Scotia, to mitigate any potential impacts to other users including wildlife. These recommendations were shared with the operator.

*The public right of navigation*

The operator is required to adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the Canadian Navigable Waters Act, reference number NPP# 8200-2014-200001.

*The sustainability of wild salmon*

There is no indication that the proposed amendment will pose ecological concerns to, or have an impact on, the sustainability of wild salmon.

*The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation*

Site no. 1400 is located within the central portion of Salt Bay, North of Robert’s Island. There are no other aquaculture sites within this body of water at this time, however, one potential aquaculture site has been identified, site no. 8012, which currently has one or more proposals for a new aquaculture licence and lease (within a designated aquaculture development area) under

assessment, with no decision issued at this time. The nearest aquaculture site with an issued licence and lease, site no. 1087, is located approximately 850 m northeast of this site, resides within Eel Lake and is currently authorized for the suspended cultivation of American oyster. There is no evidence to suggest that the proposed amendment would negatively impact the productivity of other aquaculture sites.

**Decision:**

Based on the factors considered above, the application to amend the existing aquaculture licence and lease no. 1400 to authorize the bottom cultivation with gear method is approved. This decision shall be conditional upon the renewal of the existing licence and lease.

Should the existing licence and lease no. 1400 be renewed, the licence and lease documents shall be prepared in accordance with the Department's standard operating documents and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.



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Robert Ceschiutti  
Aquaculture Administrator  
Nova Scotia Department of Fisheries and Aquaculture

November 5, 2024

Date

## Public Comments Received via Online Submission

Site/File Number	First name	Last name	City/Town/ Community	Comments
AQ#1400	Brenda	LaGrandeur	Belleville North	<p>With a proven track record in producing high-quality oysters Dâ€™Eon Oyster Company aims to continue to meet the ever-growing market demand while maintaining a commitment to environmentally responsible practices. This family owned and operated business is known for producing premium-grade oysters and have established a reputation for quality and innovation in sustainable aquaculture practices. They care about the community and the waterways that their farm is on both to ensure that the business continues for generations to come but also because this is where their family lives. Their commitment to sustainability as shown with their solar powered processing barge and packaging does not go unnoticed. They have become the go-to experts by individuals associations and potential farmers from Nova Scotia and beyond. Their openness to share information and resources comes from a place of both pride and to ensure that other oyster farming sites are as well run as theirs are. Their representation on the Aquaculture Association of NS board also shows their dedication to the sector. My background is in economic development and I feel that Dâ€™Eonâ€™s Oyster Companyâ€™s operations bring large benefits to our regions and provincesâ€™ economy. Through their onsite hiring (job creation) local procurement processes and exporting strengths Dâ€™Eonâ€™s contributes to the production of high-quality sustainably sourced seafood that is part of a growing sector for our region. They do it right and are paving the way for other oyster farmers to do the same and to grow this sector to a place of prominence for our province.</p>

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, warrant, or assume liability 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.

From:

To: [Aquaculture Administrator](#)

Cc:

Subject: Public comment on renewal application for Aquaculture Licence and Lease #1400 (AQ#1400)

Date: October 25, 2024 2:18:49 PM

Importance: High

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**The Nova Scotia Department of Fisheries and Aquaculture invites members of the public to provide written comment on a renewal application for Aquaculture Licence and Lease #1400 (AQ#1400).**

The following is being submitted for consideration towards the renewal of this license and lease. We would respectfully request an opportunity to speak in person to the persons in charge of these decisions or at a hearing of the Aquaculture Review Board to make a presentation and provide pictures and data for consideration towards this application. Can I also please ask that this email be formally shared with the Aquaculture Review board.

My wife Susan and I live at [REDACTED] in Ste Anne Du Ruisseau NS directly across from the Salt Bay location associated with lease and license AQ#1400.

The following are our concerns with the renewal.

If we understand correctly, the applicant (Deons Oysters) seeks a 10 year license and a 20 year lease on the location. This is far too long to approve this license. We were initially told by Deons that the Salt Bay location was a test site. Over the last 10 years, Deons has slowly expanded the site from the Eel Brook side of Salt bay to the center and now continues to take over more of this waterway to the Robert's Island side of the bay. I'm a boater and Deon's site now takes over the center channel (deepest water being about 12' at high tide). I'm forced to navigate closer to the Roberts Island side which has rocks and ledges. It's dangerous. The channel provided by Deons is poorly marked and offers the bare minimum per TC navigation recommendations. Buoys are not marked or colored correctly, and the cultivation equipment now extends into the channel charted by most navigation aids including Simrad, Garmin, Hummingbird, and Navionics. Deons continues to push the boundaries of their location to the ire of residents and the community. Residents continue to reach out to Lee Noce @ the Department of Natural Resources in Tusket to enforce Deons encroachments beyond their site lease. The intent of Deons to further extend their limit is clear with these continuing

actions. It should not be up to the public to monitor or enforce this. Deons compliance history should be factored into the renewal and amendment decision.

We never anticipated this location would exist for the period that it has existed let alone be approved for another 20 years.

Section 3.1 of their application is not accurate. The location is now industrial and unsightly as DFA has allowed the commercialization of this bay that was once enjoyed by local residents and tourists for boating, fishing, canoeing, kayaking, beachcombing and swimming. I know because I'm one of those residents. Residents do not monitor the Gazette or the places you post these applications and therefore you likely receive few comments or concerns. That's by design and it needs to be rectified in your communications plan. As a result, this farm suddenly appeared and the residents were confused with the intent or its purpose, never having a say. Deons stays quiet and pushes the boundaries year to year with more cultivation equipment, now making it an eye sore in our community. The floating harvesting plant is particularly awful to look at from my property. Garbage, ropes, plastics, and more are left behind after Deons processes their oysters. With the proposed amendment, Deons seeks to utilize the tidal areas. What does this mean? All areas in Lobster bay and Salt Bay are tidal. Salt Bay goes from 12' at high tide to 0 feet in many areas. And how will bottom cultivation equipment work in such low tide ranges? Will it be exposed at Low tide? If so this would only add to the unsightly commercialization we now deal with today. We suspect Deons will desire the higher water depths in the center channel to install this new equipment. Boaters need that center channel for navigable access through Salt Bay. We also note this in their application *"placing this pod on the tidal zone allows for the entire pod to be out of the water at low tide and completely submerged during high tide."* Residents do not want to see this unsightly equipment at low tide. Let Deons expand in other areas of Lobster Bay to do this. Not in front of our houses. We would collectively support Deons moving to another location. If they desire extensive expansion then DFA should encourage Deons to move to a larger non residential part of the bay. Not in front of our houses because Deons likes the convenient access close to their home. Deons wants their business in their backyard. Why does DFA continue to entertain this at our expense? DFA can broker an arrangement here that satisfies everyone.

We therefore request that a shorter license and lease of 2 years be granted. This provides an ability to manage unforeseen events and not approve an extension if required due to non compliance of Deons or other events like MSX parasite.

We would also request DFA to encourage Deons to move this site away from residences to other areas of Lobster Bay where no houses exist. DFA has a tendency to approve applications based on the will and desire of the farmers who seek convenient access. (Deons lives across the street from their access road and wharf). That's at the inconvenience of the other residences. We are not anti aquaculture. We would however like to see this industry grow and expand but in a manner that achieves balance between all the stakeholders. DFA has failed here as a regulator. We would like to see DFA encourage applicants to put these

farms in areas that do not interrupt other industries like tourism, rockweeding, and lobster fishing, and placed in non residential areas. We simply ask that you apply the same principles one would see in any city on land seeking to commercialize a neighborhood of private residences.

The following are our concerns with the amendment to allow for bottom cultivation.

We would like to see any studies performed that shows this new bottom cultivation equipment proposed by Deons is safe and will not damage the environment. Deons currently has 3M oysters for processing at its site. Oysters now grow all over the bay and in front of my house. We cannot swim without wearing shoes as the shells cut our feet. Oysters grow on my boat and on my dock/shoreline. They are difficult to remove. It's invasive and this is directly caused by the Deons site in front of my house. I do not support expansion of this location in any manner whether through surface expansion/ size (coming with ADA applications), or through an amendment to extend processing capabilities beyond the current 3M to use bottom cultivation to harvest an additional 5.4M oysters. That's 8.4M Oysters in a small location that can't handle it. Our Bay is already inundated with the cross pollination of oysters and it's a nuisance and is affecting our property valuations. Have studies been conducted to determine whether this bay can withstand an additional capacity of oysters? We are already experiencing an over population of oysters in an ecosystem that was never intended to include this many. We are at and beyond capacity. Deons established similar problems in Eel Lake creating a situation where that ecosystem could not support their desired expansion. Shorelines have been ruined and are now inaccessible in Eel Lake. The local history of Deons consuming our ecosystem for their business is not a good one. I'd like to cover this with pictures in my presentation and an open dialogue for your consideration.

Finally, I would ask you to respectfully consider the situation we find ourselves in. While discovering this application by chance, we have only one day to respond. Several extension requests were denied to give us ample time to prepare a suitable response. This denial is simply another tactic employed in our view to suppress the public's ability to challenge these applications. This ongoing and unfair framework for managing aquaculture expansion in NS will have it's toll on our elected officials. It seems a change in elected officials is our only option to be fairly heard and considered as an equal stakeholder alongside the applicant. Until then, we remain an unequal stakeholder, yet our properties and residences are negatively affected. We are largely being ignored. As part of an open dialogue and presentation, I'd like to show you evidence of our reduced property value due to this aquaculture installation.

Thank you,

Chris Thibedeau and Susan Savriga

[REDACTED]

Ste Anne Du Ruisseau NS, [REDACTED]