

Findings and Decision - Renewal Application of Bill & Stanley Oyster Company Ltd. for AQ#0839

1. Overview:

On July 8, 2019, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bill & Stanley Oyster Company Ltd. to renew Aquaculture Licence and Lease #0839 (AQ#0839), as described below:

Table 1. Description of Aquaculture Licence and Lease #0839

Type: Marine	Size: 14.75 HA
Number: AQ#0839	Cultivation Method: Suspended cultivation
Applicant: Bill & Stanley Oyster Company Ltd	Species: Blue mussel and American oyster
Location: Whitehead Harbour, Guysborough County	Proposed Term: 10-year Licence/20 year Lease

2. History

AQ#0839 was first issued on May 18, 1995 for a ten-year term (May 22, 1995 to May 22, 2005). AQ#0839 was assigned on September 8, 1997 from Patrick Conway to Scotia Sea Farms Ltd. AQ#0839 was assigned on October 8, 2003 from Scotia Sea Farms Ltd. to 2382144 Nova Scotia Ltd. AQ#0839 was renewed on April 21, 2005 for a five-year term (May 22, 2005 to May 22, 2010). AQ#0839 was assigned on September 17, 2008 from 2382144 Nova Scotia Ltd. to Atlantic Aqua Farms Partnership. AQ#0839 was renewed on February 2, 2011 for a five-year term (May 22, 2010 to May 21, 2015). AQ#0839 was assigned on February 23, 2014 from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. AQ#0839 was amended on May 29th, 2014 to authorize the cultivation of American oyster. AQ#0839 was renewed on July 14, 2015 for a five-year term (May 21, 2015 to May 21, 2020).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations and was completed on April 14, 2020.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#0839 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of January 9, 2020 to February 7, 2020. Notice of the application was also published in the Royal Gazette Part I on January 9, 16, 23, 30 and February 6, 2020.

3.3 Submissions

Zero submissions were received by NSDFA during the 30-day public comment period.

4. Factors to be considered

AQ#0839 is an integral component of the operators multi-site aquaculture operation in Guysborough County. The operation intends to primarily produce American oysters. Bill & Stanley Oyster Company Ltd. also operates a licensed processing facility. Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. There is no evidence that the renewal of AQ#0839 will have impacts on the sustainability of wild salmon. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#0839 is authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. Section 55 of the Licence and Lease Regulations requires an aquaculture licence holder to mark each of their sites in a manner determined by the Minister and keep each site marked during the term of their licence. Furthermore, AQ#0839 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

The Farm Operations section of the Farm Management Plan for AQ#0839 will require the operator to indicate how they will operate AQ#0839 in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#0839, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#0839 is one of nine sites issued to Bill & Stanley Oyster Company Ltd. in Whitehead Harbour. AQ#0839 is located near Harbour Island. The nearest aquaculture sites to AQ#0839 are AQ#1091, AQ#0613 and AQ#1114, with an additional five sites also issued in other areas of Whitehead Harbour. The physical separation of AQ#0839 from the shoreline and neighboring aquaculture sites provides for multiple corridors within the harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence #0839 shall be renewed for a period of 10 years (May 21, 2020 to May 21, 2030) and Aquaculture Lease #0839 shall be renewed for a period of 20 years (May 21, 2020 to May 21, 2040).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

6. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter;
- b) mark all corners of the leased bottom with a cement block of similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence or lease number on 1 corner of the licenses or leased area.



May 7, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date