

NSARB 2023-001

NOVA SCOTIA AQUACULTURE REVIEW BOARD

Applications by KELLY COVE SALMON LTD. for a BOUNDARY AMENDMENT and TWO NEW MARINE FINFISH AQUACULTURE LICENSES and LEASES for the cultivation of ATLANTIC SALMON (*Salmo salar*) - AQ#1205x, AQ#1432, AQ#1433 in LIVERPOOL BAY, QUEENS COUNTY.

Affidavit of Brian Muldoon

I, Brian Muldoon, of Beach Meadows, in the Region of Queens Municipality, Nova Scotia, AFFIRM AS FOLLOWS:

1. I am the founder and president of the intervenor Protect Liverpool Bay Association (“**PLBA**”). My partner Stan Wentzell and I co-own and reside at [REDACTED] in Beach Meadows. Our home sits on a 4.5-acre lot overlooking the Atlantic Ocean and is a short walk from Beach Meadows Beach. The property also includes a 1-acre ocean view lot on the other side of the street. A Google satellite image with a red arrow pointing to our home is attached as **Exhibit “A”** and a photo of our home with the ocean in the background is attached as **Exhibit “B”**. Our property is around 600 metres from Kelly Cove Salmon Ltd. (“**KCS**”)’s existing open net pen salmon farming site at Coffin Island (AQ#1205).
2. Our home has been in Stan’s family since 1840. Before we purchased the home, it was owned by two of Stan’s aunts, both of whom never married and lived in the home for their entire lives. Stan’s mother grew up in a house right next door, and Stan grew up about two kilometres down the road. Much of Stan’s extended family continues to reside in Beach Meadows and other nearby communities.
3. Stan and I purchased our home in the spring of 2014, after his aunts passed away. We moved in about a year and a half later, in February 2016. Prior to that, we lived in Ottawa, where Stan worked for the federal Department of National Defence, and I owned a Silver Cross franchise, providing mobility equipment to help seniors stay in their own homes. Stan always wanted to return to Beach Meadows, and we eventually decided to move here because of Stan’s deep connection to the area.
4. After we bought the home, Stan and I invested about \$400,000 in renovations. We tore off the small kitchen at the back of the house and put in a much larger kitchen and great

room. We also put in large windows all along the back of our house facing the water to maximize our views of the Atlantic Ocean and right up into Liverpool Bay.

5. In November 2016 we purchased the house next door, at [REDACTED], with the idea of using it as a short-term rental. The house sits on a 2-acre ocean front lot. After purchasing the house, we spent about six months renovating it. We completely gutted the house and hired experts to redo the plumbing and electrical. We did the remainder of the renovations ourselves – Stan worked in the house all day, seven days a week, for over five months to get everything done. Our vacation rental property is visible in the Google satellite image attached as **Exhibit “A”** – it is identified by the pin “[REDACTED]”. Attached as **Exhibit “C”** to my affidavit are photos of the house after the renovations were completed.
6. In July 2017, immediately after finishing our renovations, we began renting the house on a short-term basis through the Airbnb and VRBO websites. Our rental has been very successful, and we are generally fully booked, especially through the summer months.
7. We continue to do work on the rental home almost every year. For example, in 2019 we added a screened-in room, and in 2020 we added an ocean front patio. This year, we replaced all the windows and added a large window in the upstairs bedroom. Though we do most (but not all) of the work ourselves, we have invested a significant amount of time, money, and effort to make our rental a desirable vacation home.
8. Stan and I love our home and enjoy spending time outdoors on and around our property. We take frequent walks on Beach Meadows Beach with our dog Schooner and sit on the rocks along the coast, observing the seals and porpoises in the water. We also swim and sea kayak in Liverpool Bay. On occasion, we invite guests to fish for mackerel and pollock from the rocks along the shore.
9. We are both very proud of our home and our property, and often host friends and family for dinners and other events. For example, in September 2016, shortly after we moved in, we hosted a gathering of about 125 community members that we called the “Biggest Hodge Podge Event,” where we served fresh food from our large garden. We also love to host dinners outside along the ocean. Although I am a relative newcomer to Beach Meadows, I have built strong connections in the community since moving here with Stan.
10. Unfortunately, in recent years our ability to enjoy our property and the surrounding environment has been significantly impacted by KCS’s operations at the Coffin Island site. This is for three primary reasons: (1) debris from the site frequently washes up on shore near our home, polluting both our property and Beach Meadows Beach; (2) the large automatic feeder’s generator hums constantly, which creates a significant disturbance when the wind blows towards our property (and is made even worse when other work vessels are present at the site); and (3) on hot summer days when the wind blows towards us, the nauseating smell of the fish feed reaches our property.

11. I am concerned that these impacts will only worsen if KCS is allowed to significantly expand the Coffin Island site and put two more large salmon farming sites into Liverpool Bay, and that both our quality of life and the value of our properties will substantially decrease. Although Stan and I would be very sad to leave our home and the Beach Meadows community, we often talk about moving away to avoid the stress and disturbance associated with KCS's planned expansion in our Bay. I am also concerned that other property owners in close proximity to the new proposed sites, AQ#1432 and AQ#1433, will suffer similar impacts if those sites are approved.
12. I have reviewed the final federal Department of Fisheries and Oceans report assessing the likely impacts of the proposed new and expanded sites in Liverpool Bay, including AQ#1205x, as included in the Department of Fisheries and Aquaculture ("DFA") document titled "Report on the Outcomes of Consultation" starting at p 280. Our property falls within the Predicted Exposure Zones for feces and for large and small floating particles released from AQ#1205x (see pgs 290-293). I am very concerned that our property is within the Predicted Exposure Zone for fish feces and other pollution from 660,000 farmed fish.
13. Although our property is very close to the existing Coffin Island site and will undoubtedly be impacted by a significant expansion of that site, no one from KCS has ever contacted us directly to discuss the expansion. They have never told us how the expansion will impact us or how they propose to mitigate any negative impacts on property and quality of life. Likewise, no one from DFA has ever contacted us directly to discuss the expansion of the Coffin Island site and any impacts on us and our property.

(A) Impacts to our property and quality of life

(i) Pollution

14. Materials from the Coffin Island site frequently break loose and wash up on our property, on Beach Meadows Beach, and elsewhere around Liverpool Bay. This happens most frequently during windstorms and other weather events but has also occurred on days when the weather is calm. The most frequent and destructive items we see along the shoreline are large buoys from the site. KCS uses yellow plastic buoys of varying sizes filled with small Styrofoam beads. The large ones that we see washing up on shore are about taller than I am, and the smaller ones are about half the size. When these buoys wash up, they often break apart and spew Styrofoam pieces all along the coastline. These small Styrofoam beads are difficult to clean up, and in my experience have generally been left to accumulate along the coastline. This became a significant issue starting in early 2019 when KCS added several more buoys to the site.
15. Sometimes Stan or I will see a buoy after it has escaped from the Coffin Island site, but before it has washed up on shore. Other community members will also sometimes contact me if they see an escaped buoy in the Bay. On these occasions, I will report the escaped

buoy to KCS by emailing, calling, or texting Joel Richardson, Vice President of Public Relations for Cooke Aquaculture Inc. (“**Cooke**”), KCS’s parent company. If weather conditions are amenable, KCS will then send staff to retrieve the buoy. However, on other occasions we do not see the buoy in time, or conditions are too rough to allow for safe retrieval. That is when the buoys will wash up on shore and often break up, causing extensive pollution of the shoreline.

16. The paragraphs below provide examples of specific, documented instances of escaped buoys and of pollution caused by buoys from the Coffin Island site but are not intended to be comprehensive as I did not document all incidents.
17. Attached as **Exhibit “D”** to my affidavit are photos of a broken buoy and innumerable Styrofoam beads from the Coffin Island site that washed up on our property on February 25, 2019. Shortly after I saw the broken buoy and associated Styrofoam pollution, I reported this incident by calling the Department of Lands and Forestry (as it then was). The Department sent over a conservation officer, who helped Stan and I move large pieces of the buoy and large Styrofoam pieces to the top of our property by the road. The conservation officer also called KCS, and the following day KCS sent 3-4 staff over to help clean our property. However, although KCS staff were able to remove the large pieces of garbage, they were unable or unwilling to clean up the enormous quantities of tiny Styrofoam pieces spread along our coastline.
18. Following the February 2019 incident, we had two snowstorms that covered up the Styrofoam pollution that remained along our shoreline. Once the snow melted, Stan and I could see that our coastal property remained littered with innumerable tiny Styrofoam beads. As a result, on March 16, 2019, I sent an email to several government officials, including Bruce Hancock, Director of the Aquaculture Division at the Department of Fisheries and Aquaculture, and Jason Cleaves, Conservation Enforcement Manager with Nova Scotia Environment, to advise them of the pollution remaining on our property. Mr. Cleaves responded to my email and said that he would send conservation officers back to our property to ensure everything was cleaned up, but the conservation officer who did follow up was unable to deal with much of the remaining debris. As a result, our property was never properly cleaned up. My email chain with Mr. Cleaves and others is attached to my affidavit as **Exhibit “E”**.
19. On April 21, 2019, I was contacted by community members who saw a large, escaped buoy adrift off of Beach Meadows Beach. I emailed Mr. Richardson to advise him of the buoy, and it was retrieved before it could wash up on shore. My email chain with Mr. Richardson is attached to my affidavit as **Exhibit “F”**.
20. On December 31, 2019, I saw a large, escaped buoy headed towards our property. I emailed Mr. Richardson to advise him of the buoy, but the ocean was too rough to allow for safe retrieval at the time. The buoy broke up on the shoreline on our neighbour’s property, within feet of our property line, and spewed Styrofoam onto our property and all over Beach Meadows Beach. My email chain with Mr. Richardson is attached as

Exhibit “G”. Pictures of the broken buoy and Styrofoam bits on our property, taken on January 1, 2020, are attached to my affidavit as **Exhibit “H”**. Unfortunately, neither KCS nor DFA ever cleaned up the debris from this broken buoy. Although Stan and I and some of our neighbours cleaned up what we could, much of the Styrofoam pollution from this buoy remained on the coastline.

22. On May 25, 2021, in calm conditions, I saw an escaped buoy and reported it to Mr. Richardson. The buoy was retrieved by KCS staff before it could break up on the shoreline. Pictures of the escaped buoy are attached to my affidavit as **Exhibit “I”**.
23. On December 12, 2021, following a winter storm, a large buoy washed up on shore in Beach Meadows, about 2.5 km away from the Coffin Island site, but luckily did not break up. I learned about the buoy because a neighbour called to advise me of it. Attached as **Exhibit “J”** are pictures of the buoy taken the same day. I advised Mr. Richardson of the escaped buoy but cannot recall if I did so by phone call or text message. When the weather cleared up a few days later and KCS sent staff out to retrieve the buoy, Mr. Richardson called me because they could not locate it. I directed Mr. Richardson to the buoy and am advised that KCS staff successfully retrieved it.
24. On January 14, 2023, during a winter storm, a small buoy washed up on Beach Meadows Beach, but luckily did not break up as it stayed on the sand and away from the rocks. I advised Mr. Richardson, and KCS staff retrieved the buoy. A picture of the buoy is attached to my affidavit as **Exhibit “K”**.
25. The Coffin Island site sustained significant damage from Hurricane Lee in September 2023. For example, I could see from our property that many of the nets were ripped, and the feeding barge had been driven much further away from the cages than usual. Photos of the site taken from our property on September 16, 2023, following Hurricane Lee, are attached to my affidavit as **Exhibit “L”**. In addition, a massive yellow buoy from the site, even bigger than the large buoys we are used to seeing, washed up at the Old Beach Meadows Cemetery down the road from us (where several of Stan’s ancestors are buried). Photos of the buoy, taken September 18, 2023, are attached to my affidavit as **Exhibit “M”**. I did not see KCS staff retrieve the buoy, but I believe they did so as the buoy disappeared shortly after I took the attached photos.
26. While Stan and I are glad that no buoys have broken up and polluted our property since January 1, 2020, given the number of buoys that escape from the Coffin Island site we are always worried about when the next buoy will once again break up on our rocks and pollute our property with innumerable tiny pieces of Styrofoam. Even though it has been a few years since the 2019 and 2020 incidents, we sometimes still find little pieces of Styrofoam in various locations around our property.

(ii) Noise

27. The issues with noise from the site began in mid-2018 when KCS started using an automatic feeding barge at the site. Before that, the fish were fed manually using three

small boats that visited the site on a near-daily basis. Workers on the boats would shovel the fish feed into the pens, and then the boats would return to shore. By contrast, the feeding barge is a permanent fixture at the site when there are fish in the pens and is powered by a noisy generator. When the wind blows towards our property, the sound reaches us and often rises to a level that is significantly disruptive. Other working vessels that visit the site on a periodic basis add to this noise and disruption. For example, sometimes during the warmer summer months they bring in another noisy barge that sits at the site 24 hours a day, seven days a week.

28. The paragraphs below provide specific, documented instances of disruptive noise from the Coffin Island site but are not intended to be comprehensive. I have not documented every time Stan and I were disturbed by loud noise from the site, nor have I recorded every time we complained to KCS or to DFA about noise, as many of our complaints were made by phone.
29. In 2020, on the Friday before the August long weekend, Stan and I had guests over and were trying to enjoy the lovely weather outdoors, but the noise from the feeding barge and other vessels at the site was so loud that we had to move inside. Around 9:30 pm that evening, I sent an email to Mr. Richardson complaining about the noise. My email, and Mr. Richardson's reply, are attached to my affidavit as **Exhibit "N"**.
30. On June 29, 2021, Stan and I experienced disruptive noise levels coming from the Coffin Island site for over 12 hours. That day, I used an application on my phone called Decibel Meter to measure the level of sound coming from the Coffin Island site. I took the reading while standing on our deck facing the site. I believe the feeding barge was the only vessel present at the site at the time, although the barge that is sometimes at the site in the summer months may have been there as well. The phone application gave me a reading of 83 dB, which it compared to the noise from a food blender or dishwasher. A screenshot of the reading, which I emailed to my lawyer, is attached to my affidavit as **Exhibit "O"**. I know the date because I saved the screenshot to my photos on my MacIntosh computer the day I took the decibel reading.
31. After taking the decibel reading, I emailed Minister Colwell (as he then was) to again complain about the noise from the Coffin Island site and to ask what steps would be taken to ensure that noisy industrial vessels were not permitted in close proximity to residential neighbourhoods. My email is attached to my affidavit as **Exhibit "P"**. I cannot recall if I received a reply from then-Minister Colwell, but in any event no steps were taken to mitigate the noise from the Coffin Island site.
32. My understanding is that exposure to levels of noise around 85 dB or higher for extended periods of time can damage a person's hearing. As a result, on June 30, 2021 I reported a health hazard to the NS Department of Environment and Climate Change ("**NSE**") by filling out the online form available at the following web address:
<https://novascotia.ca/nse/environmental-health/contact.asp>.

33. On July 21, 2021, I attended a small rally hosted by another community group outside a KCS open house being held in Blandford, NS. Mr. Richardson was at the open house, so I took the opportunity to show him the decibel reading I had taken the previous month and to describe to him the disruption caused by the noise from the Coffin Island site. Mr. Richardson was dismissive of my concerns and stated that the decibel reading could have been taken as a truck was driving by our home.
34. On August 12, 2021, the noise from the Coffin Island site was again particularly loud, so I took another decibel reading on my phone. I got a reading of 86 dB, which the application again compared to the noise from a food blender or dishwasher. I know the date because I saved a screenshot to my pictures on my MacIntosh computer the day I took the reading. A screenshot of the decibel reading, which I emailed to my lawyer, is attached to my affidavit as **Exhibit “Q”**.
35. On August 23, 2021, I received a response to my health hazard report from Mike MacDonald with NSE. Mr. MacDonald emailed me to say that he had passed the report on to NSE’s Queens County conservation officers. Mr. MacDonald’s email is attached to my affidavit as **Exhibit “R”**.
36. Following Mr. MacDonald’s email, Matt Clark, a conservation officer with NSE, along with another conservation officer, dropped by our property and spoke to us from their truck in the driveway of our rental home. We discussed the disruptive noise from the Coffin Island site, and also raised concerns about debris from the site washing up on our property and around Liverpool Bay. Mr. Clark informed us that the noise issues were outside the scope of NSE’s authority and told us to contact DFA about any disruptive noise in the future. A copy of an email exchange with Mr. Clark following his visit is attached to my affidavit as **Exhibit “S”**.
37. On June 18, 2022, when noise from the Coffin Island site was again particularly loud, I took another decibel reading from our deck facing the site. I again got a reading of 86 dB. A screenshot of the reading, which I emailed to myself, is attached to my affidavit as **Exhibit “T”**.
38. Early in the morning on June 24, 2023, I emailed then-Minister of Fisheries and Aquaculture Steve Craig to complain about the noise from the Coffin Island site. By the time I sent my email, Stan and I had endured almost 24 hours of constant noise from the site. The only way we could find a reprieve was by going inside and closing all of our windows. My email to Minister Craig is attached to this affidavit as **Exhibit “U”**. I cannot recall if I received a response from Minister Craig, but in any event, nothing was done to mitigate the noise from the Coffin Island site.

(iii) Smell

39. On occasion every summer, on hot days when the wind blows towards our property, the smell of fish feed from the farm reaches our property. It is a strong, almost unbearable smell. I can identify it as the smell of fish feed, because I experienced the same smell this

fall when I saw one of KCS's large feed trucks pulling into the Port Mersey commercial park.

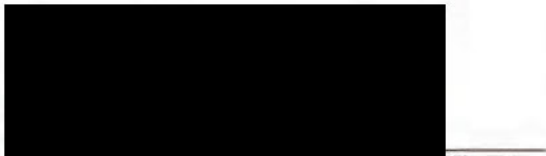
40. Although it does not happen frequently, when the smell is present Stan and I will avoid outdoor activities to the extent possible and will generally remain inside with the windows closed if it is comfortable enough to do so. This has affected our ability to enjoy the outdoors during the summer season.

(B) Protect Liverpool Bay Association

41. After learning about KCS's planned expansion in Liverpool Bay and given my negative experiences with the existing Coffin Island site and concerns about the proposed expansion, I founded PLBA as an informal community group in late October 2018. We later incorporated under the *Societies Act* in June 2019. Our Certificate of Incorporation is attached to my affidavit as **Exhibit "V"**.
42. PLBA's mission is "[t]o promote prosperity, social wellbeing, and environmental sustainability of our coastal communities by preventing the expansion of open net fin fish farms." A copy of our organizational statements is attached to my affidavit as **Exhibit "W"**.
43. PLBA's focus is on educating the local community about the impacts of open net pen salmon farming, and on advocating against KCS's proposed new and expanded open net pen sites in Liverpool Bay. Although we started with only a handful of interested community members in our living room, PLBA has since attracted hundreds of local members and supporters. We currently have 850 subscribers to our website and 980 followers of our Facebook page. In addition, our community events often attract over 100 participants.
44. The following are examples of PLBA's activities in the community. The list is far from comprehensive, and includes a break from spring 2020 to 2022 due in large part to the COVID-19 pandemic:
- (a) When we first started, PLBA members and supporters used to appear frequently before the Region of Queens Municipality Council to raise awareness about KCS's proposed projects in Liverpool Bay. Attached as **Exhibit "X"** to my affidavit are photos from a march to Council chambers on November 26, 2018.
 - (b) On December 15, 2018, we held a march to the Fort Point lighthouse in Liverpool. Attached as **Exhibit "Y"** to my affidavit are photos from the march.
 - (c) Through the winter of 2018/2019, we collected signatures on a petition calling for an end to KCS's proposed project in Liverpool Bay and for a moratorium on open net pen finfish aquaculture. We collected 658 signatures from local residents, and our petition was tabled in the House of Assembly by MLA Kim Masland on April 9, 2019. Attached as **Exhibit "Z"** to my affidavit is the relevant Hansard excerpt.

- (d) In the spring of 2019, we raised funds for PLBA by selling lawn signs with the text "Save Liverpool Bay – Say No! Open Pen Fish Farms." We continue to sell those signs today, and in total I estimate that we have sold over 600 signs. Photos of our signs are attached to my affidavit as **Exhibit "AA"**.
- (e) On June 8, 2019, we held a rally in Liverpool for World Oceans Day, with live music and kids' face painting. Photos from the rally are attached as **Exhibit "BB"** to my affidavit.
- (f) In the spring of 2020, we hosted a community event series in with special guests from BC to discuss the transition away from open net pen aquaculture in that province and to explore why NS appears to be moving in the opposite direction. We hosted events in Liverpool, Tantallon (near Halifax), and Digby. I estimate that about 70 people attended the Digby event, and over 200 attended the events in both Liverpool and Halifax. Attached as **Exhibit "CC"** to my affidavit is a photo of the audience at our event at the Astor Theatre in Liverpool on March 2, 2020.
- (g) Shortly after our community event series, the COVID-19 pandemic hit Nova Scotia and we were no longer able to safely hold in-person events. However, we continued operating our website (<https://www.protectliverpoolbay.org/>) and our Facebook page to ensure the local community stayed informed about KCS's plans.
- (h) On April 29, 2022, representatives of PLBA met with MLA Kim Masland to discuss our concerns about KCS's Liverpool Bay plans and about the regulation of open net pen finfish aquaculture in Nova Scotia.
- (i) In November 2023, we hosted two community meetings in the Liverpool area to educate local residents on the Aquaculture Review Board process for KCS's proposed Liverpool Bay project. I estimate that between 50-70 people attended each meeting.

Affirmed before me on this)
 18th day of January, 2024)
 at Beach Meadows, Nova Scotia)
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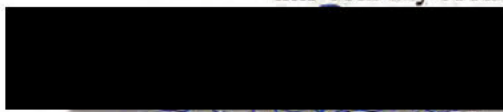
A Commissioner of Oaths in and for the
 Province of Nova Scotia



Brian Muldoon

Sarah McDonald
 Barrister, Solicitor, Notary Public
 and a Commissioner of Oaths
 in and for the Province of Nova Scotia

This is **Exhibit "A"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia



This is **Exhibit "B"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.

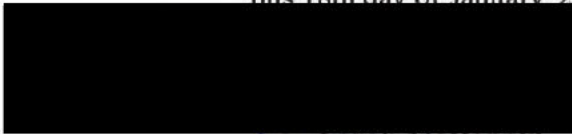


Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia



This is **Exhibit "C"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia





This is **Exhibit "D"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



S. McDonald

Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia















This is **Exhibit "E"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald

Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Thursday, January 11, 2024 10:40 AM
To: Sarah McDonald
Subject: Fwd: Environmental Disaster, Beach Meadows !

Brian

Begin forwarded message:

From: "Cleaves, Jason" <Jason.Cleaves@novascotia.ca>
Subject: RE: Environmental Disaster, Beach Meadows !
Date: March 18, 2019 at 11:06:44 AM ADT
To: Brian Muldoon [REDACTED]

Great, thanks. And you're welcome!

Gary called me this morning as I forwarded the details to him. I believe he is on his way out this morning to have a look at the area. If you're around, you may have an opportunity to chat with him. If you wish to call him, the Milton Lands and Forestry number is [REDACTED]. They will either forward you to him or get him to call you back.

Jason

From: Brian Muldoon [REDACTED]
Sent: Monday, March 18, 2019 9:44 AM
To: Cleaves, Jason <Jason.Cleaves@novascotia.ca>
Subject: Re: Environmental Disaster, Beach Meadows !

Hi Mr. Cleaves, Thanks for replying quickly. It was Gary Lowe who was here the first time, and he was nice enough to follow up. They definitely need some type of vacuum to pick up the amount of styrofoam that is spread around the area.

I tried to locate the number for him, but didn't have it available.

Thanks,
Brian

On Mon, Mar 18, 2019 at 8:55 AM Cleaves, Jason <Jason.Cleaves@novascotia.ca> wrote:

Mr. Muldoon,

The officers that attended your call to the Lands and Forestry office (formerly Natural Resources) would be the staff that I manage. Conservation officers for the most part still work in the Lands and Forestry offices despite working for Nova Scotia Environment. I will pass this on to the officers who cover your

area to follow up and ensure debris from any aquaculture activity is/has been cleaned up. Please feel free to reach out should you have any other concerns.

Thanks.



From: Brian Muldoon [REDACTED]
Sent: Saturday, March 16, 2019 1:30 PM
To: Hancock, Bruce H <Bruce.Hancock@novascotia.ca>; Cleaves, Jason <Jason.Cleaves@novascotia.ca>; Minister, Env <Minister.Environment@novascotia.ca>; Colwell, Hon. Keith (DFA) <MINDFA@novascotia.ca>; David Dagley <dbdagley@regionofqueens.com>
Cc: Protect Liverpool Bay <protectliverpoolbay.ns@gmail.com>
Subject: Environmental Disaster, Beach Meadows !

Mr. Cleaves, Mr. Hancock, Minister of Environment, Minister of Fisheries & Ocean, Mayor Dagley -

Our property in Beach Meadows is a treasure, on the Atlantic Ocean with pristine shoreline, with huge rock shoreline that it is like a mini Peggy's Cove. Unfortunately, the unsightly fish farm is off the coast and we had the most tragic thing happen to our property, due to the improper management of this open pen feedlot. A very large buoy, broke off from its anchor and it crashed on our property and broke up. We now have permanent damage to our coastline and I believe someone has to be held accountable. The large buoy is FULL of STYROFOAM that has broken up into many million little beads that has spread all over the coast. We immediately called Natural Resources and they sent over an officer, we all moved the large pieces to the top of the property and he contacted Cooke Aquaculture who sent a staff member to pick up the large pieces. The next day, 3-4 staff came and spent time picking up pieces. We then got 2 snow storms back to back so we couldn't go out to see what was cleaned and what was left.

Unfortunately, the coast is peppered with styrofoam beads that will be there forever. Forever damaged. Please read the few quotes I collected on what styrofoam is made from and what it does to marine life. I'm attaching the video and pictures, including a dead marine bird.

This is not the first time this has happened, as I type this, another large buoy is floating away from its anchor. We also had a large buoy on our property last year, thank goodness it didn't break apart.

Quotes on Styrofoam :

"Animals do not recognize polystyrene foam as an artificial material and may even mistake it for food.^[46] Polystyrene foam blows in the wind and floats on water, due to its low specific gravity. It can have serious effects on the health of birds or marine animals that swallow significant quantities."^[46](Hofer, Tobias N. (2008). *Marine pollution : new research*. New York: Nova Science Publishers. p. 59. ISBN 978-1-60456-242-2.)

"Discarded polystyrene does not biodegrade for hundreds of years and is resistant to photo-oxidation."^[45](Bandyopadhyay, A.; Basak, G. Chandra (2013). "Studies on photocatalytic)

"Styrofoam appears to last forever as it is resistant to photolysis, or the breaking down of materials by photons originating from a light source. [Cleveland State University](#) states that it requires more than a million years to decompose."

- "Styrofoam easily breaks into small bits. Small land and aquatic animals eating these pieces die due to toxins and blockage of their stomachs leading to starvation, according to Los Angeles Times. "
- "This, combined with the fact that Styrofoam is lightweight and therefore floats, means that over time a great deal of polystyrene has accumulated along coasts and waterways around the world. It is one of the main components of [marine debris](#)."

This is what is happening with one fish farm here, what will be the damage of our coast when there is two more farms and this one at Coffin Island is expanded? Who is going to properly clean up our property? Who will be held responsible when it will happen the next time? There will be a next time, we just don't know when.

I look forward to hearing from you.

Brian Muldoon

[REDACTED]

Brooklyn, NS

[REDACTED]

IMG_2750.MOV

This is **Exhibit "F"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barister, Solicitor, Notary Public
and a Commissioner of Oaths
In and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Tuesday, December 5, 2023 8:17 PM
To: Sarah McDonald
Subject: Fwd: Another Large Yellow Buoy Adrift...

Brian

Begin forwarded message:

From: Joel Richardson <Joel.Richardson@cookeaqua.com>
Subject: Re: Another Large Yellow Buoy Adrift...
Date: April 21, 2019 at 6:18:25 PM ADT
To: Brian Muldoon [REDACTED]
Cc: Jeff Nickerson <jnickerson@cookeaqua.com>

The buoy has been retrieved. Thanks for letting us know Brian.

Joel

Get [Outlook for iOS](#)

From: Brian Muldoon [REDACTED]
Sent: Sunday, April 21, 2019 12:23 PM
To: Joel Richardson
Subject: Another Large Yellow Buoy Adrift...

This message originated from outside your organization.

Joel, There is a large navigational buoy adrift, it is off from Beach Meadows Beach. Hope it doesn't head to the rocks and it stays in the sandy area. Let me know when one of your staff can get it, so I can advise the few people who contacted me. Thanks,
Brian

This is **Exhibit "G"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon <brian.muldoon2@gmail.com>
Sent: Thursday, January 11, 2024 4:20 PM
To: Sarah McDonald
Subject: Fwd: Another Navigation Buoy

Brian

Begin forwarded message:

From: Joel Richardson <Joel.Richardson@cookeaqua.com>
Subject: Re: Another Navigation Buoy
Date: December 31, 2019 at 12:45:40 PM AST
To: Brian Muldoon [REDACTED]
Cc: Jeff Nickerson <jnickerson@cookeaqua.com>, Jennifer Hewitt <Jennifer.Hewitt@cookeaqua.com>

Hi Brian,

Thanks for your note. I've copied Jeff who will send someone to retrieve it when it is safe to do so.

As you know, there are occasions in the marine industry when equipment may become dislodged. We always do our best to prevent this from occurring but naturally it does happen from time to time in aquaculture and fisheries.

Happy New Year.

Best regards,

Joel

Joel Richardson
Vice President Public Relations
Cooke Inc.
40 Wellington Row, Saint John, NB, Canada E2L 3H3
(506) 694-4939 office
(506) 721-1093 mobile
Joel.Richardson@cookeaqua.com
www.cookeseafood.com

From: Brian Muldoon <[REDACTED]>
Sent: Tuesday, December 31, 2019 12:28 PM
To: Joel Richardson
Subject: Another Navigation Buoy


This message originated from outside your organization.

Joel - Once again a large navigational buoy is heading to our property.
The ocean is too rough for any vessel to retrieve it.
It is clear your site here at Coffin Island is not being properly maintained or monitored.
I hope that this doesn't break up like the previous ones.

Sincerely,

Brian
Beach Meadows
NS

This is **Exhibit "H"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

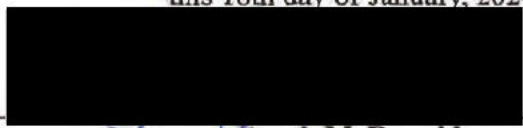
Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia







This is **Exhibit "I"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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This is Exhibit "J" referred to in the affidavit of
Brian Muldoon, affirmed before me
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A commissioner of the
Supreme Court of Nova Scotia

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This is **Exhibit "K"** referred to in the affidavit of
Brian Muldoon, affirmed before me
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Supreme Court of Nova Scotia

Sarah McDonald
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This is **Exhibit "L"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia







This is **Exhibit "M"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald

Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
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This is **Exhibit "N"** referred to in the affidavit of
Brian Muldoon, affirmed before me
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A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Tuesday, December 5, 2023 8:09 PM
To: Sarah McDonald
Subject: Fwd: Long Weekend NOISE

Begin forwarded message:

From: Joel Richardson <Joel.Richardson@cookeaqua.com>
Subject: RE: Long Weekend NOISE
Date: August 1, 2020 at 1:09:48 PM ADT
To: Brian Muldoon <[REDACTED]>
Cc: Protect Liverpool Bay <protectliverpoolbay.ns@gmail.com>, "bernadette.jordan@parl.gc.ca" <bernadette.jordan@parl.gc.ca>, "premier@novascotia.ca" <premier@novascotia.ca>, Honourable Keith Colwell <MINDFA@novascotia.ca>

Dear Mr. Muldoon,

At our Coffin Island site in Liverpool Bay, we have a service barge working on the anchor system, and a net wash vessel washing nets. These necessary marine farming activities are part of our maintenance schedule to keep our sites functioning at optimal levels of safety and sustainability under provincial regulation. Maintaining a clean environment is essential to raising Atlantic salmon.

There has been an offshore aquaculture site at Coffin island since 2001 -- before you chose to move to Liverpool from Toronto, purchase property on a working waterfront and establish an AirBNB, which is over 3/4 of a kilometer away.

That being said, we have spoken with both vessel captains and reminded them to not produce any undue noise past 7:00pm. We expect the net wash vessel to be completed tomorrow and the service barge should be completed next week.

Regards,

Joel Richardson
Vice President Public Relations
Cooke Aquaculture Inc./ for Kelly Cove Salmon Ltd.

-----Original Message-----

From: Brian Muldoon <brian.muldoon2@gmail.com>
Sent: July 31, 2020 9:26 PM
To: Joel Richardson <Joel.Richardson@cookeaqua.com>

Cc: Protect Liverpool Bay <protectliverpoolbay.ns@gmail.com>;
bernadette.jordan@parl.gc.ca; premier@novascotia.ca; Honourable Keith Colwell
<MINDFA@novascotia.ca>
Subject: Long Weekend NOISE

This message originated from outside your organization.

Joel - I hope you are enjoying your Friday evening of the beginning of this beautiful long weekend.

Unfortunately, we cannot, due to the loud noises coming from the INDUSTRIAL FEED LOT off from our back yard. We attempted to entertain guests outside, but had to be chased inside, the noise is audible from the inside also by the way. It is too warm to shut the house down.

Why are your work ships out there working with bright lights and loud noises.

To the Gov't officials cc'd here, what are you going to do about this? You have not ever answered concerns of the citizens.

When will you start to listen to the communities.

Enjoy your long weekend, while we can't

Brian Muldoon

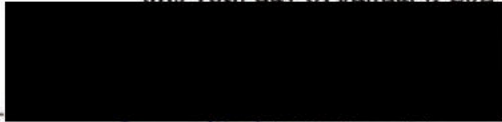
[REDACTED]

Brooklyn, NS

[REDACTED]

PS. I included my phone number so my letter won't be rejected by the NSDFA.

This is **Exhibit "O"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Monday, January 15, 2024 3:00 PM
To: Sarah McDonald
Subject: June 29th, 2021



This is **Exhibit "P"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Monday, December 11, 2023 7:51 PM
To: Sarah McDonald
Subject: Fwd: NOISE - Industrial Feedlot Barge

Brian

Begin forwarded message:

From: Brian Muldoon [REDACTED]
Subject: NOISE - Industrial Feedlot Barge
Date: June 29, 2021 at 9:32:54 AM ADT
To: Honourable Keith Colwell <MINDFA@novascotia.ca>
Cc: premier@novascotia.ca

Dear Minister Colwell - I have in the past requested that you address the exceedingly irritating noise coming from the industrial feedlot barge that should not be placed near any residential neighbourhood. It is constant and it is loud. See the quote below. What steps will your gov't take to ensure these feedlot barges that feed the feedlot salmon are not placed near residential homes?

This is unacceptable and this practice should be banned. The health and welfare of the citizens of Nova Scotia is being put at risk. Why isn't there any regulations in place for minimum distance from homeowners to have these barges in place?

"Numerous studies have linked **noise pollution to increased anxiety, depression, high blood pressure, heart disease, and stroke. Even small increases in unwanted ambient **sound** have significant effects."**

I look forward to your reply.

Brian Muldoon
[REDACTED]

Brooklyn, NS
[REDACTED]
[REDACTED]

This is **Exhibit "Q"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Sunday, January 14, 2024 3:21 PM
To: Sarah McDonald
Subject: August 12, 2021



This is **Exhibit "R"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



S. McDonald

Sarah McDonald

A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
Barrister, Solicitor, Notary Public
and a Commissioner of Oaths
in and for the Province of Nova Scotia

Decibel Reading



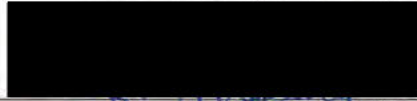
From: **MacDonald, Mike G** [mailto:G.MacDonald@Nova Scotia.ca]
 Subject: Coffin Island Noise Complaint
 Date: August 23, 2021 at 11:14 AM
 To: Brian Muldoon [mailto:b.muldoon@ns.gov.ns.ca]
 Cc: Clarke, David [mailto:dclarke@ns.gov.ns.ca]; Harris-Zinck, Ramona [mailto:ramona.zinck@ns.gov.ns.ca]

Hello Mr. Muldoon. I've passed your Coffin Island fish farm noise complaint on to Nova Scotia Environment's Queens Co. Conservation Officer's. Someone from that group will be contacting you once they've looked into the matter.

Mike M
 NSE

Sent from my iPhone

This is **Exhibit "S"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



Sarah McDonald
A commissioner of the
Supreme Court of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Monday, December 11, 2023 8:47 PM
To: Sarah McDonald
Cc: Brian Muldoon
Subject: Fwd: Decibel Reading / Noise from Fish Farm Liverpool Bay

Brian

Begin forwarded message:

From: "Clark, Matthew" <Matthew.Clark@novascotia.ca>
Subject: RE: Decibel Reading / Noise from Fish Farm Liverpool Bay
Date: September 2, 2021 at 8:34:13 AM ADT
To: Brian Muldoon [REDACTED]

Brian,

You can report anything of concern regarding the aquaculture site to our 24/7 violation line 1-800-565-2224, this number is our dispatch operators who will contact us or any officers in neighbouring counties when a complaint is called in. If no one is available the complaint will still be logged and we will get notification.

Here is the link to the DFA website:

<https://novascotia.ca/fish/aquaculture/public-information/>

If we ever need to access your property I will contact you in advance before arriving. Thank you.

Have a nice day,
Matt



Matt Clark
 Conservation Officer – Western Region
 Conservation Officer Service
 Inspection Compliance & Enforcement Division
 552 Main Street
 Milton, NS B0T 1P0
 ☎ (902) 350-6313
 📠 (902) 354-7108
 📞 1-800-565-2224 (Toll Free - Report Violations)
 ✉ matthew.clark@novascotia.ca

Please consider the environment before printing this email. 🌱

CONFIDENTIALITY NOTICE: This message may contain privileged and/or confidential information. If you have received this e-mail in error or are not the intended recipient, you may not use, copy, disseminate, or distribute it. Do not open any attachments. Delete this message immediately from your system and notify the sender by e-mail or telephone that you have done so. Thank you.

-----Original Message-----

From: Brian Muldoon <[REDACTED]>
 Sent: September 1, 2021 2:50 PM
 To: Clark, Matthew <Matthew.Clark@novascotia.ca>
 Subject: Decibel Reading / Noise from Fish Farm Liverpool Bay

** 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

Hi Matthew, Great speaking with you today. It seems a bit of a stretch that they would pass a 'aquaculture fish farm noise complaint' to a conservation department.

We will continue to make them listen.

I'll look for the pics of the slime that piles up on the shore.

In future, would it be your office that we contact if items show up or if this slime appears again?

If you or any of your colleagues need access to viewing this fish farm site, you are welcome to use our property, as it is the closest to the site.

I look forward to reviewing that website you mentioned.

Thanks,
 Brian



This is **Exhibit "T"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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A commissioner of the
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Sarah McDonald
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In and for the Province of Nova Scotia

Genevieve Rondeau

From: Brian Muldoon <[REDACTED]>
Sent: Friday, January 12, 2024 9:34 AM
To: Sarah McDonald
Subject: Fwd: Decibel

Brian

Begin forwarded message:

From: Brian Muldoon [REDACTED]
Subject: Decibel
Date: June 18, 2022 at 7:03:56 PM ADT
To: [REDACTED]



This is **Exhibit "U"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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A commissioner of the
Supreme Court of Nova Scotia

Sarah McDonald
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Genevieve Rondeau

From: Brian Muldoon [REDACTED]
Sent: Monday, December 11, 2023 7:30 PM
To: Sarah McDonald
Subject: Fwd: Feed Barge off of Coffin Island NOISE

Brian

Begin forwarded message:

From: Brian Muldoon <[REDACTED]>
Subject: Feed Barge off of Coffin Island NOISE
Date: June 24, 2023 at 3:20:28 AM ADT
To: Minister Dfa <MINDFA@novascotia.ca>
Cc: The Honourable Kim Masland <kim.maslandmla@gmail.com>

Dear Minister,

When I stepped out on my deck at 6:30 this AM, all I could hear was the over bearing noise of this huge generator noise from the Fish Feedlot Barge from off of our property. Let me tell you it is not a warming sound when the ocean is calm and you only want to hear the birds early morning chirping. Hoping to get a fresh cup of coffee and sit and relax and watch the birds come to the feeder, that could not be fulfilled. The sound is deafening. There are spots in Nova Scotia presently that can hear the morning birds chirping, but not here in Liverpool Bay, we have a Industrial Feedlot BARGE, bounding out sounds that no one can imagine. Will all the bays in Nova Scotia be filled with this sound? Based on what I see, they are, and at what cost?

I am now typing this email to you at 2:59 AM the next day, yes, up and guess what is bounding out the generator sounds, I have not stopped listening to those horrible sounds.

This is a health issue, non stop steady sound going on for hours upon hours. Who is responsible for NOISE COMPLAINTS? I have in the past done decibel reports that take the range past 72-80 dc and I have reported this to the government and brushed off, even though, anything repetitive after around 72 is a health hazard. This is according to gov't health settings. Another brush off.

I have brought this matter up with the owner of the facility, Cooke Ind. and to my face, was told "You could be lying, it could have been a truck going by". I have done my due diligence here, I am trying to mitigate the situation we are in.

You're gov't wants to expand this industry? Really, come and sit on our deck.

We did have a break from them only for a few hours on this summer day, we went inside and closed ALL our windows to cut the generator sound.

We can't sit out side and enjoy the chirping of the wild birds.

This is just one of the concerns, I could list the others, but not at this time.

I look forward to a quick response on this issue, not a form letter in 2 months with your signature.

Yours Truly,

Brian

Brian Muldoon

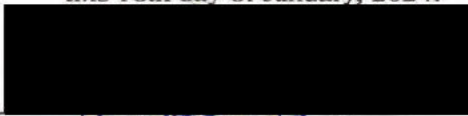
[REDACTED]

Brooklyn, NS

[REDACTED]

[REDACTED]

This is **Exhibit "V"** referred to in the affidavit of
Brian Muldoon, affirmed before me
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Supreme Court of Nova Scotia

Sarah McDonald
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Nova Scotia

CERTIFICATE OF INCORPORATION

Societies Act

Registry Number

[REDACTED]

Name of Society

PROTECT LIVERPOOL BAY ASSOCIATION

I hereby certify that the above-mentioned society was incorporated this date under the Societies Act.

[REDACTED]

Registrar of Joint Stock Companies

June 28, 2019

Date of Incorporation

This is **Exhibit "W"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.



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PROTECT LIVERPOOL BAY ASSOCIATION

PROTECT LIVERPOOL BAY ASSOCIATION STATEMENTS

VISION

A natural healthy Liverpool Bay

MISSION

To promote prosperity, social wellbeing, and environmental sustainability of our coastal communities by preventing the expansion of open net fin fish farms.

VALUES

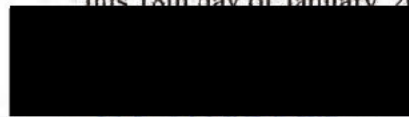
- I. STEWARDSHIP**
Protecting the health of our coastal environment, economies, and community.
- II. ADVOCACY**
Educating citizens and speaking with one voice.
- III. COURAGE**
Taking a proactive stand.

OBJECTIVES

1. To prevent expansion of open pen fin fish farms.
2. To educate our community about health marine environments.
3. To protect our natural, balanced eco-systems.
4. To challenge regulatory bodies.
5. To promote a healthy quality of life.

Revised July 10, 2019

This is Exhibit "X" referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January 2024.



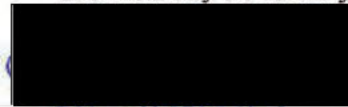
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This is **Exhibit "Y"** referred to in the affidavit of
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This is **Exhibit "Z"** referred to in the affidavit of
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HALIFAX, TUESDAY, APRIL 9, 2019

Sixty-third General Assembly

Second Session

1:00 P.M.

SPEAKER

Hon. Kevin Murphy

DEPUTY SPEAKERS

Suzanne Lohnes-Croft, Brendan Maguire

THE SPEAKER : Order, please. We'll begin the daily routine.

PRESENTING AND READING PETITIONS

THE SPEAKER : The honourable member for Queens-Shelburne.

KIM MASLAND : Mr. Speaker, I beg leave to table a petition with the operative clause being:

"We, the undersigned, call on the Nova Scotia Government to immediately withdraw the current 'Option for Exploration/Expansion' of Cooke Aquaculture Inc. in Liverpool Bay. We believe that marine-based fin-fish facilities cannot be sustainably operated in a marine environment and therefore demand a permanent moratorium on this kind of aquaculture and request that all future finfish aquaculture sites be only closed containment, land-based facilities."

Mr. Speaker, the petition contains 658 signatures and I have affixed mine, according to the Rules of the House.

THE SPEAKER : The petition is tabled.

[]

PRESENTING REPORTS OF COMMITTEES

THE SPEAKER : The honourable Minister of Justice.

HON. MARK FUREY : Mr. Speaker, as Chair of the Committee on Law Amendments, I am directed to report that the committee has met and considered the following bills:

Bill No. 133 - Human Organ and Tissue Donation Act.

Bill No. 136 - Financial Measures (2019) Act.

This is **Exhibit "AA"** referred to in the affidavit of
Brian Muldoon, affirmed before me
this 18th day of January, 2024.

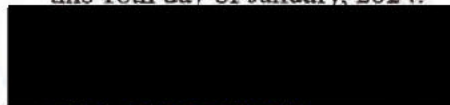


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Sarah McDonald
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This is **Exhibit "BB"** referred to in the affidavit of
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This is **Exhibit "CC"** referred to in the affidavit of
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