

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than ***ten calendar (10) days*** after the publication date of the public hearing notice. You may attach additional pages if necessary.

Intervenor Status Applications will only be processed if they are received by the Board on or before 4:30 pm (local Nova Scotia time) on the deadline date, without leave of the Board.

A person applying for intervenor status for more than one application must complete and submit individual Intervenor Status Applications forms for each application.

Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

All information provided to the Board on this form and any additional pages submitted (the "form information") will become a part of the record of the hearing. Should your application for intervenor status be accepted, the form information will be disclosed to the other parties to the hearing.

You are also advised that the form information may be subject to an access request under the *Freedom of Information and Protection of Privacy Act* ("FOIPOP") and may, as a result, be released unless the information is exempt from disclosure under FOIPOP.

Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address:
(if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

The applicant has chosen Site 2 in Antigonish Harbour and this site is directly in front of our property.
The southern end of the 20 hectare farm will be about 200 meters off our shore.
We are able to see the proposed farm from our house.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

During the spring, summer and fall we kayak in the area covered by the two leases.

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

During the spring, summer and fall we regularly kayak in the areas surrounding the proposed lease sites.
As a member of the Antigonish Boat Club I have also led tours for members in the harbour.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

I know that many of my neighbours, many of whom live further away from the proposed lease site, have applied for intervenor status. I understand they are opposed to this proposal. Some have formed a group called Friends of Antigonish Harbour. I have listened to many of their objections and I disagree with how they characterize the effect of this oyster farm on our neighbourhood. I was asked to join Town Point Oyster's Community Liaison Committee and have done extensive research into the proposal and the objections to it. I fully support the application and feel that if my neighbours are allowed intervenor status then I should as well as I wish to question their assertions.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

Marc Genuist Digitally signed by Marc Genuist
Date: 2023.01.03 08:44:41 -04'00'

Signature of Applicant

Jan 3 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

23 (1) *A person may request intervenor status from the Review Board.*

(2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*

(3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*

(4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*

(5) *A decision made by the Review Board with respect to intervenor status is final.*

(6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

NSARB-2022-INT-002

From: [Mike MacDonald](#)
To: [Aquaculture Review Board](#)
Subject: Intervenor application Mike MacDonald
Date: February 20, 2023 10:20:24 PM

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

Exercise caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

Greeting,

Please accept the attached as my application to be an intervenor for lease #1442, #1443 and #1444.

Thanks
Mike MacDonald

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

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Application

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Lease Number: Hearing Date:

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3. Civic Address:

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Revision Date: June 2018 1

Nova Scotia Aquaculture Review Board
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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

I was born and grew up in Antigonish, and as a youth spent time sailing, boating, and fishing in and around Antigonish Harbour. As with many youths in this area, when I finished my education, I worked in other locations in Nova Scotia and Canada but always considered Antigonish my home. When my wife and I began planning for retirement, we chose to buy land on Antigonish Harbour for its natural beauty and the opportunity it provides for recreational activities in the surrounding nature. We built our house in Grahams cove on the harbour, and it is less than 1km from two of the proposed lease sites. We have been living here for over 5 years, but for many years before our retirement we used it as a vacation spot and place of relaxation. One of our favourite activities is to kayak on the harbour and of important note is that we travel from our back door to Dunn's beach by kayak and spend the day there enjoying the absolute tranquility and beauty of the area. Two of these leases eliminate the route which we use to get to the beach. And more importantly they destroy the natural beauty of the area. We would be paddling in an industrial site, and not in nature. The rejuvenating effect of being in nature would be lost. I have in the past been a salmon / trout fly fisher, and although I have not done it lately, since I am now retired, I plan to resume this activity. I am genuinely concerned about the effect this operation will have on the fragile salmon population. Furthermore, future recreation uses of the harbour may be impacted due to the industrialization of the harbour. If the industrialization of the harbour is too great, then I may have to reconsider whether living on the harbour provides the peace and tranquility that I seek. Therefore, I need to be considered as an Intervenor.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

All our uses of the harbour are recreational. We have 2 kayaks, a small motorboat and access to ATVs. We kayak, boat, walk the shore, and occasionally swim in the harbour. During the winter we snowshoe, hike or ATV on the ice. Together these activities cross over all 3 lease areas. The harbour is also a beautiful area to view the abundance of wildlife that pass through here at different times of the year.

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

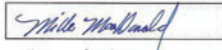
All our uses of the harbour are recreational. We have 2 kayaks, a small motorboat and access to ATVs. We kayak, boat, walk the shore, and occasionally swim in the harbour. During the winter we snowshoe, hike or ATV on the ice. Together these activities cross over all 3 lease areas. The harbour is also a beautiful area to view the abundance of wildlife that pass through here at different times of the year.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

I have joined the Friends of Antigonish Harbour to try and protect the harbour from any inappropriate use of this valuable resource. It is a pristine harbour and as such, any significant commercial or recreational use of the harbour must balance the benefit vs the risk. In this case, I was initially not against this venture however upon investigation, I found the risks of this project were minimized and dismissed by the proponent. For examples, the eelgrass and water depth are important considerations, especially since the leases will experience ice cover in winter, however these concerns were minimized and dismissed by the proponent. Consequently, I changed my position and now consider that the benefits are concentrated with a small group of individuals while the risks are borne by the surrounding community (both recreational and commercial) and wild life that use and enjoy the harbour.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

2023-02-20

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision: Approved Denied

Applicant Notification Sent: _____

Decision Date: _____

Decision Notes: _____

Notification to Parties Sent: _____

NSARB-2022-INT-003

From: [Mike MacDonald](#)
To: [Aquaculture Review Board](#); [seagardenretreatinc](#)
Subject: ARB hearing 1442, 1443, 1444 -application for intervenor status
Date: February 11, 2023 9:32:17 PM

**** EXTERNAL EMAIL / COURRIEL EXTERNE ****

Exercise caution when opening attachments or clicking on links / Faites preuve de prudence si vous ouvrez une pièce jointe ou cliquez sur un lien

Hello,

On behalf of Manfred Goring, I am submitting his updated application for intervenor status for the Town Point Consulting Inc oyster lease and license. #1442, #1443, and #1444. The original application omitted the Name of the Applicant. Attached is a scan of his applications.

Please let Mr. Goring know if there are any omissions in this application.

Best Regards

Mike MacDonald

INTERVENOR STATUS APPLICATION

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. (Print clearly or type).

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: 1442, 1443, 1444 Hearing Date: Apr. 24-28

2. Name of Applicant: Manfred E. Gorring

3. Civic Address: Harbour Center, N.S.

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*: @Gmail.com

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

see attached document

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

recreational uses.

- sailing
- kayaking
- canoeing
- rowboating
- motorboating
- swimming
- bird watching

Item 8

Feb. 8/2023

I, Manfred E. Goring own about 17.5 acres of land including 2 dwellings with approx. 2,000 (two thousand) ft of water front, on Town Point. I am also the President of Seagarden Retreat incorporated which owns 2.5 acres and has 2 rental cottages on that property. About 700' (ft) of my shoreline is located directly across from the proposed lease or leases. Myself, my significant other, and my tenants use this particular water-front for many kinds of water activities. We are concerned about the following issues.

- restricted access for recreational purposes to the proposed sites.
- negative visual impact to any other-wise completely natural land and water scape.
- noise & smell from maintenance and processing activities of oystermatic equipment.
- possible negative effects of the strings of oyster pots on water clarity and the destruction of eelgrass beds.
- the disposal of hot seawater debridement bath treatment.

Nova Scotia Aquaculture Review Board
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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

recreation uses
-sailing
-kayaking
-canoeing
-row boating
-motor boating
-bird watching
-swimming

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

I was a founding member of the Antigonish Harbour Watershed Association.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.


Signature of Applicant

Feb 1, 2023
Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

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In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:

- (a) the optimum use of marine resources;*
- (b) the contribution of the proposed operation to community and Provincial economic development;*
- (c) fishery activities in the public waters surrounding the proposed aquacultural operation;*
- (d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;*
- (e) the other users of the public waters surrounding the proposed aquacultural operation;*
- (f) the public right of navigation;*
- (g) the sustainability of wild salmon;*
- (h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;*

Nova Scotia Aquaculture Review Board
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NSARB-2022-INT-005

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INTERVENOR STATUS APPLICATION

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Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

The Community Liaison Committee (CLC) is made up of a number of people who are directly and indirectly affected by this proposal. The committee includes people who live on the Antigonish Harbour; fish either commercially or recreationally in the Harbour; use the Antigonish Harbour for recreation, sailing and kayaking and conduct academic research in the Harbour.

The Committee members are interested in the impact that this project will have on the Antigonish Harbour, the immediate community, the Antigonish area, and the province of Nova Scotia. This committee includes Counsellors from the Municipality of the County of Antigonish, a local fisher, 2 residents who live on Antigonish Harbour, 2 members from the Antigonish boat Club, a St. Francis of Xavier professor, the former CAO for the Town of Antigonish and concerned citizens.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

For the members of the Antigonish Boat Club, the main users are sailing, canoeing or kayaking. The proposed oyster farm will not adversely affect those kayaking or canoeing, because the proposed oyster beds will allow kayaks and canoes to travel through these sections. With respect to those sailing, where the proposed oyster beds are located it is generally too shallow during low tides for sailors to traverse. Therefore those sailing tend to avoid those areas. Similarly, motorboats tend to avoid the proposed sites as well because of the depth.

In addition, oyster aquaculture operations have been used elsewhere in North America to clean up harbours. For most of the year, the water in the Antigonish harbour is murky and it is difficult to see the bottom. It is expected that the oyster farm will help clean the harbour which will benefit those boating on the harbour. Denial of these applications will directly affect boat club members.

The commercial and recreational fishers do not see any conflict in sharing the harbour with the oyster farm.

A St. Francis Xavier professor has been able to access research funds to study among other goals some of the areas that will be used by the oyster farm. That work has concluded that there does not appear to be any environmental concerns due to the proposed farm. However, the research is expected to continue once the farm is operating and will lead to an even better understanding of how oyster farms impact the local environment. These studies are planned to continue should the lease applications be approved. If this does not happen, the studies will cease causing the university to lose a valuable research opportunity. This is a direct and substantial impact.

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

The proposed oyster farm will have a positive impact on economic development in the Antigonish area. These are both direct economic benefits and indirect economic benefits. This includes the actual development of the oyster farm and the staff to operate the operation and distribute the product. As a consequence of this operation, there will be a number of indirect economic benefits with the commercial activities required to support this oyster farm. In addition, the members of the committee who are councillors for the Municipality of the County of Antigonish say it will increase the commercial tax base.

Existing uses of the area surrounding the proposed lease areas by members of the Community Liaison Committee are both commercial and recreational. Two CLC members belong to the Antigonish Boat Club and are avid boaters frequently on Antigonish Harbour, one member is a commercial fisher who owns a bait fishery license within Antigonish Harbour, one member is an avid kayaker on the harbour, others are occasional recreational harbour users. Two members duck hunt and fish the surrounding waters.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

The CLC was established as an arms-length committee of community leaders who volunteered to provide an opportunity for open dialogue between Town Point Oysters and local communities. The recruitment of committee members was done following NSDOE guidelines and was an open, publicly advertised process. All applicants were accepted to serve. It was set up with the goal of bringing together people who might be directly or substantially affected by this development. The members wanted to ensure that they as well as the public had access to fact-based and scientific information on the oyster aquaculture operation proposed by Town Point Oysters. The group met with Town Point Oysters' management team, consulted experts and researched many of the issues raised by the possible development.

To facilitate a good flow of information, we have established a website (<https://www.antigonishoysterclc.com/>) and a FaceBook page (<https://www.facebook.com/AntigonishOysterCLC/>), where we believe we have addressed most of the concerns raised by various interest groups. Please visit these sites to learn more about committee members, read meeting minutes, view a video of a recent CLC public meeting and review extensive responses to known concerns.

In addition, the CLC held a Public Meeting held on August 23, 2021, where 59 citizens attended and we were able to invite TownPoint Oysters and those opposed to the proposal to present their views. This facilitated a healthy discussion and cleared up a number of misconceptions on the proposal, so that the public could make an informed decision.

It is our view that the Town Point Oysters project stands on its own merits. However, we understand that a small group of vocal opponents to the project has asked for intervenor status. In response to that we believe that the CLC as intervenor can provide the board with a well rounded synthesis of what many people in Antigonish with a direct and substantial stake in this development believe. We would welcome the opportunity to correct any misinformation that may be presented during the upcoming public hearings.

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Stephen Feist Digitally signed by Stephen Feist
Date: 2023.02.17 18:03:46 -04'00'

Signature of Applicant

Feb. 17, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

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(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

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Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

- Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

- Name of Applicant:
- Civic Address:
- Mailing Address: (if different than above)
- Phone Number(s):
- Email Address*:

- Preferred method of communication: email* Mail Other: _____
 *Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

The Antigonish Harbour Watershed Association (AHWA) is an informal community group established in 2008 to advocate for the environmental health of Antigonish Harbour and to initiate and/or participate in public environmental education events. Over the past fourteen years AHWA has worked to improve sewage treatment and disposal into the harbour, served as an environmental stakeholder group on the highway 104 twinning Community Liaison Committee, organizes harbour related public (and children's) events in association with international water and earth days, serves as a community resource on the harbour environment, and works (except in COVID years) with Canada's Department of Fisheries and Oceans (DFO) to implement the Community Aquatic Monitoring Programme (CAMP) in the harbour. (Please see item 10 below.)

We believe we qualify as an intervenor on two grounds. Relative to the ARB consideration factor 3(d), we have longstanding interest and activity related to the integrity of "the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation". Relative to the ARB consideration factor 3(e), we are "users of the public waters surrounding the proposed aquacultural operation" as we are engaged in research in the harbour, through CAMP, and use the harbour for educational purposes.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

As an advocacy and education group, AHWA uses the harbour (including the lease sites) intermittently. Its members are also regular recreational users. CAMP collects data for research purposes at two sites in close proximity to the proposed leases (please see item 10 below) and the proposed lease sites are within the CAMP study area -- Antigonish Harbour as a whole.

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

CAMP, initiated as a small pilot in 2003, has been monitoring over the time since then the health of over 25 estuaries around the Gulf of St. Lawrence, of which Antigonish Harbour is one. AHWA provides a team to work with a DFO biologist to conduct the sampling. There are six CAMP sites around the harbour, two of which are less than 1 km from the proposed lease sites. As we expect that there will be significant environmental impacts associated with the introduction of TCP's large commercial operation and its proposed eventual growing of 9 million oysters in the outer harbour, we also have to expect that data collected at the nearby CAMP sites will be affected. This unnecessarily complicates interpretation of the data insofar as the oyster farm effects and ongoing changes in measures of harbour health will be difficult to disentangle. AHWA also uses the harbour as we have an environmental health and public education focus on the harbour and an interest in preserving existing sustainable use of harbour recreational, commercial and subsistence resources.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

1. As noted, AHWA works with DFO on CAMP.
2. One member of AHWA is associated with the steering committee of Friends of Antigonish Harbour.
3. AHWA has Antigonish Harbour specific data which we believe should be of interest in any determination of the potential effects of a large oyster farm.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

February 19, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

NSARB-2022-INT-007

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than **ten calendar (10) days** after the publication date of the public hearing notice. You may attach additional pages if necessary.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number:	1442, 1443, 1444	Hearing Date:	Apr 24-28, 2023
---------------	------------------	---------------	-----------------

2. Name of Applicant:	Peter M Bower and Coleen M Bower
3. Civic Address:	[Redacted] Harbour Centre, Antigonish County, Nova Scotia, Canada [Redacted]
4. Mailing Address: (if different than above)	[Redacted]
5. Phone Number(s):	[Redacted] or [Redacted]
6. Email Address*:	[Redacted]@gmail.com

7. Preferred method of communication: email * Mail Other: _____
*Unless otherwise specified, email will be the preferred method of communication

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

Nova Scotia Aquaculture Review Board
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Background: Peter attended St. FXU in the '70s, returned frequently in the intervening years and served on the St. FX Board of Governors from 2004-2010. In 2006/7 he purchased and on Seabright Rd, Antigonish County (PID#s [REDACTED] + [REDACTED]) and built a residence in 2008. This and adjoins the northern border of the proponent's lot. In 2015 Peter and his wife Coleen purchased (PID# [REDACTED]) immediately to the south of the proponent's property and facing proposed easement AQ#1442. The purchase of the second lot in 2015 came after pleas from the proponent that the Bowers and the Porters jointly buy this lot to prevent a prospective buyer from building a development of rental cottages to be located on this property substantially increasing commercial traffic on Seabright Rd and around our respective properties. The proponent ultimately withdrew that proposal indicating that his resources were being invested in the new home he was constructing. Coleen and Peter proceeded with this purchase and were thanked by the proponent's wife in an email by for "taking one for the team".

Our family members are frequent users of the harbour for the purposes of canoeing, kayaking, paddle boarding, windsurfing, swimming, fishing, playing with our children/grandchildren on our property and along the shoreline below the high water mark. Our home overlooks the harbour and a three of the easements. Our ability to use the areas of the harbour covered by easements AQ1442, 1443, 1444 would be eliminated, were the proponent's application approved. Navigating to and using other portions of the harbour would be put at risk due to potential damage to cages, cables, ropes, anchors, buoys, etc due to storms and the spreading of these materials throughout the harbour and St. George's Bay.

We would be further substantially affected by increased traffic, noise and commercial activity in and around existing facilities on the proponent's property (barn, dock, oyster nursery, driveway). This situation would be made even worse by an array of additional structures and facilities added for the proponent's plan (enclosed depuration tanks, facilities to clean, process, pack, store and ship oysters, offices, etc.) if this application is approved. Like many of our neighbours, including the proponents, we purchased our lots on Antigonish Harbour for the beautiful, quiet, natural setting and residential nature.

More specific examples of how we would be adversely and significantly impacted by approval of these easements are described below:

We frequently paddle north from our property towards the "cut" / channel leading to St. George's Bay, transiting through proposed easement area 1443 when tides and water depth permits. We also paddle south transit through easement 1442 to avoid high winds. We regularly fish in and around easements 1444 and 1443. Any form of non-powered boat/windsurfing through these areas would either be prohibited by the proponent or made unsafe by the presence of oyster cages, ropes, cables, buoys etc. Fishing in core parts of the harbour would become hazardous and highly restricted. Oyster aquaculture gear is regularly dislodged/damaged by ice, wind, waves, etc. and strewn across and around water endangering transit, impeding use and damaging property values.

Trucks delivering supplies, packing up product, servicing equipment/facilities, in addition to other trucks/cars transporting workers, visitors, inspectors will make the road more dangerous for us (and others) to walk, bike and drive on Seabright Rd. Road maintenance (for which we and the other residents of Seabright Rd. pay) will become more expensive. Increased motorized boat traffic servicing a three easements will be departing from and returning continuously to the dock immediately below our home further increasing the volume, duration and frequency of noise as well as operation of other mechanized equipment used in the land-based facilities. Foul odors often associated with land-based aquaculture facilities. All of these activities will have a substantial, direct and adverse impact on the market value of and peaceful enjoyment of our properties.

Perhaps more damaging than any of the above factors which will harm our property, our investment and our use of the harbour, is the potential damage TPCI's operations will have on the environmental health of the Harbour and the varied life forms, including Atlantic Salmon, American Eel, Eelgrass and many other critical life forms some of which are at risk or endangered. Objective, qualified and experienced marine scientists have identified risks associated with shellfish aquaculture in sites with inadequate depth, water flow/fresh rate, and with a harbour floor characterized by certain conditions. Adding 9 million incrementally oysters to this eco-system risks directly and substantially impacts our use and enjoyment of our property and the area around Antigonish Harbour and should be sufficient reason alone to deny the application.

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9. Describe your existing uses, if any, of the proposed easement, and state whether the identified uses are recreational or commercial:

Our family are frequent users of the harbour for the purposes of paddling canoes, kayaks, paddle boards as well as engaging in windsurfing, swimming, snorkeling and fishing. All of these activities are for recreational purposes.

From a commercial perspective, we have contemplated placing our home on the short term/vacation rental home market for periods when not in use by our family and/or building a residence for rental purposes on the lot to the south of AQ#1442 (PID#10033025). The ability to do so and the rental rates which these properties would demand would be adversely impacted by approval of the proposed easements and execution of the TPCI business plan.

Finally, the market value of a three lots we own on Seabright Rd are key to determine value and our share of the cost to maintain Seabright Rd. would increase if the easement applications are approved.

10. Describe your existing uses, if any, of the area surrounding the proposed easement, and state whether the identified uses are recreational or commercial:

As indicated in response to Question #9 Our family are frequent users of the harbour for the purposes of paddling canoes, kayaks, paddle boards as well as engaging in windsurfing, swimming, fishing, and playing with our grandchildren along the shore. In addition to being prohibited from using the easements for these purposes in the future, areas surrounding the easements would be put at risk by oyster floats, ropes, buoys, anchors and possibly other gear being damaged and/or dislodged and spread throughout the harbour, and St. George's Bay and the shorelines of these bodies, including the shoreline running along our properties. The collection and removal of this gear would take years and cost millions of dollars, although a fraction of this cost would be borne by local property owners like ourselves as well as taxpayers.

Our home overlooks the harbour and all three of the easements and the array of land-based facilities which have been or will be built for these applications approved.

All of these activities are for recreational purposes.

However, we have also contemplated placing our home on the short term/vacation rental home market for periods when not in use by our family and/or building a residence for rental purposes on the lot to the south of AQ#1442 (PID# [REDACTED]). The ability to do so and the rental rates which these properties would demand would be adversely impacted by approval of the proposed easements and execution of the TPCI business plan. A decision on potentially building a home for rental purposes (on lot PID# [REDACTED]) has been deferred pending outcome of TPCI's application -- potentially depriving the community of the benefits of associated construction spending.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affidavits, if any:

We use the portions of the harbour covered by the proposed easements extensively. If the applications are granted, use of the easements will be prohibited. Access to other parts of the harbour will be made more difficult and possibly made impossible due to navigational risk from storms damaging/discharging oyster gear. Environmental risk to the health of the harbour's sea and evidence will be presented to the ARB proving this risk.

We are members of the Friends of Antigonish Harbour and the Antigonish Boat Club. Peter is a member of the Antigonish River Association.

Nova Scotia Aquaculture Review Board
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12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

February 19, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

- 23 (1) *A person may request intervenor status from the Review Board.*
- (2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*
- (3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*
- (4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*
- (5) *A decision made by the Review Board with respect to intervenor status is final.*
- (6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

- 3 In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:
- (a) the optimum use of marine resources;
- (b) the contribution of the proposed operation to community and Provincial economic development;
- (c) fishery activities in the public waters surrounding the proposed aquacultural operation;
- (d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- (e) the other users of the public waters surrounding the proposed aquacultural operation;
- (f) the public right of navigation;
- (g) the sustainability of wild salmon;
- (h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

NSARB-2022-INT-008

AQUACULTURE.BOARD@NOVASCOTIA.CA

INTERVENOR STATUS APPLICATION

Instructions

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Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number:

1442,1443,1444

Hearing Date:

April 24-28, 2023

2. Name of Applicant:

Sheilagh MacKinnon Hudon and William (Bill) R. Hudon

3. Civic Address:

Southside Harbour, NS

4. Mailing Address:
(if different than above)

5. Phone Number(s):

and

6. Email Address*:

@gmail.com and

@gmail.com

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

Our two properties at Southside Harbour are located directly across the harbour to the South and East of Town Point Consulting (TPC)'s proposed oyster farming sites #1442 and #1443.

Our direct family ties go back over 200 years in Antigonish County and over 100 years on the Mahoney's Beach side of the harbour. Generations of family members have used the harbour for sailing, fishing, kayaking, canoeing and motor boating and we continue to pursue those activities today – as they are important for our health and the enjoyment of our property and the surrounding amenities. Town Point Consulting's proposed oyster farm would endanger all these pursuits and affect us.

The northern part of Antigonish Harbour is generally a shallow estuary with a narrow channel to St. George's Bay and the ocean. While TPC claims they will use only a small portion of the harbour, the lease sites are located in the busiest, most frequently used part of the harbour.

At the very least, assuming no major storms, winds, or tides and full visibility the proposed lease sites will restrict our ability to navigate as we travel throughout the harbour. If any disruption were to occur from the oyster cages and related gear, we and others who use the harbour would be directly and substantially affected. These changes will encroach further into navigable waters and substantially reduce access to the area surrounding the leases, where we currently boat.

From our house we look directly across the harbour at the proponent's property. The scale of TPC's operation will create noise (which travels very quickly over water the short distance to our home), increased traffic and disruption on the water, as well as on Mr. Porter's property. This activity will diminish our view and ruin the quality of the surrounding environment – which is part of what we enjoy about living in proximity to the harbour.

As evidenced by damage suffered in the harbour from the recent Hurricane Fiona in September 2022, storms will impact TPC's oyster cages. Storms most frequently approach from a northerly direction; moorings and navigational buoys have moved during past storms from areas surrounding TPC sites. Our dock was dislodged and we suffered other shore line damage from Hurricane Fiona. We believe damage would be much more severe had there been thousands of oyster cages and related gear in the harbour. Any floating material or items freed from the sites during storms are likely to impact the navigable channel as well as blow across to our shore threatening our dock, boats and shoreline. We are concerned that TPC does not have the requisite experience to plan for these events and respond with effective clean up and repair strategies. We are deeply worried about the impact of 90 acres of the harbour being covered with 23,000 oyster cages!

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

We use the proposed lease sites AQ1443 and AQ1444 for recreational boating (kayaking, water skiing, paddle boarding, motor boating) and fishing.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

We use the waters around the proposed lease sites for recreational boating (kayaking, water skiing, paddle boarding, motor boating) and fishing.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

Antigonish Harbour has been a low impact site for commercial and recreational use for centuries. Commercially, the harbour has been used for fishing, wild oyster harvesting, farming on its periphery and a safe mooring for fishing boats, all on a limited basis. None of these activities has ever expropriated large areas of the harbour for the benefit of a single user.

Recreationally, the harbour has been used for boating of all types, fishing, hunting, swimming and water sports.

The proposed TPC sites will interfere with all these activities which have been common in the harbour for generations. The prevailing use of the harbour is residential and recreational, the result of years of common practice and development. There are over 250 homeowners in the harbour most of whom bought their properties on the water because of the scenic and pristine beauty. A large oyster farm is in direct conflict with the reasons for which people have located here.

The estuary as an ecosystem has not been extensively studied and there is little baseline data available for the biophysical characteristics of the harbour therefore it cannot be said that the impact of TPC oyster farming on the harbour would be negligible. When blue crabs were introduced, their effect on eel grass was quite profound suggesting that the estuary has a delicate biophysical balance. We know that the harbour is important to various birds, fish and mammals. TPC says, with no scientific basis, that none of these species will be affected. We also lack the data necessary to measure impacts. We know historically that the impact of waste products and human activity resulted in meaningful adverse impacts to the waters and that improvements to the municipal sewage treatment plant and other initiatives have improved the health of the harbour. Allowing a single user to change these established patterns and threaten this fragile ecosystem for personal gain, is unconscionable. The commercial activity that will occur with an oyster farming operation is completely contrary to the use and practices of surrounding neighbors and will destroy the very reasons people live on the harbour. We strongly share the objections of the Friends of Antigonish Harbour (FOAH).

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

Sheilagh M. Hudson
NR Hudson

Signature of Applicant

Feb. 20 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

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(5) A decision made by the Review Board with respect to intervenor status is final.

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Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

INTERVENOR STATUS APPLICATION

Instructions

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Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number:

1442, 1443, 1444

Hearing Date:

Apr 24-28

2. Name of Applicant:

Billy Brophy, Tim Brophy, Duncan Brophy, Darryl Beaton, Brendan Doyle

3. Civic Address:

[REDACTED],
South Side Harbour, Antigonish County,
Nova Scotia, Canada

4. Mailing Address:
(if different than above)

[REDACTED]

5. Phone Number(s):

[REDACTED]

6. Email Address*:

[REDACTED]@gmail.com

7. Preferred method of communication: X email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

We are a group of five commercial fishermen who fish out of Antigonish Harbour - Billy, Tim, and Duncan Brophy, Darryl Beaton and Brendan Doyle. The Beaton and Brophy families have been fishing out of Antigonish Harbour for over four generations. Brendan Doyle is the newest commercial fisherman fishing out of Antigonish Harbour. We all fish different species such as lobster, crab, tuna, herring, mackerel and ground fish.

- Insufficient depth of water: In PEI, oyster leases are placed in waters 6 feet and deeper. This ensures that ice and snow cover does not crush the oyster cages when sunk during the winter months. At page 12 of their Application, TPCI has included a chart that confirms, where there is ice cover the depth of the cages must be below 6m. The majority of TPCI's potential lease applications are in waters of 6 feet or less. This will make the TPCI oyster cages vulnerable to crushing from ice and snow during the winter months. The resulting damages or losses, would be inconsistent with Factor 3(a) of the factors to be considered in decisions related to marine aquaculture sites (the "Factors") and the debris would impact our ability to navigate. Necessarily, TPCI will have to apply to move their oyster cages to the deeper waters of the harbour to avoid this issue. The deeper waters include the channels of Antigonish Harbour. This creates a hazard and safety issue for us, when using the channels to access waters where we fish and would impair our ability to navigate the channels and fish effectively, counter to Factor 3(e) and 3(f) of the Factors.
- Position of lease is hazardous for navigation: In lease AQ # 1444, the line from corner point one to corner point two is too far to the southeast. This makes this portion of the lease a hazard to our navigation going to and coming from the waters we fish. Additionally, this hazard will be intensified, when we enter and exit during darkness, fog and wind, which is a necessary part of our working hours. This becomes especially dangerous when a combination of darkness and fog is present. This will affect safe passage for us and other fishermen going to and from St. George's Bay. If one of our vessels accidentally enters an oyster lease site due to darkness, wind or fog - who will be responsible for damages to the oyster lease, our vessel or other injuries? How would we make up for the time and money lost if we are injured or are unable to fish because our boats are damaged? Again, this would interfere with our right to navigation of the Harbour and our fishing activities in the public waters surrounding the proposed aquacultural operation.
- Leases in most vulnerable areas: TPCI leases are located in areas which are vulnerable and susceptible to strong weather events, especially strong winds. This means that cages are more susceptible to damage and movement/becoming unmoored or unanchored. We expect this will result in broken lines and drifting cages which would become hazardous to navigate and a safety issue in and outside of the harbour.
- The Brophy and Beaton families have fished for lobster in various places in Antigonish Harbour, including sites in and around the proposed site labelled AQ 1444. The Beaton and Brophy families intend to continue fishing for lobster in these areas when conditions are suitable. Granting TPCI's application for lease AQ1444 would make it impossible to fish lobster in this area.

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9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

As indicated by our response to question #8 our primary use of the lease areas (especially leases 1443 and 1444) are commercial. However, like most residents living around the harbour we use the harbour for recreational fishing, boating and enjoying the beauty and broad range of wildlife which live in the harbour.

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

- Leases and high boating traffic area . TPCI maintains that they only use 2% of the harbour. However TPCI's proposed lease site AQ1444 is in the part of the harbour that is most intensively used. Recreational boaters and jet-ski operators, who dock their boats in the harbour as well as those who launch at the end of Southside Harbour Rd at Dunn's Beach operate in these areas to access St. George's Bay as well as other parts of Antigonish Harbour. More and more boats are being launched from Dunn's Beach, in this area. In the summer months, there can be as many as 8-10 recreational boaters launching from Dunn's Beach on a single day. Commercial lobster fisherman and licensed oyster gatherers also operate in these waters. Many recreational boaters go north of Gooseberry Island to access St. George's Bay which goes through lease AQ # 1444. If this lease is approved, there is sure to be more congestion, greater risk of collision and delay as the commercial fisherman come and go to their fishing grounds in St. George's Bay. This becomes a safety and navigation concern for all boaters and an efficiency of operation issue for commercial fisherman.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

- Scoping area within the harbour: The scoping area which was given to TPCI from the Nova Scotia Department of Fisheries and Aquaculture includes the area where we dock our commercial fishing vessels as well as areas in St. George's Bay where lobster fishing takes place. We have a long history of fishing from Antigonish Harbour, and NS Fisheries and Aquaculture neglected to communicate or inform us of this scoping area. We became aware of this scoping area from a resident of Seabright, Antigonish County. We are concerned that the "scoping area" granted by Nova Scotia Fisheries and Aquaculture may interfere with the area where we dock our boats and/or where we fish for lobster.

It is because of the above reasons that we, five commercial fishermen are opposing TPCI's lease applications for Antigonish Harbour and why we will be directly and significantly impacted if the lease sites are approved.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

Billy Brophy
Duncan Brophy
Don Rutter
[Signature]

Feb 20/23
Feb 20/23
Feb. 20/23
Feb 20/23

Signature of Applicant

Date

For Internal Office Use Only	
Notice Date: _____	
Date Received: _____	Decision Date: _____
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Decision Notes: _____
Applicant Notification Sent: _____	Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

- 23 (1) *A person may request intervenor status from the Review Board.*
- (2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*
- (3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*
- (4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*
- (5) *A decision made by the Review Board with respect to intervenor status is final.*
- (6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

- 3 In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:
- (a) the optimum use of marine resources;
- (b) the contribution of the proposed operation to community and Provincial economic development;
- (c) fishery activities in the public waters surrounding the proposed aquacultural operation;
- (d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- (e) the other users of the public waters surrounding the proposed aquacultural operation;
- (f) the public right of navigation;
- (g) the sustainability of wild salmon;
- (h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

Nova Scotia Aquaculture Review Board
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INTERVENOR STATUS APPLICATION

Instructions

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A person applying for intervenor status for more than one application must complete and submit individual Intervenor Status Applications forms for each application.

Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

All information provided to the Board on this form and any additional pages submitted (the "form information") will become a part of the record of the hearing. Should your application for intervenor status be accepted, the form information will be disclosed to the other parties to the hearing.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: 1442, 1443, 1444 Hearing Date: April 24-28, 2023

2. Name of Applicant: Sian Newman-Smith, Rick Turner, Rowan McLean

3. Civic Address: [REDACTED]
Harbour Centre,
NS, [REDACTED]

4. Mailing Address:
(if different than above) [REDACTED]

5. Phone Number(s): [REDACTED]

6. Email Address*: [REDACTED]@gmail.com

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

We (Rick Turner, Sian Newman-Smith and Rowan McLean) live and work on a 100+ acre property along the shore of Antigonish Harbour. Our property includes approximately 90 acres of woodland, some of it virgin hemlock forest, four residential lots and agricultural fields with a willow agroforestry plantation and a 10 acre field and wetland with 500 feet of shoreline, all of which will be directly across from the largest of the proposed industrial Oyster Farm locations (i.e.,) AQ1443.

The waters between the mainland and Harris island are resplendent with Wild oysters which have been harvested under lease for more than a decade. This has been a welcome and innocuous use of the natural bounty of the upper harbour. It has very little impact visually and there is no disturbance to any aspect of the harbour floor or the environs thereof.

Adjacent to our property (with it's 2 mile long boundary line) is the location of the Fairmont Hiking Trail which has been in use for the 25 years that we have owned and lived on the property. We have two homes on our property and are operating Harbour Hills Eco-Lodge and a craft shop (Helyg Gallery and Basket Shop). Also, 3 more adjacent resident families will be in direct view and impact of this industrial Oyster Farm. Much of our reason for being in this location and developing cultural and recreational destinations has been the 'untouched' nature of the upper harbour. It is a recreational treasure and one that is providing both employment and access to a valuable natural ecosystem.

Surrounding the harbour are a number of sites that support this use of the public waters of Antigonish Harbour. There is the Antigonish Boat Club providing launching and mooring facilities for small craft. There are two provincially owned and protected barrier beaches, Mahoney's' Beach and Dunn's Beach with public parking both adjacent to proposed leases AQ1443 and 1444. There is the aforementioned public hiking trail, not to mention countless use of recreational boats. Kayaks and canoes, row boats, power boats and sailing vessels of all sizes using the waters in and around these lease sites.

We used to own property at Town Point also, before TPCI obtained the property they are now located on. We had a 32' full keel sailboat moored in Graham's Cove and often saw boats of that size or larger in the upper harbour. There are two wharves in the area providing slippage for pleasure boats and the whole of St. George's Bay is en route from the Northumberland Straights and the Bay of St. Lawrence to the Bra'dor Lakes through the Canso locks. The Harbour is a nice interlude along the way. Recreational boating has seen a revival in the years we have been here and the wonderful natural harbour to explore is a huge asset.

From a recreational navigational point of view Aq 1442, 1443 and 1444 will interfere with this kind of navigation. Not to mention the commercial fishery navigational usage. So to say as TPCI has, that there is little recreational activity and no economic benefit from current uses of these portions of the harbour is outlandish.

Continued in the attached Document "Turner application continuation of Q8"

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

Our present usage of the proposed lease site is purely recreational with occasional passage over the area by kayak or canoe. Otherwise it is in our view plane, we will be looking directly at proposed site AQ1443.

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

We use the area surrounding the proposed lease site for recreational, residential and commercial purposes.

Recreational use: We use the waters around AQ1443 and 1444 for recreational boating. We own 2 kayaks, 2 tenders, 1 24 ft sailboat, 1 canoe, 1 12 foot sailboat and 2 paddle boards. We or members of our family are often on the water.

Residential use: We live at this location and own waterfront property

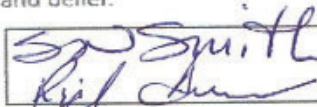
Commercial use: We also operate Harbour Hills Eco-lodge, and Helyg Gallery and Basket Shop on these properties. Both of our businesses depend in part on tourist traffic driving along Hwy 337, also known as "Artisan Way". These tourists are drawn to our lodge and our basket shop by the natural environment, the beautiful views and the lack of industrial development. Approval of lease AQ1444 and 1442 would detract from and likely harm both businesses and depress the value of our properties.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

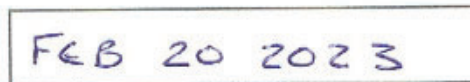
Hwy 337 is part of what is known as the Sunset Trail where there are open studio tours and attractions. Along this route is an Artisan Bakery, a Basket Shop, several Vegetable stands and many Artists studios. There are commercial wharves and take out canteens. There is increasing residential and cottage construction all the way to Cape George as waterfront living is one of the most desirable locations on earth. There is no place for an Industrial scaled Oyster Farm. In our view TPCI has not communicated openly about its plans from the beginning of this process. Its failure to comply with permitting requirements when granted a license to operate an oyster nursery, its blockage of access to a public road running through its property at Town Point on Seabright Rd. and inclusion of erroneous information in its marine lease applications are red flags as to how it will operate in the future if it is granted these marine leases.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant



Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

Application for Intervenor Status of Sian Turner, Rick Turner, and Rowan McLean – continuation of Question 8

Rowan McLean, our son, is the owner-operator of Harbour Hills Eco-Lodge (established 2015) located on our property in Harbour Centre. Rowan has grown up with an appreciation for the natural wildlife and beauty that Antigonish Harbour and the surrounding property provide. Rowan has developed an eco-tourism business, which capitalizes on these local qualities. Rowan is currently operating two short term, off grid, walk-in vacation cabins, both located along a 3km private scenic road/trail that he has build and maintained. Rowan has successfully booked these cabins throughout all seasons and the demand for them is strong through online listings. The cabins are booked predominantly by young persons and young families who seek recreational opportunities outside of commercialized and industrialized urban centers. To our knowledge the Fairmont Trail and beaches are major draws for these guests. Rowan's business affords a uniquely remote, quiet and peaceful experience where urbanites can commune with the local flora and fauna in an undisturbed natural environment

Rowan's business plan is to continue to build cabins and campsites to meet the increasing demand for land and water wilderness recreation, with sustainability and preservation of the surrounding environment, in mind. Tourists resident in the Maritimes and from all over Canada have stayed at Rowan's off-grid cabins. Having an industrial scale oyster operation front and centre in the view of our pristine harbour for all tourists and visitors to see will substantially impact Rowan's thriving eco-tourism endeavor. His cabins are located approximately 3km from the lease #1443.

We are located on what is known as the Mini Cabot Trail (the Sunrise Trail) on Hwy 337. It is increasingly a tourist destination as we can attest personally after operating an Airbnb in our personal residence for the past 3 years. There is huge demand and the beauty and pristine nature of this very location is a big part of that appeal. We also have a fledgling craft business that is about to open as a roadside shop. The opportunities are immense. Employment through tourism and recreational activities will be negatively impacted by this industrial scale oyster farm.

An Industrial scaled oyster operation is the last thing we want in what is to date a real treasure along the coastline of Nova Scotia. Proximity to a culturally diverse and thriving University town and community where outdoor activities are promoted and encouraged by many levels of government. The scale of this proposal is a real slap in the face to an area that has so many other possibilities for employment without physically tarnishing or exploiting the marine life and public waters of the harbour. TPCI is a private company using public natural resources that can at any time be sold to the highest bidder. It will be a navigational nightmare and a blight on what is now a spectacularly appealing and unique view (we cannot count how

many times people stop right in front our property to take photos or set up an easel to paint, countless!) and an ecologically sensitive area.

Our location is also on the flight path for many migrating birds and a small brook provides plentiful flushing and nutrient content to what has become a regular resting place for ducks and geese of all kinds. Eagles nest on Harris Island and the wetland is a great source of food and respite for waterfowl. It is also a desirable place to hunt. The wild oyster beds are managed with little notice or issue and the leaseholder is very respectful of the rules and regulations. Not something I can say about TPCI. I have little trust in what might happen if ever there was an accident or weather/water related mishap. With rising sea levels and storm surges, TPCI has not adequately addressed what might happen should there be a loss of gear. What is the plan? We have over 500 feet of shoreline to be concerned about, some of it fragile wetland.

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

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In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

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NSARB-2022-INT-011

INTERVENOR STATUS APPLICATION

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Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

These aquaculture activities will affect me in several ways. First, it will affect my recreational use of the harbour. My family owns a cottage on the harbour and uses the area to go sailing, kayaking, and canoeing. This development would virtually block recreational users from accessing the channel to the bay from Graham's cove. Second, the development would also affect the character of the neighborhood. The neighborhood is now largely residential and used by many non-residents as a recreational area.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

Proposed lease site AQ1443 currently limits the ability of boaters to access Graham's cove from other parts of the harbour and St. George's bay. My family often puts our boat in the water near Graham's cove, so this development would substantially affect our ability to use the harbour. The proposed lease site overlaps with a navigational waterway which allows people to access this part of the harbour.

Nova Scotia Aquaculture Review Board
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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

The surrounding area is a residential neighborhood. The Seabright area is a popular spot for many, including myself, for walking, running, and biking. It is especially popular for family's and pet owners—I often see children and dogs on the road, and I myself go walking along the road with my sister and her newborn. The road, however, does not have the infrastructure to support both these popular recreational activities and increased commercial traffic. Seabright is a beautiful, accessible, quiet place for many walkers, and I fear that increased commercial activities will make this less safe and accessible.

Additionally, the development threatens to infringe on the public's access to the water. Beside the proposed development is an old public road to Ferry point which my family often used growing up to access the beach. My mother would drive myself and my four siblings down the road in the mini-van for picnics on the beach. I also know others who would use the road as a place to launch boats. Unfortunately, since the road runs adjacent to the nursery, Town point consulting has blocked and continually monitors who access it. What was once a fully accessible public road to a beach on the harbor is now barely accessible by pedestrians. I worry that the use of other public spaces will continued to be discouraged in the area if this proposal is approved.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

 Digitally signed by Mary Jo MacDonald
Date: 2023.02.05 10:54:52 -05'00'

Signature of Applicant

February 5, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

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(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

**Nova Scotia Aquaculture Review Board
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NSARB-2022-INT-012

INTERVENOR STATUS APPLICATION

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4. Mailing Address:
(if different than above)

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P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

My property (PID [REDACTED]) is inherited from my father who died in Feb. 2021 (probate in process). The only way I could have (afford !) this property on Town Point peninsula is because my parents bought it decades ago. See attached maps. I have spent much time there with my parents - now both dead. Over the last many years I have spent more and more summer time there and plan to do major renovations to my late fathers' residence before moving there permanently from my temporary residence just over the Antigonish / Pictou County line.

My property is 984 ft/ 300m/ 0.3 km from Site # 2 (AQ # 1443). The property is adjacent to, overlooks, and is within hearing of the proposed lease Site # 2 Lease 1443. This proposed lease site is being introduced to an area that has many existing residences. It is not the situation that an aquaculture operation was present and then residences were established afterwards knowing that the operation was there. The residences were built in the area because of the location of waterfront, natural views, privacy, no industrial / commercial establishments nearby or to look at, etc. The attraction was the natural undisturbed location – the peace and quiet.

Why establish an oyster farm in a "restricted/closed" harbour ?
The original questionnaires should be redone at this point.

I believe that a study of the harbour under and around the proposed oyster lease site should be done before anything is started. A baseline inventory of what is existing there now is the first step, it can be monitored, and any changes can then be seen.
Continued, see attached pages. Maps 1 and 2.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

Recreational use. I / we use it in terms of looking at it and hearing/listening to the area. The lease site is very close to my property and shoreline. I will be looking at it and am within earshot. I occasionally canoe, kayak, and use a small boat in that area. The lease site is in the largest open area in that end of the harbour.

I am concerned that the proposed lease site could affect any future recreational or other commercial use.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

Recreational use. I / we use it in terms of looking at it and hearing/listening to the area. The surrounding area is close to my property and shoreline. I/we look at it and are within earshot. I/we occasionally canoe, kayak, and use a small boat in the area. It is the largest open area in that end of the harbour. We occasionally travel over the harbour water to go fishing in or inland from the harbour entrance. We use it as a quiet refuge away from the hustle and bustle of everyday life. A place for restoration of mind and spirit. A necessary part of a healthy stress free life.

We certainly do a lot of looking and listening to the natural environment over/around the proposed site. The natural beauty and quiet. It is so relaxing with few disturbances. The proposed aquaculture sites would certainly change that. Boating would be impacted. Certainly having to look at the site would be quite different than seeing just waves, winds, and wildlife in a relatively unspoiled natural setting.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

See attached pages

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

Signature of Applicant

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

23 (1) *A person may request intervenor status from the Review Board.*

(2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*

(3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*

(4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*

(5) *A decision made by the Review Board with respect to intervenor status is final.*

(6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

Recreational use. I / we use it in terms of looking at it and hearing/listening to the area. The surrounding area is close to my property and shoreline. I/we look at it and are within earshot. I/we occasionally canoe, kayak, and use a small boat in the area. It is the largest open area in that end of the harbour. We use it as a quiet refuge away from the hustle and bustle of everyday life. A place for restoration of mind and spirit. A necessary part of a healthy stress free life.

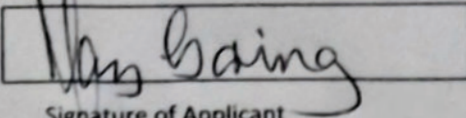
We certainly do a lot of looking and listening to the natural environment over/around the proposed sites. The natural beauty and quiet. It is so relaxing with few disturbances. The proposed aquaculture site would certainly change that. Boating would be impacted. Certainly having to look at the site would be quite different than seeing just waves, winds, and wildlife in a relatively unspoiled natural setting.

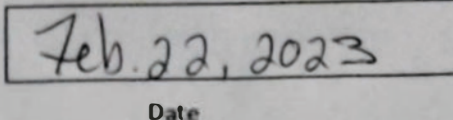
11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

See attached.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.


Signature of Applicant


Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Map # 1 Antigonish Harbour, Antigonish County, N.S.

O indicates proposed oyster leases

lease 1443 is closest to Town Point peninsula

lease 1444 is closest to beaches

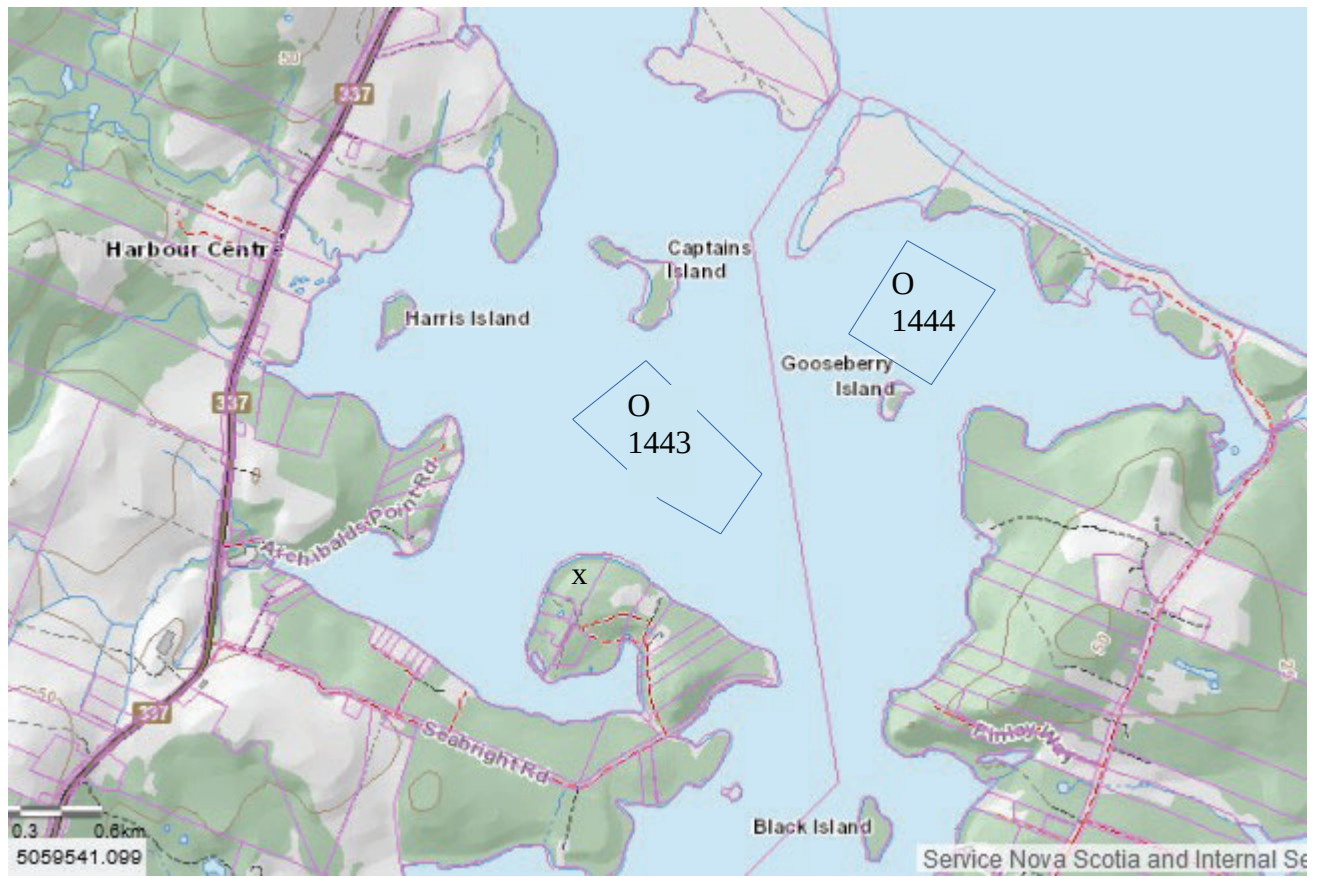


Map # 2

Upper Antigonish Harbour, Antigonish County, Nova Scotia

X marks the M. Goring Property

O 1443, O 1444 areas mark the approximate proposed oyster farm lease locations



8 continued. * all measurements and property lines are approximate, based on measurements from website <https://gis8.nsgc.gov.ns.ca/NSCRS/>

The half of Antigonish Harbour that is closest to the outlet/ beaches has a few areas around it that has residence pockets (about 5) due to the general distance from public roads (and power lines) from the waterfront. The areas are Seabright Rd.(including Town Point) area, Archibald Point, Terra Tory Dr., and Aveline Dr (South Side Harbour) and the odd single house. The proposed aquaculture areas are close to most of these. There are not that many more residential areas along the harbour closer to Antigonish. Is there no other place on the harbour that it could be established ? How about adjacent to the gravel / limestone pit on South Side Harbour ? Occasional noise there already. There are many harbours in Nova Scotia that have little or no residential development. Maybe there is an inventory of harbours that are suitable for oyster farm development. I asked the applicant, Mr. Ernie Porter, why he chose the locations in Antigonish Harbour. He said because he lives there. It is nice to have that convenience but at what cost to others ? Maybe there is another location that would be less convenient for him but better for all the others that live there.

The daily activity would mean having to listen to various motor noises, equipment noises, and human noises for many hours. Just the effect of the cleaning process would be continuous. A motor would have to run all the time for that process. What about the effect of noise on the other water and land animals ?

Propulsion along the rows of oyster cages will be “provided by on board rope haulers” - that means another motor (in a cabinet ?) has to be running to do that and Mr. Porter told me it would be the sound of a lawnmower. That, at first, was not too alarming – then I realized that a lawnmower is only used occasionally (once a week ?) for maybe up to an hour ! Most local noises are that occasional.

It looks like we will be subjected to lawnmower noise etc for about 8-12 hrs a day. Each oyster growth unit/container will be dipped (using the rope haulers) in a warm water cleaning basin for 10-15 seconds once every 2 weeks. Site 2 (the one closest to residences) will have 14100 units x 15 seconds = 211500 seconds = 3525 minutes = 58.75 hrs (11.75 hrs /day). So it will take more than a week to “wash” the oyster growth units in one site and then the cleaning will move to the other site and then back to Site 2. So there will be no break from the “lawnmower” noise on any workday. And this will go on from April to end of Oct. probably. And this is the time of year when we want to be outside in the quiet ! Enjoying the surroundings. Do you want to listen to lawnmowers for that length of time ? Maybe there is equipment in place to mitigate noise – but will it be enough ? And we will only really know once the farm is up and running. Then it is too late !

Many people in the area are retired or close to it – so they are home all day and have to listen to that. That is quite an infringement. These people have worked their whole lives and I suspect they just want some peace and quiet at this point ! A home is a place of refuge where people go to get away from the stresses etc of work and then at home they have to deal with the effects and activities of a shellfish farm ? Doesn't sound restful and restorative to me.

And this will be occurring during the summer months when I want to enjoy the outdoors. I spend a lot of time outdoors, on my shore front relaxation spot, working outside, and will be enjoying a screened porch on the house – which overlooks the proposed lease sites.

In certain non wind and wind conditions I can hear boat engines and voices from the area of the harbour entrance which is about 5663 ft / 1726 m / 1.7 km away ! And the nearest proposed lease site will be only 984 ft / 300m / 0.3 km away from my property ! Noise travels very well over water. We have calm days, days were wind is mostly from one direction, and often days were the wind direction switches a couple times. Wind direction in that area of the harbour is not consistent, especially in the summer.

At this point the negative effect of noise pollution are well known. Can read about it in many places – like the World Health Organization (WHO). I can attest to the effect of noise on health. A previous situation elsewhere of unwanted, unneeded, and illegal noise affected my sleep (lack of it), mental health (stress, tension !), and increased tension in my relationship (always on edge). We never knew for how long the noise would be – 10 minutes to an hour or more every 5-20 minutes ! Or any time we were outside. The noise was heard thru concrete block walls, 7 inches of insulation, new windows, from the opposite side of the house, and

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ear plugs ! I don't want that to happen again. And no level of authority would deal with the situation. There were many initial responses but nothing was done.

So I have a general skepticism about enforcement of any issues or laws. Or response times. It seems enforcement lets things slide / ignore concerns until there is a real uproar from concerned persons or people living nearby. For the business/operation it seems a case of easier to get forgiven than get permission !

The applicant is working closely with Shandaph oyster farm on Big Island, Pictou County. It operates in Merigomish Harbour. That farm (+- 1895 ft./ 577.6 m /0.57 km from the public road) is where Mr. Porter is testing his equipment is far from the road (which tends to reduce residential development nearby). There are a couple islands in front that block the view and noise to the other side of the harbour where there is minimal residential or cottage development. It has very little residential/cottage development nearby – the nearest residences are about +-4897 ft/ 1492.6 m (1.5 km) and +- 9634 ft/ 2936.4 m (2.9 km) across the harbour past the islands, the nearest residences on the same shore as Shandaph is +- 5618 ft./ 1712 m (1.7 km) to the NE.

My property is 984 ft/ 300m/ 0.3 km from Site # 2 (AQ # 1443) and Site # 3 (AQ # 1444) is 4878 ft / 1529.8 m / 1.5 km away. These distances are generally much closer (especially Site 2) than the oyster farm in Merigomish Harbour is to residences and is closer to many more residences. The closest houses I see from the shore of my property are across to Archibald Point to the west. And those are 1583 ft / 483 m / 0.48 km away. And I can clearly see and hear activity from that area. Site # 2 is much closer and will be noisier all the time and have more activity. The activity and noise on Archibald Point is sporadic – not all day.

I am assuming that this constant cleaning process is to primarily clean the oyster cages. Other oyster operations turn their cages to the sun and let that kill off anything on the cages. Why not use this system ?

Eel grass Beds, wind/storms

It is most important that this area of the harbour close to the low beaches are least disturbed because the eel grass beds are another layer of protection for the rest of the harbour. The shallow areas with the prolific eel grass beds are another layer of defence against storms with higher tides and sea level rise. Nothing should endanger this protection.

This area of the harbour is the largest open water area which would leave the oyster areas pretty unprotected from storms (especially Nor'easters) – especially site # 2. Nor'easter storms come in over the large open St. Georges Bay, then over the low beaches then hit the harbour water and the islands and Town Point peninsula and Archibalds Point. Not a lot of protection against those storms except for the low beaches, narrow harbour opening (which still allows for more water driven in by wind), and the eel grass beds in the shallower water. The Shandaph farm is about 4 km from the Merigomish Harbour mouth, not in direct line of the harbour mouth, and it is in a very protected location.

I worry about the lease site effects on the eel grass beds. They are known to dampen the effects of storms. The beaches that protect Antigonish Harbour are not particularly high. Mahoneys Beach has already been breached about 12 yrs ago, which resulted in a new harbour outlet. And with the coming of ocean level water rise (and increased number of storms and it seems less ice coverage) they will become more vulnerable and the eel grass will become even more important for protection against erosion of nearby shores (and my property is vulnerable). I am currently trying to stabilize my shoreline in a natural way. And I am not convinced about the supposed non effect of oyster culture over eelgrass beds. What about the effect of propellers on eel grass at low tide ? I wonder / worry about when the oyster cages will be lowered for the winter (under the ice) and how that will affect the eel grass. The water level, especially at low tide, is not that deep in the proposed lease sites. Will the oyster cages be “scraping” the harbour bottom and eel grass plants ? And how will anyone be able to see this in action in the winter under the ice ? Ice also dampens the effect of storms on shorelines. And it seems that harbour ice formation happens later than before. And how will ice interact with the oyster cages at low tide and as the ice shifts (in the wind especially) as it melts.

And it is known how eel grass beds are havens of water life. What about light penetration under the oyster cages – will eel grass thin out ? What about oyster deposits effects on the harbour floor and eel grass beds below the oyster cages due to the possible change in currents and wave action because of the oyster cages on the water surface ? It was suggested in an eel grass study (p.404) that in water depths < 12 m where a shellfish farm

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overlaps an eel grass bed that the oyster “cages” be moved to a deeper water area in the winter within the lease area. I don’t think this is possible with lease 1443 or 1444.

The eel grass beds under the aquaculture sites protect shorelines and if the eel grass beds decrease, the shoreline on my property will erode etc. Lease 1443 is very open and is susceptible to nor’easter storms which often bring in higher tides and taller waves. Will that site be able to withstand that onslaught ? The debris will end up on my shore.

What happens when dead oysters are found in the cages when the boat is in the lease site ? Will the oyster shells be thrown in the water below ? Will the accumulating shells cover the eelgrass to the point where it will be choked out ?

Storm Fiona and aftermath Sept. 23,24, 2022

<https://www.cbc.ca/news/canada/nova-scotia/more-than-half-the-fishing-ports-in-fiona-s-path-damaged-1.6601394>

Sept. 29, 2022 - mentions ShanDaph oysters on Big Island and their losses – and they were on the lee side of the winds hitting Big Island on the Northumberland Strait.

There was no mention of the effect of the storm on their unique BOBR (Benefit Of Being Round) growth units.

<https://atlantic.ctvnews.ca/ottawa-gives-40m-to-atlantic-shellfish-farmers-hit-by-post-tropical-storm-fiona-1.6239131> Jan. 20, 2023 - mentions need to place shellfish farms in more protected places

<https://atlantic.ctvnews.ca/some-p-e-i-fisheries-aquaculture-industries-could-take-years-to-recover-from-fiona-1.6124569> shellfish industry could take years to recover after Fiona storm.

<https://www.globalseafood.org/advocate/hurricane-fiona-was-a-historic-extreme-event-for-atlantic-canada-and-hit-the-seafood-sector-hard/> Sept. 29, 2022

PEI – lost about \$150,000 worth of gear. 30 lines broke, each with 30-50 cages. 3000 cages tangled in water, 1000 cages on shore.

“Knowing that the storm would disrupt water and ocean sediments and temporarily shut down oyster and mussel harvesting, Power harvested oyster crops in advance of the storm. A few weeks’ supply was stored in seawater tanks at their holding facility in New London. However, there wasn’t enough time to sink the 30,000-cage oyster farm, a process that would normally take about two months.”

How much time is needed before a forecast storm to “sink” / protect all the oyster cages ? And then the storm changes course. How is it determined to take a storm seriously and not waste time protecting every thing and the storm changes course ? How often does that have to happen before the warnings are not taken seriously enough or action is started too late ?

And how deep is the water under the proposed lease areas ? Deep enough to withstand those storms – at least for the cages they were able to lower/submerge ? And when the cages are over eel grass beds and lowered for a storm will the cages be sitting on top of the eel grass – what happens to the eel grass with the resulting friction due to water movement (wind, waves, storm surge), cages, eel grass etc ? There is so much variability in water depths during tides and storms – can any system really deal with them all ?

After the **Fiona** storm in late Sept, 2022 I did some/various measurements at the shore of my property and figured/saw that the Fiona storm water level seemed to be an average of 6’ above the average/normal high tide (as of Nov. 2022) There was a clear water line on the shore bank.

I lost quite a bit of the bank. I’d say that my stairs down to the shore were about 1/4 exposed above the bottom of the bank to now about half exposed.

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I also had quite a few large spruce trees that were cut along the top of the bank and the trees where cut so the tree would fall on the shore. All those trees were moved quite a distance and ended up being piled mostly in one area and some of the smaller ones were gone.

The strength of storm waters can not be underestimated. Water can easily move stuff without much effort ! Can see the effect on wharf breakwaters etc.....large rocks are moved. So how can oyster cages, ropes, buoys not be adversely affected ? What happens if the oyster cage lines etc shift a bit into the navigation channel immediately beside it ? What about unseen lines etc just under the water surface – can cause quite the fouling of boat propellers etc. I envision a lot off that stuff being washed up on the shore.

The idea should be to set up an oyster operation in the most sheltered areas available. If it is not sufficiently sheltered – don't set it up there !

Recovery costs occur, probably repeatedly – how economically viable is that for the business or the government (me and you) to keep paying each time it happens in the same spot ?

It is interesting that a Lands and Forestry response was that washed up gear and equipment was to be removed from Crown Land at the operators expense. What about private land ?!

Questionnaires from the applicant

These were filled out on a first meeting with the applicant. I was somewhat ambivalent at that time. There is much focus on these questionnaires in the application. I suspect that over time the opinions of the people who filled out the questionnaires probably changed as more information became available and “homework” was done. I think many of those questionnaires would have different responses if they would be redone at this point.

Pollution

The applicant is testing his equipment / methods in Merigomish Harbour (on another oyster lease). That area is not closed to shellfish harvesting like Antigonish Harbour is and it has no town nearby (like Antigonish) for pollution potential. It has lots of forest in the general area and a few farms on Big Island. There is certainly less development (based on Google Earth) nearby that Merigomish Harbour location than the proposed location in Antigonish Harbour.

Antigonish Harbour is closed to shell fish harvesting – so why would anyone go thru the extra steps needed in a large oyster farm to deal with this problem ? There are many harbours that are not closed. Antigonish town sewage system does empty into the harbour even though it is “treated”. Antigonish has a regional hospital and university that uses that system. Has anyone ever tested for various chemicals in the “treated” water after it has gone thru the sewage treatment system ? The hospital deals with all kinds of chemicals and drugs. And it is know that these can eventually end up in other organisms. Have the oysters or mussels ever been tested for any of these chemicals ?

What about the prospect of anticipated heavier rainfalls predicted by climate change ? Much more silt in the harbour coming down from the rivers. The harbour turns brown and there is a brown plume into the bay. How will that affect the oysters and the business.

Any use of internal combustion engines add to the climate change problem. At a time when we should be reducing their use.

I believe people are less willing to put up with these intrusions / issues. Maybe peaceful surrounding are seen as becoming more important for mental health etc. Like the fan noise that could be heard +/- 10 km away at a Cape Breton unproductive coal mine. The mine owners indicated that any solution would be too expensive. But there was enough outcry that I believe they might be doing something about it now. Or the issue of a large inflatable play park on the water for kids on a populated lake near Halifax. There was enough protest from the residents that the proposal was dropped. They now operate on a private lake and surrounding land (owned by a business I believe) near Halifax that has no residences on it. Or about a large waterfront RV park proposed near Big Pond, Cape Breton – the residents foresaw many issues with it and thru the local process it was ruled that it could not go forward.

Habitat

There is reference to the idea that the oyster culture equipment “ may contribute to the estuarine productivity by creating a hard substrate.....” But if various things (like muscles !) grow on the equipment (cages, ropes, buoys etc) it would start to get weighed down / sink. I suspect this would not be tolerated to any degree and therefore be cleaned off. And the oyster cages are be regularly cleaned off anyway – so that negates that substrate for any other growth. I had this experience with a sailboat – the centreboard well had so much growing in it I couldn’t lower the centreboard after a while. And the mooring line and buoy started to sink because of all the stuff (mostly muscles)growing on it.

There is always the worry of habitats being disturbed by adding anything to the mix. One thing always affects the other – in negative and sometimes positive ways. It is so multi pronged.

Disease

Very little mention of potential diseases etc that affect oysters. That would be quite a challenge and how would these diseases be treated ?

Harvesting shellfish

According to DFO “ Shellfish **must not** be harvested within 125 metres (410 feet) of a wharf, a marina, an aquaculture operation or a floating house. Shellfish **should not** be harvested in unmonitored areas.” So that distance would certainly exclude the general public from quite a large area around each lease site – if the harbour were open for harvesting.

Size of farm

Site 1443 – Site # 2 - 20.21 hectares (closest to many residences, Town Point)

Site 1444 – Site # 3 - 13.38 h. - behind Dunns Beach

Total – 33.59 h

This proposed lease area is much larger than most shell fish farms between the Canso Causeway and New Glasgow. Out of 25 leases there are 3 that are 20 h. and larger; 5 are around 13 h. (does not include the ones 20 h. and larger). The applicant proposed leases are not included in these calculations. In Merigomish Harbour there are 10 leases – one is 22.85 h, the others are much smaller.

Why does the Antigonish Harbour lease(s) have to be so big ?

Employment

The operation will not employ that many people so an economic impact on the local area will probably not be very large. The proposed oyster farm will employ about 11 people after 4 years. About half of them will be seasonal (the people who will probably be on the boat in the harbour) – so not full time employment – so lower income. And seasonal workers usually don’t earn high wages. They project that by the 4th year they will spend \$350,000 / yr on wages with all facilities running – 7 people could earn \$50,000 / yr, 11 would earn about \$32,000. /yr. I suspect most people now expect to earn more. The seasonal workers would certainly earn less. I would not call that a great economic impact.

There is a local chocolate factory that employed 25 people in 2018 and at that point they were hiring 25 more people. It is in a building that does not impact the surroundings like an oyster farm would.

The application states that “newly designed technology” - which is in use in Merrigomish Harbour - will supposedly generate more economic activity than their oyster farm. Maybe then it might make sense to focus on the technology development / production for community economic contribution / impact rather than an oyster farm in Antigonish Harbour. Both Antigonish and Pictou Ccounties have industrial parks.

Affordability, sustainability (see more info below)

It was indicated that oysters were a good source of protein. I see oyster consumption for people with higher income – a luxury item. I suspect that there won’t be many locals who can afford it generally. I find it a bit irksome to be exposed to a food production facility for food that I can’t afford. Food for rich people.

The recent pandemic has shown us the vulnerability of supply systems etc. So encouraging local affordable food supply close to where people live makes sense.

Recently at my local grocery there were packages of about 8 smallish oysters that cost about \$9.00 and they were reduced by 50% because no one was buying them. In Jan. 2022 in the food store I saw 2 large oysters with a price tag of \$5.00. Not a food staple I would say. Can buy a lot more other protein at that price.

Median Household Income \$70,572 2016 (municipality-county-antigonish-municipal-profile-and-financial-condition-indicators-results-2018-en_0)

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Enforcement

Once an oyster farm is established and it is discovered that there are adverse effects due to its' presence – will it be forced to close down ? And how long would that take ? I can foresee lawsuits and pressures being enacted by the operation to remain open because of the arguments of economic consequences and employment etc..... The average person can't afford lawyers to deal with potential issues.

I am unsure/suspicious about effective and timely enforcement of the regulations with respect to aquaculture operations. I haven't heard much positive on this aspect.

Notification

I believe any aquaculture applicant should have the onus of informing/notifying the nearby/adjacent property owners of any public meetings with respect to the application / aquaculture operation. That is easily done with emails etc.

Ownership

The lease can be sold to anyone at anytime. Will it operated the same way as the previous owner ? One owner could have run a good conscientious operation but that does not mean the next one does. Are there any regulations regarding the way an operation was run previously that has to be carried on by a new owner ? That leaves the surrounding area vulnerable – people might have been okay with one way it was run and then someone else comes in and operates it in a more offensive way. There seems to be no recourse to hold an operation up to certain standards by the people who are affected by it....

Other comments made in the application:

- no adverse economic impacts – expand on that, prove it ? No negative impacts on property values – really ? - only way to prove that is to do appraisals (at the Oyster farm expense) on surrounding properties before the oyster farm is established - that will set a base line etc.

- “the farm will add activity in the harbour.....provide a dynamism and sense of purposeful activity....” this seems to only mean that making money is relevant and that is most important and that is okay? And only that can provide dynamism ? Can't nature do that too ? There are proven benefits to being out in nature (peace and quiet) too. I think that the Covid pandemic has made people realize that being outside in nature away from “development” is important. The application seems to infer that only “work can contribute to the economic benefit of the community”. Play can also contribute – isn't this what tourism is ? Kayaking, beach activities, swimming, hiking, personal fishing.....

- “working harbour historically” - was that in the days of sailing ships etc ? Pretty quiet.

- “working waterfronts” - I suspect these were mostly in or adjacent to towns – where noise is more concentrated and constant – not out in the country where quiet is expected. Now a wharf is a different thing – there is noise but it is more periodic generally.

- “not near private land that could be developed and are distant from views” - that ignores that there are houses on each piece of land nearby (so they are developed already) – especially for lease1443. Lease 1444 is farther from fewer residences. I look over the harbour to the harbour entrance and the back of part of Mahoneys' Beach and the back of Dunns' Beach. Those beaches don't look that far to me and both of those oyster farm sites will be between me and Dunns' Beach. Those are not “distant” views to me and Site 2 will be really close.

Is only income producing activity of a certain area beneficial / relevant / useful ? Is unused, occasional use areas dismissed because it doesn't produce direct income ? Maybe the pandemic has refocused some of these ideas. Money isn't everything, other things like mental health are just as important too.

It is not a negative to leave nature alone and not always focus on just any potential economic benefit in a certain area / project. There seems to be an emphasis / focus on business uses and not private / residential uses – do residents not count ?

P.8

Experience / history

I see from previous hearings that lawyers are often involved. And personal appearance of intervenors is expected. I can't afford a lawyer and I really don't want to subject myself to their intensive questioning. I am a shy person who does not like crowds and speaking in front of people – especially of people I don't know.

My experience: assisted in nature walks / education; wildlife rehabilitation; eagle, osprey, seabird, owl, fish, moose surveys; Christmas Bird counts; migratory bird counts; Piping plover surveys and guardian; nature tourism and committee; educating on low energy/green/ off grid building; carpentry; CRA Canadian Residential Appraiser – retired; a lifetime of nature observation and learning.

Study (St,FX)

I am glad to hear that a study is proposed by St. Francis Xavier University. It was to start in 2021 and run for 4 years. I'm assuming this will still happen but will start later of course. And the Oyster farms should not be started / established until a baseline study (to show what exists in those locations now) has been completed.

I see no mention of any lights (on buoys etc) being part of the lease site. I hope not !

More on **Affordability, sustainability**

If I take the below information of 92 grams of protein intake per day – a divide that by 3 meals that would equal 30.5 grams of protein needed at each meal for a man (see <https://www.calculator.net/protein> below). So oysters seem to contain 4-6 grams of protein in 6 med. Oysters. So to get 30 grams of protein a man would have to eat 30 oysters ? Sounds like a lot, and expensive. If oysters cost \$1.50 ea. at the store it would cost \$45.00 ?!

https://www.healthline.com/nutrition/protein-in-chicken#TOC_TITLE_HDR_2

-One skinless, boneless, cooked chicken thigh (52 grams) contains 13.5 grams of protein. This is equal to 26 grams of protein per 100 grams (4).

-A skinless, cooked chicken breast (172 grams) contains 54 grams of protein. This is equal to 31 grams of protein per 100 grams (3).

These sources of protein sound a lot cheaper.

In fact, a 3.5-ounce (100-gram) serving of cooked wild eastern oysters provides the following nutrients (source - [US Dept. Agriculture](#)):

Protein: 9 grams

<https://www.webmd.com/diet/oysters-good-for-you>

6 med. Oysters - - 6 grams protein

One oyster grower recommends 6 oysters for an appetizer, most places / websites say 3-4

<https://www.calculator.net/protein>

A 200 lb 6' tall 40 yr old male doing light exercise 1-3 times/wk

Based on given information, the following are the basic protein intake recommendations from multiple authoritative institutions:

American Dietetic Association (ADA): **at least 91 - 163 grams/day.**

The Centers for Disease Control and Prevention (CDC): **62 - 218 grams/day** (10-35% of daily caloric intake).

World Health Organization safe lower limit: **75 grams/day.**

A 130 lb 5'6" 40 yr old female doing light exercise 1-3 times/wk

Based on given information, the following are the basic protein intake recommendations from multiple authoritative institutions:

American Dietetic Association (ADA): **at least 59 - 106 grams/day.**

The Centers for Disease Control and Prevention (CDC): **43 - 150 grams/day** (10-35% of daily caloric intake).

P.9

World Health Organization safe lower limit: **49 grams/day**.

How many/much oyster for weight, measure ?

An average "shucked" oyster of eating size (medium) is about 2 ounces (56 grams).

<https://topslseafood.com>

“One oyster typically equals about 3 ounces. This means that if you want to eat 3 ounces of oysters, you would need to eat about 10 oysters. “

“A serving of 6 **medium oysters** (about 84 grams) contains 50 calories, 4 g protein, 1.3 g fat (0.5 g saturated), 150 mg sodium, 21 mg cholesterol, and is an excellent source of iron, zinc, copper, selenium, and vitamin B12. “

<https://www.thespruceeats.com/cooking-with-oysters-measures-and-equivalents-1807472> **Oyster Equivalents**

- 6 large oysters = 1 serving raw
- 12 medium oysters = 1 serving raw
- 1 quart [shucked](#) oysters = 6 servings
- 1 dozen shucked medium oysters = about 1 cup
- 1 quart medium shucked oysters = about 50 oysters
- 6 1/2 ounce can smoked oysters = about 24 oysters

<https://seafarmers.ca/oyster-pie/> no indication of serving size – for 4 ?

Oyster Pie requires amount other ingredients:

12 large oysters, or more if desired, shucked, with juices

Oyster stew requires:

2 (12 ounce) containers fresh shucked oysters, undrained - ***How many oysters does that mean – sounds like a lot !***

Oyster health issues / problems – effects on people

<https://www.fda.gov/food/health-educators/raw-oyster-myths>

Raw Oyster Myths

[Vibrio vulnificus Health Education Kit](#)

Raw oysters contaminated with *Vibrio vulnificus* can be life threatening, even fatal when eaten by someone with liver disease, diabetes or a weakened immune system. However, there are myths that encourage people to eat raw oysters in spite of these dangers. Some of these myths, and the true facts behind them, include:

MYTH: *Eating raw oysters are safe if you drown them in hot sauce, which kills everything.*

Fact: The active ingredients in hot sauce have no more effect on harmful bacteria than plain water. Nothing but prolonged exposure to heat at a high enough temperature will kill bacteria.

MYTH: *Avoid oysters from polluted waters and you'll be fine.*

Fact: *Vibrio vulnificus in oysters has nothing to do with pollution. Rather these bacteria thrive naturally in warm coastal areas (such as the Gulf of Mexico) where oysters live.*

MYTH: *An experienced oyster lover can tell a good oyster from a bad one.*

Fact: *Vibrio vulnificus can't be seen, smelled, or even tasted. Don't rely on your senses to determine if an oyster is safe.*

MYTH: *Alcohol kills harmful bacteria.*

Fact: Alcohol may impair your good judgment, but it doesn't destroy harmful bacteria.

MYTH: *Just a few oysters can't hurt you.*

Fact: Roberta Hammond, Ph.D, the Food and Waterborne Disease Coordinator for Florida, cites a case where a fatality caused by *Vibrio vulnificus* occurred after eating only three oysters. The seriousness of any case depends on many factors, including how much bacteria is ingested and the person's underlying health conditions.

MYTH: *Avoid raw oysters in months without the letter "R" and you'll be safe.*

Fact: While presence of *Vibrio vulnificus* bacteria is higher in warmer months, according to the Department of Health and Human Service's Centers for Disease Control and Prevention (CDC), a full 40 percent of cases occur during colder months from September through April.

MYTH: *Raw oysters are an aphrodisiac and will cure a hangover.*

Fact: There is no scientific evidence that either of these commonly held beliefs is true.

<https://www.canada.ca/en/sr/srb.html?q=eating+oysters&wb-srch-sub=>

Vibriosis: For health professionals

- Government of Canada

1. www.canada.ca > Food poisoning

Nov 30, 2022 - , particularly **oysters**. Species of *Vibrio* known to cause illness in humans include: *V. parahaemolyticus* *V. vulnificus* *V. alginolyticus* other *Vibrio* species, including: *V. cholera* other than O1 and O139 *V. mimicus* non-toxigenic *V. cholera* O1 Clinical symptoms *Vibrio parahaemolyticus* Incubation period: Usually 24 hours but can range from 4 to 96 hours.

Public Health Notice: Outbreak of *Vibrio parahaemolyticus* infections linked to shellfish

- Public Health Agency of Canada

1. www.canada.ca > 2020

Dec 9, 2020 - *parahaemolyticus* infections that occurred in four provinces. The outbreak appears to be over and the investigation is winding down. Investigation findings identified exposure to shellfish as a likely source of the outbreak. The majority of the individuals who became sick reported **eating** shellfish, mainly raw **oysters**, harvested from Atlantic Canadian coastal waters

Norovirus: Prevention and risks

Government of Canada

1. www.canada.ca > Norovirus: Symptoms and treatment

Dec 2, 2022 - norovirus by following these precautions: wash your hands with soap and water: after using the washroom or changing diapers before preparing or **eating** food clean and disinfect surfaces after an episode of illness immediately wash clothing and linens that are soiled with vomit or diarrhea cook shellfish thoroughly before **eating**, especially **oysters** and clams - wash

P.11

<https://www.healthline.com/nutrition/oysters#risks>

May contain bacteria

Eating raw oyster meat poses a greater risk of bacterial infection

Vibrio bacteria — including *Vibrio vulnificus* and *Vibrio parahaemolyticus* — can be concentrated in filter-feeding [shellfish](#). Eating these shellfish raw can increase your risk of exposure ([25Trusted Source](#)).

Infections by these bacteria can lead to symptoms like diarrhea, vomiting, fever, and even more serious conditions such as septicemia — a serious blood infection that can lead to death ([25Trusted Source](#)).

According to the Centers for Disease Control and Prevention (CDC), 100 of the 80,000 people who get sick from *Vibrio* bacteria in the United States every year die from the infection ([26Trusted Source](#)).

Other contaminants

Oysters can also carry Norwalk-type viruses and enteroviruses that can pose health risks ([27](#)).

Additionally, these mollusks may contain chemical contaminants, including heavy metals such as lead, cadmium, and [mercury](#) ([28Trusted Source](#)).

Because of these potential health risks, children, people with compromised immune systems, and people who are pregnant or breastfeeding should avoid eating raw seafood .

Those who choose to eat raw oysters should be aware of these potential risks. At this time, there is no way to ensure that raw oysters are safe to consume, despite rigorous monitoring by both state and federal authorities.

This is why major health organizations like the Food and Drug Administration (FDA) and the CDC recommend that oysters only be eaten cooked .

Other risks

Oysters contain an exceptionally high amount of zinc. While this mineral is important for health, consuming [too much](#) can be harmful.

Though zinc toxicity is most often associated with supplements, eating too many oysters too often can lead to negative health effects, such as reduced levels of the minerals [copper](#) and iron, which zinc competes with for absorption .

Additionally, those who are allergic to seafood or shellfish should avoid eating them.

Summary

Raw oysters can carry potentially harmful bacteria and viruses. Health organizations recommend eating cooked oysters rather than raw to avoid dangerous infections.

P 1

Lease 1444 (O1444 on Map # 1) (Dunns Bch)

This response deals with specific issues related to this lease. The other general comments and questions I have in my response to Site 2 Lease 1443 are also relevant to this response.

My property is 4878 ft / 1529.8 m / 1.5 km away from Site # 3 AQ # 1444. (Site # 2 AQ # 1443 is 984 ft/ 300m/ 0.3 km away). These distances are generally much closer (especially Site 2) than the oyster farm in Merigomish Harbour that the applicant is associated with. The Antigonish Harbour site is closer to many more residences. The closest houses I see from the shore of my property are across to Archibald Point to the west. And those are 1583 ft / 483 m / 0.48 km away. And I can clearly see and hear activity from that area. Site # 2 is much closer and will be noisier all the time and will have more activity than residences. The activity and noise on Archibald Point is sporadic – not all day.

This lease location is farthest from any residences but is still visible and within hearing from my property. I suppose that this location would be preferable over Site 2 that is more in the middle of the water area. At low tide here is an exposed sandbar to the west of Site 3 where various seabirds hangout. I suspect that the birds will be skittish with the activities of the oyster farm a little distance to the east.

This site might also be protected a bit better from nor'easter storms due to Dunns Beach (although there are low areas where it looks like waves have washed over) on that side and some protection from the small island to the south. See Map # 2.

In the application a study is referred to that says piping plovers are less disturbed by “passing terrestrial motorized vehicles” than by pets and humans. This seems to imply that the oyster farm will not have an impact? The oyster farm site behind Dunns' Beach is not passing (temporary) or terrestrial – it is there all spring, summer, fall (and winter – but probably covered with ice) and there will be activity of all types there most of the time. How would activity (human and motor) on nearby water affect them? There was reference to aquaculture sites and a wharf near a park in PEI. Despite “passing fishing vessels and aquaculture related activities” a pair of Piping Plover successfully hatched 3 young in 2019.

That really doesn't tell me much -

- were there other pairs that were unsuccessful?
- how many plovers were there before any of those “activities”?
- where (how far) were the aquaculture sites, wharf, and passing fishing vessels in relation to the nesting site?

Antigonish Harbour has about 5 fishing boats going out of and into the harbour – the boats take about 5 minutes to go past the beach area - that seems more “passing” compared to an oyster farm that is in a fixed spot with the related cage “cleaning” activity going on a lot of the time

It is one thing to decide to live in a spot where an “economic activity / industry” already exists - you know it is there and decide to live there anyway if you so choose. It is another thing to live where most/all you see and hear nearby is nature (waves, open water, wind, birds...) and then something that affects you directly is imposed on you! How would you like it if a testing area for airboats (the ones commonly used in the Florida Everglades that have noisy motors with propellers where everyone on board wears hearing protectors) was created in front of your house or up and down Antigonish Harbour, or have a testing facility created for personal water craft right in front of your cottage, or a trail bike track beside /near your house in the countryside? And these operations go on for hours every weekday and maybe on the weekends too? But that might be okay because there might be 8 to 10 jobs created! I suspect the noise etc would affect your enjoyment of your property. I recall that someone actually did have an airboat in Antigonish Harbour (I saw and heard it nearby in Ogdens Pond) and that boat was not operated very long at all due to objections.

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than ***ten calendar (10) days*** after the publication date of the public hearing notice. You may attach additional pages if necessary.

Intervenor Status Applications will only be processed if they are received by the Board on or before 4:30 pm (local Nova Scotia time) on the deadline date, without leave of the Board.

A person applying for intervenor status for more than one application must complete and submit individual Intervenor Status Applications forms for each application.

Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

All information provided to the Board on this form and any additional pages submitted (the "form information") will become a part of the record of the hearing. Should your application for intervenor status be accepted, the form information will be disclosed to the other parties to the hearing.

You are also advised that the form information may be subject to an access request under the *Freedom of Information and Protection of Privacy Act* ("FOIPOP") and may, as a result, be released unless the information is exempt from disclosure under FOIPOP.

Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

- Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

- Name of Applicant:
- Civic Address:
- Mailing Address: (if different than above)
- Phone Number(s):
- Email Address*:

- Preferred method of communication: email* Mail Other: _____
 *Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

The Friends of Antigonish Harbour (FOAH) is a registered NS Society formed to protect the environmental health of the sensitive ecology of Antigonish Harbour, ensure the safe access to Antigonish Harbour by First Nations, local commercial and recreational fishermen, boaters, hunters, bird watchers and other recreational users.

FOAH has scientific evidence that applications AQ1442, 1443 and 1444 contain material errors regarding oceanographic and biophysical characteristics of the lease areas. This new evidence supports the conclusion that these lease locations are not optimal for oyster aquaculture in general and are unsuitable for the proposed development. If approved, the application's plan poses a threat to fish habitat, species, populations, communities and fisheries. FOAH's membership includes property owners of properties bordering Antigonish Harbour and are regular recreational users of the Harbour. These members would be impacted directly and substantially by such harm to Antigonish Harbour and life forms living there, additional to barriers and nuisances created by the Town Point Consulting lease applications.

Members' use of the lease site for these activities (i.e., boating, fishing, hunting, etc. as listed above) would be eliminated, dramatically reduced or inhibited. The value of properties would decline and the peaceful enjoyment of members' residences on these properties would be degraded.

Prevention of access to the lease areas would deprive boaters, fishers and hunters of safe access to these waters. The risk of this equipment breaking loose and scattering across Antigonish Harbour and St. George's Bay during storms like hurricanes Fiona and Dorian – as experienced by FOAH members first-hand, in addition to potential damage to oyster gear from winter ice cover over lease areas when cages are submerged, all lead to further safety risks to users of the harbour and potential environmental damage.

Further restrictions to freedom of navigation and further navigational risk exists due to the encroachment of AQ 1443 into a registered route. AQ1444 blocks an access route from St. George's Bay to a public access point at the East end of Dunn's beach taken by recreational boaters and may be a hazard to commercial fisherman transiting from the wharf at this location to the "cut" to St. George's Bay. These risks are especially pronounced in the dark and during other periods of low visibility and/or adverse weather conditions.

FOAH will tender scientific evidence that indicates TPCI's plan is not consistent with the optimum use of the marine resources of the Harbour, factor 3(a) and additionally .

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

Members of FOAH are engaged in boating (via canoes, kayaks, sail boats, power boats, paddle boards, windsurfers) fishing, bird watching in the lease areas. All these activities are recreational.

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

See response to question 9 as these activities are also conducted around the lease areas.

Additionally, many of the members of FOAH own land around the harbour and near the proposed leases. As a consequence of this land ownership members use their shore areas for recreational

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purposes and overlook the lease areas. Most of these uses are recreational, however, to the extent that these land holdings represent substantial investments which are subject to reductions in value if this project proceeds, members also have a financial stake in the outcome. Living in a residence in close proximity to the lease sites, may not qualify as either recreational or commercial but it is real. The presence of the oyster gear and the 8 hrs per day presence of the proponent's oystermatic machinery and service vessel/barge in the lease areas would interfere with the use by our members of their properties as residences.

Some members of FOAH rent their properties directly or via services like AirBnB. Other members may chose to take this step in the future as a result of the growing popularity of Antigonish Harbour as a destination. The approval of lease applications Aq1442, 1443, and 1444 leading to placement of 23,000 oyster cages, 52km of cables and ropes, buoys, etc. along with the continuous servicing of this equipment by commercial boats and associated land-based development, traffic and noise would degrade these commercial prospects for FOAH members and others around the harbour.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

Members of FOAH appreciate and look forward to participating in the ARB's public hearing of this case.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

February 22, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

- 23 (1) *A person may request intervenor status from the Review Board.*
- (2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*
- (3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*
- (4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*
- (5) *A decision made by the Review Board with respect to intervenor status is final.*
- (6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

- 3 In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:
- (a) the optimum use of marine resources;
- (b) the contribution of the proposed operation to community and Provincial economic development;
- (c) fishery activities in the public waters surrounding the proposed aquacultural operation;
- (d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
- (e) the other users of the public waters surrounding the proposed aquacultural operation;
- (f) the public right of navigation;
- (g) the sustainability of wild salmon;
- (h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

NSARB-2022-INT-014

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than **ten calendar (10) days** after the publication date of the public hearing notice. You may attach additional pages if necessary.

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A person applying for intervenor status for more than one application must complete and submit individual Intervenor Status Applications forms for each application.

Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

All information provided to the Board on this form and any additional pages submitted (the "form information") will become a part of the record of the hearing. Should your application for intervenor status be accepted, the form information will be disclosed to the other parties to the hearing.

You are also advised that the form information may be subject to an access request under the *Freedom of Information and Protection of Privacy Act* ("FOIPOP") and may, as a result, be released unless the information is exempt from disclosure under FOIPOP.

Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

The public right to navigation into Graham's cove. The proposed aquaculture lease encroaches on the marked channel into Graham's Cove (see attachment A). This channel is necessary for access to a private warf and mooring owned by Richard and Alena Wilgenhof, permits [REDACTED] and [REDACTED] respectively, issued by Nova Scotia Natural Resources. Myself and the Wilgenhofs have used this channel for decades.

The channel was marked in compliance with Transport Canada's regulations concerning the placement of private navigational aid bouys. Transport Canada's Navigation Protection Program, as well as the Department of Lands and Forests, were informed about the location, depth, date and time the NABs were set.

Melanie LeBlanc, from the Navigation Protection Program, emailed me on September 3, 2019. She stated in the email that the information I provided would be forwarded to the manager of Nova Scotia Department of Aquaculture and Fisheries. (see attachment B)

In the application for this lease, no mention was made about the location of the four wharfs, moorings or navigational aid bouys into Graham's Cove. This channel is necessary for me to traverse to and from my recreational property in Graham's Cove, with my sailboat that requires 4.5 feet of draft.

This area is mostly residential and recreational. I fear the drop in property value of both my primary residence and my cottage should the lease be granted.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

I have used the area inside this lease for sailing, canoeing, kayaking and motorboating.
My five children have learned these recreational activities in this area since they were young, along with their friends.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

I fish trout in the spring and ice fish smelts in winter. I have skated at times when the surface is smooth and have bought eel from the native fishermen. I have harvested hardwood for my woodstove and rented my cottage out in the spring summer and fall. I have walked my dog into town on the ice and snowmobiled over most of the harbour. My use of this area is recreational, commercial and residential.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

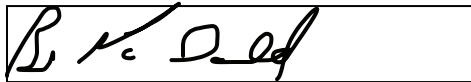
My primary residence overlooks the proposed lease from 30 meters above the harbour on Seabright Road. My cottage at Graham's Cove is on the water and in direct view of the proposed lease and occasionally rent out this cottage.

I am the care take for [REDACTED] Airbnb cottage at [REDACTED]

I am a member of the Strait of Canso Yacht Club and a member of the Friends of Antigonish Harbour

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

February 2, 2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

23 (1) *A person may request intervenor status from the Review Board.*

(2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*

(3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*

(4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*

(5) *A decision made by the Review Board with respect to intervenor status is final.*

(6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

**Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4**

NSARB-2022-INT-015

AQUACULTURE.BOARD@NOVASCOTIA.CA

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than ***ten calendar (10) days*** after the publication date of the public hearing notice. You may attach additional pages if necessary.

Intervenor Status Applications will only be processed if they are received by the Board on or before 4:30 pm (local Nova Scotia time) on the deadline date, without leave of the Board.

A person applying for intervenor status for more than one application must complete and submit individual Intervenor Status Applications forms for each application.

Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

All information provided to the Board on this form and any additional pages submitted (the "form information") will become a part of the record of the hearing. Should your application for intervenor status be accepted, the form information will be disclosed to the other parties to the hearing.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

I have been a resident of Seabright since June of 1997, this is where I grew up. The proposed aquaculture sites would be located in Grahams cove in sight of my residence. All activities of the site would be in my view including the operation of the facility and transportation of the goods and products via the Seabright Road.

I am concerned that the management of the facility and operation of the site will negatively impact the enjoyment of my residence and my many uses of the harbour.

I worry that the proposed lease area in Grahams cove will prevent me from paddling and sailing in the harbour. The proposed site area in Graham's cove has always been one of my favourite places to paddle and sail. The best place to paddle and watch aquatic life is in the shallow water East of Captain's Island. Adjacent to Captains Island, in Graham's Cove, the water is deep enough for sailing, whereas most of the harbour is dangerously shallow for keel boats.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

My recreational uses of the harbour lease sites include beach strolling, canoeing, paddle boarding, sailing, swimming, fishing and camping on the islands.

In winter, months when the harbour is frozen, I have used the harbour for skating, snow mobiling, snow shoeing, cross skiing and ice fishing.

Commercially, I have helped facilitate paddle boarding lessons at the Antigonish Boat Club with Michelle Richards.

I participated in sailing lessons at the Antigonish boat club when I was child.

Nova Scotia Aquaculture Review Board
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10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

I am a resident of Seabright and live in the surrounding area of the proposed lease site. I would not describe my situation as recreation or commercial, but necessity. I am fortunate to live in a small affordable cottage that is in close proximity to my family and community. Living in the small community of Seabright offers a unique lifestyle that is slow, perfect for homesteading and optimal for enjoying nature.

Recreational uses of the area include wildlife watching e.g. eagles, bears, bob cats, fish, otters, seals, etc. Other recreational uses include hiking through the woods, snow shoeing, snow mobiling, four-wheeling, gardening, photography, property maintenance and landscaping. Rarely, have I ever done any of the mentioned recreational uses alone. There have always been friends and acquaintances who enjoy the many uses of the harbour.


11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

I am a member of the Interinternational Seafarers Union of Canada and I was employed with Cook's aquaculture in 2021.

I am a member of Friends of Antigonish Harbour. I joined the group because of the many concerning activities the propoinent has committed. I fear that the proponent will exclude me and others from enjoying the harbour if the proposed lease sites are approved.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

02/02/2023

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

23 (1) *A person may request intervenor status from the Review Board.*

(2) *A request under subsection (1) must be in writing in a form determined by the Review Board and must be submitted to the Review Board no later than 10 days after the date that notice of the adjudicative hearing is published under Section 19.*

(3) *No later than 10 days after the date it receives a request for intervenor status, the Review Board must decide whether to grant or refuse the request.*

(4) *The Review Board must grant intervenor status to any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing.*

(5) *A decision made by the Review Board with respect to intervenor status is final.*

(6) *No later than 5 days after deciding on a request for intervenor status, the Review Board must provide notice of its decision to the person requesting intervenor status and, if the request is granted, to each of the parties to the proceeding.*

In making decisions on intervenor request, the Board will reference the regulated factors below to determine whether the intervenor applicant is directly and substantially affected by the hearing pursuant to section 23(4) above.

Excerpt from the Aquaculture Licence and Lease Regulations

Factors to be considered in decisions related to marine aquaculture sites

3 *In making decisions related to marine aquaculture sites, the Review Board or Administrator must take all of the following factors into consideration:*

(a) the optimum use of marine resources;

(b) the contribution of the proposed operation to community and Provincial economic development;

(c) fishery activities in the public waters surrounding the proposed aquacultural operation;

(d) the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;

(e) the other users of the public waters surrounding the proposed aquacultural operation;

(f) the public right of navigation;

(g) the sustainability of wild salmon;

(h) the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation;

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

NSARB-2022-INT-016

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than **ten calendar (10) days** after the publication date of the public hearing notice. You may attach additional pages if necessary.

Intervenor Status Applications will only be processed if they are received by the Board on or before 4:30 pm (local Nova Scotia time) on the deadline date, without leave of the Board.

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Pursuant to s.23 of the *Aquaculture Licence and Lease Regulations*, the Board will decide on this Intervenor Status Application within ten (10) days of receipt and will notify you of the decision no later than five (5) days after the decision is made.

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Please refer to the *Aquaculture Licence and Lease Regulations*, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address: (if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

Financially - my properties on Antigonish Harbour (PID # [REDACTED], # [REDACTED], # [REDACTED]) have been in my family Brady/Dunn/Dunns Beach for generations. These properties have significant shoreline immediately to the north and east of AQ1444. My properties will be directly, substantially and adversely impacted if TPCI's plan is approved and executed. The value of my pristine land will be immediately reduced and I will be financially impacted forever.

Socially - Interruption of quality of life that has existed for decades by commercial farm and factory operations. I will lose the ability to travel through the northern portions of Antigonish Harbour bordering my properties. I will be forced to look at TPCI's oyster gear and the operation of servicing vehicles and the "oystermatic" barge operating in close proximity to my property for 8 hours a day during the 5-6 months of the year when I most enjoy these properties.

Environmentally - if approved the damage process will start. Plastic, timber, oil, coatings and other bits of materials will be introduced that will impact the entire harbour including land, water and air creatures and continue into perpetuity.

Operations / Management - inexperience with oyster farming overall and inexperience in Antigonish Harbour. Excessive nutrients may be removed causing issues with eel grass and other critical components of the harbour area. Farmed oysters start breeding naturally causing unknown adverse changes to the ecosystem.

Contamination of the harbour

Unforeseen Circumstances

Inability to identify and correct problems - "the damage is done"

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

My recreational uses and experiences of the proposed lease sites are the same as the entire Antigonish Harbour since I have been alive, with great joy and UNENCUMBERED.

I swim, boat and fish in these waters - this will change if approved.

I walk my properties and shorelines to experience wildlife and take in the beautiful vistas from many locations providing me with mental and physical calmness - this will change if approved.

The sunsets reflecting off the harbour are amazing and uninterrupted - this will change if approved.

Nova Scotia Aquaculture Review Board
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AQUACULTURE.BOARD@NOVASCOTIA.CA

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

See #9

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

My properties on Antigonish Harbour (PID : [REDACTED]) have been in my family Brady/Dunn/Dunns Beach for generations. These properties have significant shoreline and will be impacted. The concern for me personally, for my properties and others is that if approved the Antigonish Harbour will be forever changed from its natural condition, beauty and value to all.

I support the local and provincial community in economic development efforts where appropriate. However the Antigonish Harbour is too valuable to me and to the community to risk any possibility of adverse impact no matter what the possible benefits may seem.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.

Signature of Applicant

Date

For Internal Office Use Only

Notice Date: _____

Date Received: _____

Decision Date: _____

Decision: Approved Denied

Decision Notes: _____

Applicant Notification Sent: _____

Notification to Parties Sent: _____

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4
AQUACULTURE.BOARD@NOVASCOTIA.CA

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than ten calendar (10) days after the publication date of the public hearing notice. You may attach additional pages if necessary.

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Please refer to the Aquaculture Licence and Lease Regulations, s.23 (attached) for more information on Intervenor Status Requests.

Application

Please read the entire application before responding. (Print clearly or type).

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: AQ1442/1443/1444 Hearing Date: April 24-28, 2023

2. Name of Applicant: Alena Wilgenhof

3. Civic Address: Harbour Center, Antigonish County, N.S.

4. Mailing Address: (if different than above) Same as above

5. Phone Number(s): Cell number is

6. Email Address*: @auracom.com

7. Preferred method of communication: [x] email* [x] Mail [] Other:
*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

1. There are two proposed growing sites, AQ1443 is directly in front of our Property on Antigonish Harbour. It is 49.5 acres in size. It stretches over and into our Protected Navigable Waterway, our buoys are marked with longitude and latitude co-ordinates and our name and phone number. We have a definite and valid concern that Town Point Consultants Inc will not acknowledge or respect our Navigable Waterway should they be given a license to operate the proposed oyster farm. In his application at page 244, Mr. Porter shows the intrusion into our Waterway which is used by the public and ourselves. He is unconcerned.

2. It is directly across from our boat launch which we use on a regular basis.

3. A local real estate agent indicated that yes our property value will drop.

4. It is a threat to the ecosystem from the addition of 9 million oysters, 23,000 cages, 52 kms of ropes/cables and the constant presence of the unproved oystermatic barges located at this site.

5. With the amount of debris we collect on our shoreline now, we feel that storms like Fiona will deposit all this gear on our shoreline.

6. Is it proposed the oystermatic barges will operate from 9 a.m. to 5 p.m. at least 5 days per week, as written in Mr. Porter's application, this makes our front lawn an industrial site.

7. This site is highly valued by recreational boaters, fishermen, birdwatchers, duck hunters, and the community at large. Antigonish Harbour is for the enjoyment of

Please see Schedule 4 attached

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

It is solely recreational boating, fishing and swimming. We have a number of boats which we use regularly, including a day sailer, a speed boat, a zodiac tender and a canoe. I have my Competent Crew Certification and when weather permits sail and practise sailing in this area.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

Recreational. We use this area for boating. At one point we had 7 boats and used them to entertain family and friends on the Harbour. Our children have used paddle boards in the Harbour as well. This area as well has our launching ramp. We feel with the expanse of Mr. Porter's site, it will most likely interfere with the launching of our boats. There are parts of this application which do not tell the whole story of actions within the Community. To someone who does not live here, all would seem to be rosy, i.e., the 87% in favour, the prediction of jobs and lots of them (we can't fill help wanted ads now). Re Tide heights and prevailing winds, damaging winds generally come from the North and erode shores and deposits debris on the shore line which we clean up (are oyster cages next). A lot of people who are purportedly in favour of the oyster farm have little or no interest in the Harbour. They do not live on or near the Antigonish Harbour. They are uninformed.

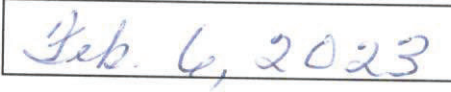
11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

The oyster farm and Ernie Porter has divided what was once a friendly and solid community of Town Point. After reading the application I find that the whole story is not told, i.e., Graham's Cove potential lease where we have recorded dock and mooring licenses and a Navigable Waterway. The tradeoff Mr. Porter offered was to remove Graham's Cove potential Lease site if we would not oppose the other sites. The commercial activity all summer is off our front yard and across the Harbour, making us lose our privacy but his lease application off his own property does not entail this commercial activity all summer. He does not lose any of his personal privacy and is not exposed to the noise and disruption whatsoever.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.


Signature of Applicant


Date

For Internal Office Use Only	
Notice Date: _____	
Date Received: _____	Decision Date: _____
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Decision Notes: _____
Applicant Notification Sent: _____	Notification to Parties Sent: _____

Nova Scotia Aquaculture Review Board
Re Leases AC1442, 1443, 1444 - Schedule "A"

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

1. There are two proposed growing sites, AQ1443 is directly in front of our Property on Antigonish Harbour. It is 49.5 acres in size. It stretches over and into our Protected Navigable Waterway, our buoys are marked with longitude and latitude co-ordinates and our name and phone number. We have a definite and valid concern that Town Point Consultants Inc will not acknowledge or respect our Navigable Waterway should they be given a license to operate the proposed oyster farm. In his application at page 244, Mr. Porter shows the intrusion into our Waterway which is used by the public and ourselves. He is unconcerned.
2. It is directly across from our boat launch which we use on a regular basis.
3. A local real estate agent indicated that yes our property value will drop.
4. It is a threat to the ecosystem from the addition of 9 million oysters, 23,000 cages, 52 kms of ropes/cables and the constant presence of the unproved oystermatic barges located at this site.
5. With the amount of debris we collect on our shoreline now, we feel that storms like Fiona will deposit all this gear on our shoreline.
6. Is it proposed the oystermatic barges will operate from 9 a.m. to 5 p.m. at least 5 days per week, as written in Mr. Porter's application, this makes our front lawn an industrial site.
7. This site is highly valued by recreational boaters, fishermen, birdwatchers, duck hunters, and the community at large. Antigonish Harbour is for the enjoyment of the many and not for the sole benefit of a tightly held private corporation. The proposed use if allowed will ban the general public from the use of 90 acres of Antigonish Harbour, which is the prime part of the Harbour. Mr. Porter states he is only going to use 2 per cent (90 acres) of Antigonish Harbour, the other 98 per cent is mostly usable only by seabirds and fish.
8. Lease Site AQ1444 is 13.38 hectares or 33.063 acres is across the channel, further out in the Harbour, in front of Dunn's Beach Provincial Park. We boated through this area with our grandchildren and nephew to Dunn's Beach to have picnics and search for sand dollars. We would consider it too dangerous to access Dunn's Beach this way again if this Lease AQ 1444 is allowed.

Alena Skilgenhof, Feb 6, 2023.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

INTERVENOR STATUS APPLICATION

Instructions

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Application

Please read the entire application before responding. **(Print clearly or type).**

1. Please identify the aquaculture lease application that you are requesting intervenor status for:

Lease Number: Hearing Date:

2. Name of Applicant:

3. Civic Address:

4. Mailing Address:
(if different than above)

5. Phone Number(s):

6. Email Address*:

7. Preferred method of communication: email* Mail Other: _____

*Unless otherwise notified, email will be the preferred method of communication

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

I have read a substantial amount of this application and it appears that this proposed "farm" will turn our quiet residential area into an industrial site. This proposed lease area AQ1443 is directly across from our property, and in full view of our house and mere feet from our guest cottage, which is used only by family and friends when they visit. This was the original small cottage utilized by the first owners of the property. It may have a potential income source for us as we are seniors on a fixed income. It will infringe on an established navigational area and may pose a hazard to our use of our well established boat launch. The proposed activities, and the scale of them, will forever change the harbour, the communities surrounding, and our relative privacy will disappear. Area AQ1444 is adjacent to a protected area of Dunns beach provincial park and serious consideration must be given to an area that is deemed protected, so it can remain undamaged for future generations. Area Aq1442 is directly off the applicants shore with no activity proposed during summer months when harbour use is greatest, and no ropes for possible entanglement, or oyster growing activities are proposed.

9. Describe your existing uses, if any, of the proposed lease site, and state whether the identified uses are recreational or commercial:

Our use of this area is recreational. We use the proposed lease area for boating, primarily, sailing and small power boat and canoe. Area AQ1443 is one of the few areas in the harbour with depth enough to use a sail boat even with a retractable keel.

Nova Scotia Aquaculture Review Board
P.O. Box 2223, Halifax, Nova Scotia, B3J 3C4

AQUACULTURE.BOARD@NOVASCOTIA.CA

10. Describe your existing uses, if any, of the area surrounding the proposed lease site, and state whether the identified uses are recreational or commercial:

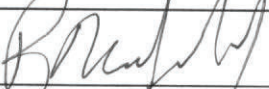
We use the area surrounding the proposed lease area AQ1443 for boating and the adjacent beach ,bordering on our property to swim.

11. Please provide any other information which you consider relevant to your application for intervenor status including any affiliations, if any:

I am affiliated with no one. This proposed "farm" has divided the community and if it goes ahead, will lead to deeper hard hard feelings amd divisions. There are a lot of unanswered questions in this application. Ie: disposal of dead oysters and the effect on the water if tossed in the water. Wash water and debris, bird entanglement in the rope system etc. Again the scale of this operation is a factor. The harbour is relatively untouched by industry ,and in the present era of environmental awareness and land and water preservation I feel that this project should be denied. It may also be enlightening for the board to examine the many affidavits from community members in this application.

12. Declaration

By signing and submitting this form, I acknowledge that I have read, understand and accept the above statements regarding the collection, use, and disclosure of the personal information provided on this form. I also hereby certify that the information provided on this form is true and correct to the best of my knowledge and belief.



Signature of Applicant

Feb 20 / 2023

Date

For Internal Office Use Only	
Notice Date: _____	
Date Received: _____	Decision Date: _____
Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Decision Notes: _____
Applicant Notification Sent: _____	Notification to Parties Sent: _____