

## Decision – Application to Administrator

### Application Summary:

<b>Application Reference Number:</b>	REF#557
<b>Aquaculture Site Number:</b>	AQ#0455
<b>Application Class:</b>	Class III
<b>Application Type:</b>	Assignment
<b>Abstract:</b>	Application to assign licence and lease no. 0455 to Joe MacPherson
<b>Applicant Name:</b>	Estate of Joseph D. MacPherson
<b>Date Received by Department:</b>	August 5, 2025
<b>Location:</b>	East Bay
<b>County:</b>	Cape Breton
<b>Site Type:</b>	Marine
<b>Operation Type:</b>	Commercial

### Current Licence / Lease Information:

<b>Site Size (in hectares):</b>	0.83
<b>Method(s) of Cultivation:</b>	Bottom without gear
<b>Species:</b>	American oyster
<b>Term of Licence:</b>	February 13, 2016 to February 13, 2026
<b>Term of Lease:</b>	February 13, 2016 to February 13, 2036

### Decision:

<b>Decision Issued:</b>	Approved
<b>Signature and Date:</b>	Robert Ceschiutti, 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 and lease no. 0455 was initially issued to Joseph D. MacPherson on February 13, 1996, for a 10-year term (February 13, 1996 to February 13, 2006), for the bottom without gear cultivation of American oyster, on a 0.83 hectare site located in East Bay, Cape Breton County. In February, 2006, the licence and lease were renewed for a 5-year term (February 13, 2006 to February 13, 2011). In February, 2011, the licence and lease were renewed for a 5-year term (February 13, 2011 to February 12, 2016). In May, 2016, the licence was renewed for a 10-year term (February 13, 2016 to February 13, 2026) and the lease was renewed for a 20-year term (February 13, 2016 to February 13, 2036).

## **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

With respect to this assignment application, no consultations were required to be undertaken pursuant to Clause 32(a) of the Regulations.

## **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;
- 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 optimum use of marine resources***

On August 5, 2021, the Department requested that The Estate of Joseph D. MacPherson confirm the intentions of the Estate with respect to the Licence/Lease. This could take one of three forms:

1. Continue to hold the Licence/Lease and to operate Aquaculture Site No. 0455 in accordance with the terms and conditions of the Licence/Lease, until administration of the Estate is complete, and Estate assets are distributed;
2. Applying to assign the Licence/Lease to another individual or company; or

3. Request revocation (cancellation) of the Licence/Lease (as part of discontinuing operations at Aquaculture Site No. 0455).

On August 5, 2025, the Estate responded to the Department with a completed application to assign the licence and lease to Joe MacPherson. As this is an application to assign an existing Aquaculture licence and lease, there are no expected novel impacts to the use of marine resources.

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

The application to assign this site did not appear to have any novel impacts (positive or negative) to the economic development of the community or Province.

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

This application to assign an existing aquaculture licence and lease contained 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*

The species and methods of cultivation authorized for this site are suitable for this area.

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

This application to assign an existing Aquaculture licence and lease contained no expected novel impacts to the other users of the public waters near the existing site.

#### *The public right of navigation*

This application to assign an existing Aquaculture licence and lease contained no expected novel impacts to the public's right of navigation. Because there are no major or minor works to be installed by the operator, there are no requirements for approvals under the Canadian Navigable Waters Act.

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

Aquaculture site no. 0455 is located within the eastern portion of East Bay. There are currently no other marine aquaculture sites in this area. There is no evidence to suggest that the assignment of this licence and lease would negatively impact the productivity of other aquaculture sites.

#### **Decision:**

Based on the factors considered above, the application to assign licence and lease no. 0455 is hereby approved.

#### *Implementation:*

The licence and lease documents shall be prepared in accordance with the Department's standard operating documents. The decision shall be deemed implemented once the licence and lease documents have been signed by all parties. The licence and lease 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.