

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

## Application to the Administrator:

On June 17, 2024, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to renew Aquaculture Licence and Lease 1387 (AQ#1387), as described below:

## Application Summary:

<b>Type:</b> Marine (Commercial)	<b>Size:</b> 12.11 HA
<b>Number:</b> AQ#1387	<b>Cultivation Method:</b> Suspended cultivation/Bottom cultivation with gear/Bottom cultivation without gear
<b>Applicant:</b> Matthew Mattie & Stephen Mattie	
<b>Location:</b> Havre Boucher, Antigonish County	<b>Species:</b> American oyster
<b>Proposed Term:</b> 10-year Licence / 20-year Lease	

## Site History:

AQ#1387 was first issued to Hugh Mattie and Matthew Mattie on March 5, 2015, for a 10-year term (November 1, 2014, to November 1, 2024) for the bottom without gear and bottom with gear cultivation of American oyster. On April 26, 2018, the licence and lease were assigned to Matthew Mattie and Stephen Mattie. On August 23, 2018, the licence and lease were amended to include the suspended cultivation method. On June 10, 2021, the licence and lease were amended to modify the site boundaries (with no increase in site size).

## Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#1387, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

## 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 December 11, 2024.

Two (2) submissions were received by the Department during the 30-day public comment period. Of the submissions received, both (2) met the requirements set out in subsection 41(5) of the Regulations and are included with this document. It is noted that one member of the public requested the inclusion of several photos with their written comment.

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

*The optimum use of marine resources*

A review of the applicant's production plan and development plan supports the optimum use of the existing leased space. The performance review conducted by the Department indicated that the site has shown consistent production during the previous tenure of the lease.

*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. The applicant uses equipment sourced locally where possible and has committed to use local suppliers where possible.

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

Concerns were raised by the public in regard to local fishers unable to use their licences. As this is an application to renew an existing aquaculture licence and lease, there are no expected novel impacts 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*

There were no anticipated changes identified in the development plan which reflect the oceanographic and biophysical characteristics of the public waters surrounding the existing operation. The site is currently within an open (harvest) area, as classified under the Canadian Shellfish Sanitation Program (CSSP).

Concerns were raised by the public in regard to the impact of the existing site on Eel grass population. The application to renew an existing aquaculture licence and lease is not expected to have any novel impact to Eel grass.

Concerns were raised by the public in regard to water current and erosion. This concern is speculative in nature and therefore shall not be taken under consideration with regard to the decision on this renewal application.

Concerns were raised by the public in regard to the waters being depleted of nutrients. This concern is speculative in nature and therefore shall not be taken under consideration with regard to the decision on this renewal application.

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

As this is an application to renew an existing Aquaculture licence and lease, there are no expected novel impacts to the other users of the public waters near the existing site.

Concerns were raised by the public in regard to the presence of oyster shells along the nearby shoreline, creating difficulty in the public accessing the water. The Department is aware of a prior complaint from the public in May 2023, regarding the presence of oyster shells on the nearby shoreline. A site visit was jointly conducted by the Department of Fisheries and Aquaculture and the Department of Natural Resources (Compliance Officer Services) in July of 2023. The results of the visit indicated that the site was in compliance with legislation and the operator was in compliance with their (Department approved) Farm Management Plan.

Concerns were raised by the public in regard to the transfer of product to the aquaculture site and the impact to existing populations (of bivalves) in terms of viruses and bacteria. Although this concern raised is general in nature and shall not be taken under consideration with regard to the decision on this renewal application, it was deemed prudent for the Aquaculture Administrator to provide a general response regarding programs in place. Approval from the Nova Scotia Introductions and Transfers Committee is required to introduce product from outside of the range of the local waterbody (e.g. Havre Boucher). If product were to be transferred (i.e. “relayed”) from an area classified as “closed” for harvesting under the CSSP to an area classified as “open”, additional regulatory measures are required including, but not limited to, a Management of Contaminated Fisheries Regulations (MCFR) licence issued by the Federal Department of Fisheries and Oceans (DFO). More information on Disease Surveillance and Reporting, and Managing Outbreaks of Disease in Nova Scotia can be found in the *Aquaculture Management Regulations* (available on the Department’s website, <https://novascotia.ca/fish/aquaculture/>).

*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#2013-200020.

Concerns were raised by the public in regard to access to the nearby cove and recreational access in the surrounding area. There are no proposed changes to the existing site boundaries for the renewal of licence and lease no. 1387. It is also noted that Transport Canada has already incorporated a 15 meter gear exclusion area through the site to allow other users access to the shore through a marked navigation corridor.

*The sustainability of wild salmon*

There is no indication that continued operation of the site for shellfish aquaculture will pose ecological concerns 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*

Currently, site no. 1387 is the only site in operation within this body of water, Havre Boucher.

**Decision:**

Based on the factors considered above, Aquaculture Licence #1387 shall be renewed for a period of 10 years (November 2, 2024, to November 1, 2034) and Aquaculture Lease #1387 shall be renewed for a period of 20 years (November 2, 2024 to November 1, 2044).

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*.



Robert Ceschiutti  
Aquaculture Administrator  
Nova Scotia Department of Fisheries and Aquaculture

January 13, 2025

Date

The following 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 submissions, including, but not limited to, the accuracy, reliability, or currency of the information contained in the submissions.

Site/File Number	First name	Last name	City/Town/Community	Comments
AQ # 1387	Monica	Dort	Havre Boucher	<p>I am writing to share my concerns regarding the proposed renewal of Cabot Oyster Farm in Havre Boucher harbour. I have lived in East Havre Boucher my entire life. Growing up we spent a lot of time on the shoreline on the East side of the harbour. The property all along the shoreline belonged to my mother. We would swim enjoy walks on the shore boat and camp. It is difficult for us to enjoy these same activities today due to the damage caused by being host to an oyster farm for the last 10 years. The harbour used to be healthy with lots of eel grass and a variety of natural shellfish; clams mussels and some oysters. Now there is no eel grass and the only shellfish is oysters. The increase in the amount of cormorants isn't healthy. The majority of the time the oyster cages are covered in these birds and bird feces. The cages block the entire entrance to the cove making tidal flushing out difficult thus wearing the shoreline with unnatural erosion. The Oyster farm should have received a violation for having cages well out of zone within the last 2 years. This was hundreds of cages stacked along the shoreline covered in green slime. He washed this green slime off the cages directly in front of our property causing the slime to wash up all along the shoreline while we were having a family weekend camping making it difficult to use the beach and water. I have been trying to be heard regarding the damage being done for almost 2 years. I've been to our MLA who according to a post by the owner of Cabot Oyster arranged to have people come check out the site due to my concerns. They were given a site tour by the owner of oyster farm who also posted nothing was found wrong. I was the one with concerns however I was not given the opportunity to present these concerns when investigating my complaint. I did not feel this was fair. The cages block easy access to our property. They also restrict where we can use the harbour for recreation. The oyster shells pollute the shoreline and the bottom of the harbour. They make it dangerous to walk on the shore and to get in the water difficult for barefoot pets children and inflatable boats/toys. The shells also lay covering the bottom I am told it is normal practice to dump the empty shells back in the water this prevents anything from growing such as eel grass. The shoreline and harbour have taken a beating in the last 10 years. I'm scared to see what the shoreline and harbour will look like if this is permitted to continue for another 10 years. It takes a very long time for oyster shells to go away. Please consider relocating this oyster farm. This would give the shoreline and harbour floor time to recover from the last 10 years of dumping oyster shells and it would give the land owners a chance to use their waterfront property to it's fullest. It would also allow recreational boaters to use the harbour to it's fullest. I have pictures to back up all my claims of how the harbour shoreline and access were before Cabot Oyster and also pictures after over 10 years of Cabot Oyster having a farm in our harbour. There have been drastic changes that may take it a long time to get back to what it was.</p>

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Site/File Number	First name	Last name	City/Town/Community	Comments
#1387 (AQ#1387)	Francis	Carmen Anderson	Havre Boucher	<p>As a resident of the East Havre Boucher property bordering Mattie's Oyster farm I feel that there should not be an oyster farm in Havre Boucher harbour. My family (and ancestors) have lived on this property since 1835. Many of the residents of Havre Boucher have swum in the harbour prior the establishment of the oyster farm. They have not swum in the harbour since the oyster farm was established in Havre Boucher. The water was clean and we had natural water purifiers that filtered the water and removed any pollutants found in the water. There were mussels clams and quahogs. Each adult mussel can filter and clean over 50 litres of water per day. Each adult quahog can clean 90 litres of water a day. Seagrass and seaweed can filter pollutants absorb excess nutrients from runoff and trap sediments helping to increase the clarity and quality of water. We did not and do not need an oyster farm to purify our water. In fact the oyster farm has killed off most of our natural water purifiers. The oyster cages have blocked off a lot of sunlight from reaching the floor of the harbour. This results in the seagrass and seaweed dying. The oysters remove a lot of the nutrients from the water. We have clean nutrient-depleted water. Because of this we have lost the mussels and quahogs which were plentiful in our harbour. We have lost many species of fish that were plentiful in the harbour. Many of our local fishermen have different types of fishing licenses for our harbour but due to an oyster farm owned by a nonresident our local fishermen cannot use their licenses. Our local fishermen are: Ian MacDonald Allan MacAskill Paul DeGruchey Richard Melong Nicholas Vink Wally Brow Larry Meagher Brad Melong Jimmy Brow Sandy Webb Danny Wood John Fougere Anthony Guthro Havre Boucher harbour had a diverse number of molluscan species including scallops quahogs razor clams mussels and American oysters. Native American oysters have been measured with a shell length of 27cm with an estimated summer growth ring count aging over 60 years. Introduction of different populations of American oysters breeding with existing strains within the harbour is of concern. Introduction of new populations threatens existing populations for viruses and transfer of bacterial load. Introduction of disease that is not typically screened can threaten native populations. Transfer of diseases in Bras d'or Lakes with MSX and PEI with Malepaque disease have demonstrated how populations can be impacted. Havre Boucher Brook feeds into Havre Boucher Harbour and has been a historical site of Atlantic salmon (Salmo salar). Prior to 1992 Atlantic salmon have been caught recreationally along Havre Boucher Brook preceding Black Bridge; and commercially outside the limits of Havre Boucher Harbour. While the Atlantic salmon status in this area is currently unknown the threat of obstructing a historical salmon run pathway is of concern. Suspended cages result in shifts in currents within water systems. The existing site has potentially shifted the currents within Havre Boucher harbour generating anoxic dead-zones where even robust species such as rockweed Fucus sp. have been unable to thrive. Canadian Navigable Waters Act by Transport Canada includes the right to navigate boats (whether they are motorized canoes or kayaks) through waterways. The oyster farm impedes access for sailboats and recreational paddlers; the proposed Marine Shellfish Lease covers a registered anchor site through Transport Canada. The proposed area is registered with Transport Canada as an anchorage site. This site has been used for over a century as a refuge location for sailboats. Havre Boucher is the last harbour prior to passing the Canso Canal and serves as a vital location during storms. This site is nationally recognized and identified through various sailing platforms The Aquaculture lease constructs water passage problems and poses a danger to recreational boaters. The proposed site is commonly used by canoers kayakers and paddle boarders throughout the community; with Crispo's Island being a point of destination. The site is preferred by recreational users due to the boat launch access and protection within the harbour from strong winds. Youth within the community will learn to paddle within this area. The proposed site will interfere with safest route for paddlers posing danger for youth trying to reach shore. Being in a rural community with limited available activities it is vital that recreational boating is accessible for both mental and physical well-being.</p>













