

Decision – Application to Administrator

Application Summary:

Application Reference Number:	REF#542
Aquaculture Site Number:	AQ#0904
Application Class:	Class II
Application Type:	Renewal
Abstract:	Application to Renew Aquaculture Licence No. 0904
Applicant Name:	Bill & Stanley Oyster Company Ltd.
Date Received by Department:	July 7, 2025
Location:	Whitehead Harbour
County:	Guysborough County
Site Type:	Marine
Operation Type:	Commercial

Current Licence Information:

Site Size (in hectares):	8.45 Ha
Method(s) of Cultivation:	Suspended
Species:	Giant Sea Scallops, Blue Mussel, American Oyster
Term of Licence:	February 13, 2016, to February 13, 2026
Term of Lease:	February 13, 2016, to February 13, 2036

Decision:

Decision Issued:	Approved
Signature and Date:	 July 28, 2026 Bruce Hancock, Aquaculture Administrator

Definitions:

The following are terms, acronyms and definitions that may appear in this document:

Act means the Nova Scotia *Fisheries and Coastal Resources Act*

Department means the Nova Scotia Department of Fisheries and Aquaculture

Regulations means the Nova Scotia *Aquaculture Licence and Lease Regulations*

Site History:

Aquaculture licence no.0904 was first licensed by the Province on February 14, 1996, for a 10 year term, from February 14, 1996, to February 14, 2006, for the suspended cultivation of Giant Sea Scallops, American Oyster on a 8.45-hectare site located in Whitehead Harbour, Guysborough County. June 18, 2001, assignment to 2382144 Nova Scotia Ltd. October 1, 2002, Amendment to add Blue Mussel. February 7, 2006, Renewal new term February 14, 2006, to February 14, 2011. September 17, 2008, Assignment to Atlantic Aqua Farms Partnership. January 11, 2012, Renewal February 14, 2011, to February 13, 2016. February 13, 2014, Assignment to Bill & Stanley Oyster Company Ltd. May 29, 2014, Amendment to add American Oyster. May 3, 2016, Renewal Licence February 13, 2016, to February 13, 2026. Lease February 13, 2016, to February 13, 2036. August 14, 2018, Amendment New Schedule B. September 23, 2019, Amendment Rainbow Trout WITHDRAWN.

Outcomes of Compliance Review:

Pursuant to Section 33 of the Regulations, the Administrator (or an appointed employee) must conduct a compliance review of the applicant in accordance with Sections 86 and 87 of the Regulations.

The compliance review identified historical compliance matters, including complaints reported in 2017, a warning issued in 2023, and recent lease boundary compliance issues identified through departmental inspections. None of these matters resulted in charges, convictions, summary offence tickets, or formal enforcement referrals, and the operator has taken steps to address identified boundary issues through pending administrative amendment applications. No concerns were identified through the Compliance History Report or Justice database review. As a result, the Administrator determined that the matters identified do not raise significant concerns.

Outcomes of Performance Review:

Pursuant to Section 34 of the Regulations, the Administrator (or an appointed employee) must conduct a performance review of the associated aquaculture site in accordance with Sections 89 and 90 of the Regulations.

The performance review determined that the site continues to be actively utilized as part of the applicant's aquaculture operation and serves as a seasonal storage and sales site for market-sized shellfish during periods when other growing areas may be inaccessible due to ice conditions. Available production reporting and site information support the continued use of the site for aquaculture purposes. The review also confirmed that no prior notices, warnings, or other actions have been issued by the Administrator concerning the productivity of the site. Accordingly, no actions were deemed necessary as a result of the performance review.

Consultations on Application to Administrator:

Pursuant to Clause 32(a) of the Regulations, the Administrator must undertake consultations with any of the following as required under the laws of the Province or of Canada with respect to the application:

- A department or agency of the Government of Nova Scotia
- A department or agency of the Government of Canada

As such, consultations were undertaken with the following departments or agencies:

Government of Nova Scotia:

- Department of Fisheries and Aquaculture

Public Submissions on Application to Administrator:

Pursuant to Clause 32(c) of the Regulations, the Administrator must undertake consultations with the public, in the manner provided in Section 43 of the Regulations.

Pursuant to Section 43 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 a 30-day period, from December 24, 2025 (at 12:00 AM), and ended on January 23, 2026 (at 11:59PM).

There were no written submissions received by the Department during the 30-day public comment period.

Factors to be Considered:

Under Section 17(1) of the Regulations, in making decisions related to marine aquaculture sites, the Administrator must take into consideration the optimum use of marine resources, as determined by taking into consideration the following factors only:

- a) The contribution of the proposed operation to community and Provincial economic development;
- b) Fishery activities in the public waters surrounding the proposed aquacultural operation;
- c) The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- d) The other users of the public waters surrounding the proposed aquacultural operation;
- e) The public right of navigation;
- f) For marine finfish applications, the sustainability of wild salmon; and
- g) The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

All of the above factors have been taken into consideration prior to making the decision on this application.

The following is a summary of the outcomes of the Departmental review and any consultation undertaken (where indicated above). This summary is not intended to be an exhaustive account of the results following review and consultation.

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

The Administrator considered the contribution of the proposed renewal to community and Provincial economic development. The applicant's development plan describes Aquaculture Licence No. 0904 as a strategic component of the company's shellfish operation in Whitehead Harbour, used to store market-ready oysters in proximity to the company's processing facility. The development plan further states that the processing and packing plant employs year-round staff, with additional seasonal water-based employment, and that the site supports continued product availability during periods when other areas may be affected by ice conditions.

The Administrator is satisfied that renewal of the existing licence would support continuity of the applicant's existing shellfish operations and associated employment and processing activity. As the application is for

renewal of an existing licensed site, and does not propose a change in site size, species, or method of cultivation, the contribution to local and Provincial economic activity is expected to remain consistent with the existing operation.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The Administrator considered fishery activities in the public waters surrounding the existing aquaculture operation. The applicant's development plan states that Aquaculture Licence No. 0904 is positioned east of the normal navigation corridor in Whitehead Harbour, that vessel traffic in the area is described as exceptionally light except during the traditional lobster season, and that two local lobster fishers fish several strings of traps close to shore on the eastern side of the harbour, clear of the lease. The development plan further states that there is no other commercial fishing activity in the area.

As this is an application to renew an existing aquaculture licence and lease, and there is no indication in the materials reviewed that the renewal would alter the existing footprint or nature of the operation, the Administrator is satisfied that renewal is not expected to result in additional adverse effects on fishery activities in the public waters surrounding the site.

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

The Administrator considered the oceanographic and biophysical characteristics of the public waters surrounding Aquaculture Licence No. 0904. The applicant's development plan states that the site is used primarily for the temporary holding of market-ready oysters, particularly during the period when other storage areas may be affected by ice conditions. The plan also states that the site's ice-free characteristics and proximity to the processing plant make it suitable for nearshore storage of market-ready oysters.

The development plan further states that product is generally deployed to the site once the main nearshore storage lease reaches capacity in October and is harvested and sold by the beginning of April. It also states that the area is monitored for biotoxins by CFIA, and that the Plant Manager and Area Bay Manager are responsible for ensuring that harvests occur from open and approved waters.

Based on the materials reviewed, the Administrator is satisfied that the applicant has considered the oceanographic and biophysical characteristics of the surrounding public waters in relation to the continued operation of the site. The Administrator is further satisfied that the proposed renewal does not identify a change in the nature of the existing operation that would alter the Department's consideration of this factor.

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

The Administrator considered other users of the public waters surrounding the existing aquaculture operation. The applicant's development plan states that there are no other users of the waters surrounding the lease site, and identifies the presence of seals and periodic visits by basking sharks or whales, while stating that these have not caused concern for the lease operation.

The public consultation report states that no written comments were received from the public through the consultation process. Accordingly, no public submissions were available to identify concerns from other users of the public waters surrounding the site.

As this is an application to renew an existing licence and lease, and the materials reviewed do not identify new or unresolved concerns from other users of the public waters, the Administrator is satisfied that renewal is not expected to adversely affect other users of the surrounding public waters.

The public right of navigation

The Administrator considered the public right of navigation. The applicant's development plan states that Aquaculture Licence No. 0904 is located outside the normal navigation route to and from the public wharf in Whitehead Harbour. The development plan further states that the site is marked when in use and that, when not in use, gear is sunk below the surface to avoid impacts on marine traffic.

The development plan includes a lease layout showing lines, spacing, and navigation corridors for the site.

The draft decision notes that the operator is required to adhere to site-marking requirements associated with the Transport Canada Notice of Works under the Canadian Navigable Waters Act, reference number NPP#8200-95-3026.

Based on the materials reviewed, the Administrator is satisfied that renewal of the existing licence and lease is not expected to adversely affect the public right of navigation, provided that the operator continues to comply with all applicable site-marking and navigation-related requirements.

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

The Administrator considered the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation. Aquaculture Site No. 0904 forms part of a network of shellfish aquaculture sites operated by the applicant within Whitehead Harbour and surrounding waters. The performance review determined that the site continues to be utilized for the storage and marketing of shellfish inventory and remains an active component of the applicant's operation. No information was identified during the review indicating that renewal of the licence would negatively affect the productivity of other aquaculture sites in the surrounding area. The Administrator is therefore satisfied that renewal of Aquaculture Licence No. 0904 is consistent with the continued productivity of aquaculture operations within Whitehead Harbour.

Decision:

Having considered the application, the factors prescribed by subsection 17(1) of the Regulations, the compliance review, the performance review, and the outcomes of public consultation, I am satisfied that renewal of Aquaculture Licence No. 0904 is consistent with the optimum use of marine resources. Accordingly, pursuant to Section 35 of the Aquaculture Licence and Lease Regulations, the application to renew Aquaculture Licence No. 0904 is approved.

The licence shall be renewed for a term of ten (10) years from February 14, 2026 to February 13, 2036

Modifications:

No modifications to the licence are required as a condition of this renewal.

Implementation:

The licence documents shall be prepared in accordance with the Department's standard operating documents. The decision shall be deemed implemented once the licence documents have been signed by all parties. The licence shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*, once the decision has been implemented.