

Decision – Application to Administrator

Application Summary:

Application Reference Number:	REF#626
Aquaculture Site Number:	AQ#1086
Application Class:	Class III
Application Type:	Amendment
Abstract:	ALLR s. 42 application to amend licence and lease site boundaries to encompass identified out-of-bounds aquaculture equipment.
Applicant Name:	ShanDaph Oyster Co. Inc.
Date Received by Department:	February 4, 2026
Location:	Merigomish Harbour
County:	Pictou
Site Type:	Marine
Operation Type:	Commercial

Current Licence / Lease Information:

Site Size (in hectares):	1.94
Method(s) of Cultivation:	Suspended and Bottom
Species:	American oyster, Bay scallop, Bay quahog and Razor clam
Term of Licence:	November 8, 2018 to November 8, 2028
Term of Lease:	November 8, 2018 to November 8, 2038

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 and Lease no. 1086 was first issued to Philip Docker on November 9, 1998, for a five-year term (November 9, 1998, to November 9, 2003) for the suspended cultivation of American Oyster on a 2.00-hectare site located in Merigomish Harbour, Pictou County. Licence and Lease were amended on June 28, 2000, to extend the term for an additional five years thus amending the expiration date of November 9, 2008. Licence and Lease were amended on June 28, 2002, to authorize the cultivation of Bay scallop. Licence and Lease were amended on May 25, 2004, to authorize the cultivation of Bay quahog. Licence and Lease were renewed on November 6, 2008, for five-year term (November 9, 2008, to November 8, 2013). Licence and Lease were renewed on November 15, 2013, for a five-year term (November 8, 2013, November 8, 2018). Licence and Lease were amended on September 22, 2015, to authorize the cultivation of Razor clams. Licence was renewed on December 13, 2018, for a ten-year term from November 8, 2018, to November 8, 2028, and Lease was renewed on December 13, 2018, for a twenty-year term from November 8, 2018, to November 8, 2038. Licence and Lease were amended on March 29, 2021, to change the name from Philip Docker to Shandaph Oyster Co. Inc.

Consultations on Application to Administrator:

Pursuant to Clause 38(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 Class III application, no consultations were required to be undertaken pursuant to Clause 38(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 contribution of the proposed operation to community and Provincial economic development

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to have any novel impacts (positive or negative) to the economic development of the community or Province given the site is actively operated in its current location.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to result in novel impacts to the fishery activities in the public waters near the existing site, as the site operations have taken place in its current location and new, unused area is not being applied for.

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 and are demonstrated through the on-going production of shellfish at this site.

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

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to result in novel impacts to other users of the public waters near the existing site, as the site operations have taken place in its current location and new, unused area is not being applied for.

The public right of navigation

The application to amend the site boundaries of this existing aquaculture licence and lease is not expected to impact to the public's right of navigation. Upon approval of applications to amend site boundaries where aquaculture gear (containment equipment) is used, licence holders are required to obtain and adhere to a Navigation Protection Program Approval issued by Transport Canada under the Canadian Navigable Waters Act. The Transport Canada Approval will indicate the site marking requirements to protect public navigation.

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

Aquaculture site no. 1086 is located in Merigomish Harbour. There is currently a total of 11 marine aquaculture sites in Merigomish Harbour. There is no evidence to suggest that the amendment of this licence and lease would negatively impact the productivity of other aquaculture sites.

The information on file supports that the scope of the requested boundary amendment is reasonably necessary to ensure that existing aquaculture equipment is located within the proposed boundaries of the aquaculture site.

Decision:

In determination of the optimum use of marine resources, based on a review of the application that considers the seven regulated factors, the application to amend licence and lease no. 1086 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.