

INTERVENOR STATUS APPLICATION**Instructions**

Please submit this form to the Aquaculture Review Board (Board) no later than **ten (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 16h30 pm (local Nova Scotia time) on the deadline date.

A person applying for intervenor status for multiple applications 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.

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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

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

We own three waterfront properties each directly on Liverpool Bay.

██████████ Street which is our primary home.

██████████ Brooklyn NS which is a site owned and developed by our investment company ██████████ Limited (owned solely by Stew & Cheryl Horton). ██████████ is a four unit short term rental development, completed in late 2022, at an investment cost well over \$ ██████████

A 2.9 acre lot (PID ██████████); adjacent to ██████████, currently being developed as a new home site.

Adverse effects from the proposed sites due to the danger of fish kills, illness or escape due to ever increasing storm strengths will impact each of these properties significantly. Just as, if not more important, is the impact of these sites on our financial wellbeing (both personal and business investment in these properties) by loss of income and personal enjoyment due to the desecration of a pristine coastline with unsightly fish farms. Recreational boaters and vacationers look for environmentally friendly locations not industrial mega fish farm sightlines.

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

Personal - daily usage of the proposed sites for recreation.

Commercial - As a vacation rental business our Breakwater development leverages it's incredible oceanfront location with unmatched sightlines and closeness to nature. That view will change to big ugly fish pens.....

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
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:

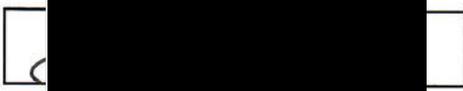
As above.

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

Long term business owners in Liverpool since 2008. Fully invested in our communities. Lived through Bowater closure. To see our tourism, recreation and fishing legacies obliterated by industrial fish farms is both heartbreaking and just wrong.

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

SEPT 12/23.

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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
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NSARB-2023-001-INT-002

INTERVENOR STATUS APPLICATION

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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:

AQ#1205, AQ#1432 & AQ#1433

Hearing Date:

Feb. 5/2024 & March 4/2024

- Name of Applicant:

Kwilmu'kw Maw-Klusuaqn (KMK)

- Civic Address:

75 Treaty Trail, Truro, N.S., B6L 1W3

- Mailing Address:
(if different than above)

- Phone Number(s):

- Email Address*:

@mikmaqrights.com

- Preferred method of communication: email* Mail Other: _____

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

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60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
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8. Specifically describe how the proposed aquaculture activities may substantially and directly affect you:

Mi'kmaw Aboriginal and treaty rights will be adversely affected from the proposed site expansions for AQ#1205, AQ#1432 & AQ#1433 due to a loss of access for Mi'kmaw peoples in multiple ways.

1. Providing Kelly Cove with more room to farm their fish means less physical area in Liverpool Bay for the Mi'kmaq to fish in. Although no detrimental effects have been shown on culturally significant wild species in the area such as salmon, eel and lobster, the expansion and approval of new sites will displace Mi'kmaw fishers. This loss of access clearly impedes the court affirmed Mi'kmaw right to fish for food, social and ceremonial purposes as well as for moderate livelihood.

2. Impacts to Mi'kmaw archaeological heritage, including loss, disturbance or a lack of detection have the potential to negatively impact Mi'kmaw Rights and Title. When Mi'kmaw archaeological resources are destroyed, so is a part of Mi'kmaw culture and history. We feel there has been inadequate testing in the marine environment for archaeological resources and that no decisions should be made or any work done until such time as that the Maw-lukutijik Saqmaq (Assembly of Nova Scotia Mi'kmaw Chiefs) see adequate data to comfortably eliminate concern for the presence, protection, and management of Mi'kmaw archaeological and cultural heritage.

3. The project area from the watershed to Coffin Island is a known and significant corridor for the Mi'kmaw of Nova Scotia. Concentrated aquaculture efforts here will impede Mi'kmaw access to waterways, safe and healthy food sources and spiritual and culturally important areas.

4. Due to the significance of this area to the Mi'kmaw concentrated aquaculture would also interfere with the aesthetics and serenity of this cultural hot spot to local communities such as Wasoqopa'q (formerly known as Acadia FN).

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

The Mi'kmaw of Nova Scotia have a legally recognized and constitutionally affirmed right to fish for a moderate livelihood and for Food, Social and Ceremonial purposes.

FSC and Netukulimk fisheries operate close to shore, unlike the commercial communal fishing fleets. Many Mi'kmaq fishers do not have vessels equipped to travel offshore, therefore, access and the ability to fish close to shore in Liverpool Bay is imperative to the Mi'kmaq. It is not enough for the province to simply consider Rights and Title when the Mi'kmaq continue to be displaced from accessible areas and removed from the context of community and culturally significant watersheds. Liverpool bay is both recreationally important for access to healthy and safe food sources but it also holds value to the Mi'kmaw of Nova Scotia as a culturally significant site with known Mi'kmaw archaeology that would be lost and/or forever altered by the addition of concentrated industry.

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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 Liverpool Bay and surrounding area has been used in a significant way by the Mi'kmaq since time immemorial. The presence of known artifacts in this area reflects the significance to the Mi'kmaq. The connection between community, access to safe, healthy and culturally significant food sources as well as known historic artifacts are a very real use of Liverpool Bay today.

The Mi'kmaq depend on recreational uses of Liverpool Bay for Food, Social and Ceremonial fishing activity as well as for a Netukulimk livelihood fishery. This inshore access is imperative as these small scale FSC and moderate livelihood fisheries are limited by vessel size and cannot be displaced further offshore or away from community.

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

The Mi'kmaq were in active consultation with the Nova Scotia Department of Fisheries and Aquaculture on these proposed aquaculture expansion lease sites and do not feel that our concerns regarding archaeological processes and access for Mi'kmaq users have been adequately addressed to date.

- The Mi'kmaq and their ancestors have occupied the Liverpool Bay region since time immemorial. As sea levels rose, coastal lands including areas within Liverpool Bay were inundated. These submerged Mi'kmaq cultural landscapes represent areas of elevated archaeological significance. Approximately one quarter of all registered Mi'kmaq archaeological sites in Nova Scotia are located along the Mersey River corridor, which includes Liverpool Bay. The Mersey River forms part of a longstanding Mi'kmaq travel route and natural inland waterway connecting the Atlantic coast with the Bay of Fundy.
- The archaeological sampling carried out at AQ# 1205 and 1432 did not penetrate the seabed deep enough to reach any sediments that predate the marine transgression of Liverpool Bay. As such, the presence of Mi'kmaq archaeological resources cannot be ruled out. Just because cultural materials are under water, does not mean that they are lost; rather, they can remain very well preserved.
- Impacts to Mi'kmaq archaeological heritage, including loss, disturbance or a lack of detection have the potential to negatively impact Mi'kmaq Rights and Title. When Mi'kmaq archaeological resources are destroyed, so is the culture of the Nation.
- The Marshall decision clearly notes that Treaty Rights can only be limited for conservation concerns. Therefore, DFA and now the ARB must prioritize conservation, treaty rights and then industry interests in that order. The Mi'kmaq of Nova Scotia are currently working through issues of access to pursue a moderate livelihood in Mi'kma'ki and any new decisions by this board should account for an upcoming increase in Mi'kmaq access by further reducing pressures from the commercial industries on our marine ecosystems

12. Declaration

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Signature of Applicant

September 15, 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.*

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(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-2023-001-INT-004

NOVA SCOTIA AQUACULTURE REVIEW BOARD
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Aquaculture.Board@novascotia.ca

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:

AQ#1205x,1432,1433

Hearing Date:

Feb. 5, 2024

2. Name of Applicant:

Queens Recreational Boating Association

3. Civic Address:

Brooklyn Marina
100 Brooklyn Shore Road,
Brooklyn, Nova Scotia, B0J 1H0

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:

Queens Recreational Boating Association (operating as Brooklyn Marina) is a non profit society formed in 1995, offering recreational boating and sailing activities to residents of Queens County, Queens Coast as well as local and international visitors. Located at the east side of Herring Cove in Liverpool Bay our marina has 64 member rented boat slips plus 300 feet of visitor docking facilities. In addition, there are nearly 100 social members that participate in recreational events held at our facilities.

Aside from any environmental and biological concerns, any fixed aquaculture development within the perimeters of Liverpool Bay would have an immediate and permanent negative impact on the recreational boating community. The sheer scope of the proposed 40 hectare sites at the entrance to our bay would severely restrict safe boating areas for recreational use and in particular for sailing.

Sailboats require harbour room for tacking manouvers (especially the traditional west winds which blow straight out the harbour). This impact is significant in both entering and exiting Liverpool Bay.

Allowing the private commercial use at the entrance into our bay would have an immediate and immense negative appeal for our region, especially visitors who will choose to bypass our Liverpool Bay for other more attractive locations.

As a totally self sufficient recreational boating association dedicated to promoting tourism in Nova Scotia, the financial impact to our membership would be disheartening and would erase decades of progress.

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

As we represent the recreational boating users in Queens County, Liverpool Bay is the jewel in our community.

Liverpool and area was established by fishing, boating and shipbuilding.

Throughout our history, commercial and recreational uses of our bay have existed in respectful cooperation with each other. Over these past few decades with the closure of the paper mill, we have seen an increased shift to recreational activity on our waters (fishing and boating), stimulated in great part by in-migration to our area from new residents and growth in tourism. All attracted by the natural beauty of our region.

The proposed use in the referenced application for a self-interested private enterprise is in direct conflict with the preservation of recreational water activities in Liverpool Bay and its enjoyment by the general public.

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:

As above.

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

On behalf of the recreational boating community of Liverpool Bay and area, we oppose any development that has a direct negative impact to the interests of the general public. Liverpool is blessed to be in the heart of a wonderful section of Nova Scotia with a recreational appeal that is recognized internationally. While we express no opinion on the scale of current activities, expansion of the applicant's operation and introduction of the two proposed salmon farming facilities are in direct opposition to the best interests of our community and to those of the general public. Ceding to the private interests of the applicant will never be able to offset the long term negative effects to our community and recreational activities offered.
Loris Azzano
President

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Signature of Applicant

PRESIDENT

SEPT. 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: _____

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

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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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 6:18 pm, Sep 18, 2023

INTERVENOR STATUS APPLICATION

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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:

AQ#1433

Hearing Date:

Feb 5, 2024

- Name of Applicant:

Margaret Perry

- Civic Address:

Mersey Point, Liverpool, NS, [REDACTED]

PID# [REDACTED]

- Mailing Address:
(if different than above)

Fall River, NS, [REDACTED]

- Phone Number(s):

- Email Address*:

- 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:

In January 2023, my husband and I purchased lot [REDACTED] I grew up in Liverpool and we decided we would retire here. At that time, we were unaware that in 2018, an application for expansion of the salmon aquaculture site had been submitted.

We are appalled to discover that the application was coming up for review in 2024. Presently, we are disturbed by the existing site of the fin-fish aquaculture (AQ#1205X) and seriously concerned, as well as upset, that it could expand.

Factors to be considered:

We spend time daily on our waterfront, enjoying the porpoises, seals, and waterfowl that utilize these waters. We are seriously concerned with the impact to these animals let alone the ones we cannot see that live in the bay. Fish farms cause significant pollution, endangering native species..

When we are on our waterfront, we witness indigenous people fishing a moderate livelihood and are concerned for them, due to the application for expansion.

If we are on our waterfront daily, there will be noise pollution, odors, and debris from the equipment. Our quality of life will be seriously reduced.

Our property will be considerably negatively impacted in terms of its resale value should a fin fish aquaculture expansion be approved.

With the increase in hurricane activity as a result of climate change is real, there is a high level of risk, that, on an annual basis, the fish farms will sustain damage. The fin fish would escape or die, causing environmental concerns and native species risk. If there is a fish die-off, who will clean this up as well as solve the smell of rotten fish?

Our plan for the property is to build our retirement home, and to convert the existing structure on the property to short term rental units. Beyond generating retirement income from the property, these units will also contribute to the tourism and hospitality sector for the Liverpool area. Tourists come to Queens for its natural beauty, not mega fish farms dominating the vista.

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 the proposed site is recreational.

Kayaking - this area will impact our recreational use of the waters (re: our public right of navigation).

Swimming - we will not use the waters for swimming if there is a mega fin fish site close by. We feel the water will be contaminated and unsafe.

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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:

Same as question 8 (above)

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

We are professionals who work in Halifax and New York, USA. Americans' perception of Nova Scotia is that we have pristine lands and waters. If you were to look at a New York restaurant menu, it has NS lobster - not Maine lobster. American tourists would be stunned to know that NS allows its waters to be destroyed by fin fish ocean aquaculture.

When we have guests on our property, we spend time at our waterfront. When they look out at the existing fish farm, they are shocked that such an industry exists. We have not entertained a single person who has a positive perception of Cooke Aquaculture or its subsidiaries.

Significant commercial and residential opposition exists toward the expansion. We expect the board to respect the wishes of the constituents of Queens. There is no local support for the expansion, regardless of how the application has been spun. Mega fish farms are in the business to make money, regardless of how the population feels of their presence.

Feeding the doubled world demand, quoted in their application, can be accomplished with land-based, safe production that does not endanger the environment. Land-based fish production contributes to the economy, without the significant environmental consequences of ocean-based mega fin fish farms.

Our family buys only land-based raised salmon (Sustainable Blue). We do not consume farmed salmon from vulnerable ocean waters.

12. Declaration

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Signature of Applicant

2023-09-18

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

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(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;

Signature Certificate

Reference number [REDACTED]

Signer

Timestamp

Signature

Margaret Perry
[REDACTED]

Sent: 18 Sep 2023 19:58:52 UTC
Viewed: 18 Sep 2023 20:00:06 UTC
Signed: 18 Sep 2023 20:00:25 UTC



Recipient Verification:

✓ Email verified 18 Sep 2023 20:00:06 UTC

IP address: [REDACTED]
Location: Lunenburg, Canada

Document completed by all parties on:
18 Sep 2023 20:00:25 UTC

Page 1 of 1



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NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 11:29 am, Sep 19, 2023

INTERVENOR STATUS APPLICATION

Instructions

Please submit this form to the Aquaculture Review Board (Board) no later than **ten (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 multiple applications 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 may 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:

AQ#1205x, 1432, 1433

Hearing Date:

Feb 5, 2024

- Name of Applicant:

23 Fishermen of Liverpool Bay - See attached list for individual names

- Civic Address:

████████████████████
Liverpool, Nova Scotia
██████████

- Mailing Address:
(if different than above)

████████████████████
Liverpool, NS
██████████

- 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

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

Aquaculture.Board@novascotia.ca

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

We are a group of 14 commercial, inshore vessel, Owner/Operator fishermen and 9 Crew who all live around and fish in Liverpool Bay (the Bay). We are mainly lobster fishermen, but also fish for mackerel and herring and harvest Irish moss in the off season. Any environmental impacts to our local fisheries will affect the socio-economic livelihoods of 32 vessel owners and their crew, totaling approximately 100 fishers of Liverpool Bay.

Most of us grew up here and live in the communities surrounding Liverpool Bay, we work on the shores of the Bay and the community wharves from where we fish. Many of us are multi-generational fishers, fishing our family's fleets, while others are young and new to the industry. Most of us own (or carry loans) for our licenses, boats and gear, which are significant, lifelong investments in our professions!! Some of us are still raising young families and hope to one day pass our investments onto our children.

The nine of us who are crew depend on this traditional, local industry for our family's livelihoods and a number of have hopes to one day have our own fleets and to fish these same waters.

Due to the existence of the Coffin Island site (AQ#1205) and the impacts we already experience from that, we know that the proposed expansion of net pens in the Bay will substantially and directly affect us in following ways:

1) Physical displacement - at least 9 vessels fish in the locations proposed for AQ#1432 and AQ#1433. Six of these vessels have been previously displaced by the placement of the existing AQ#1205. Should Cooke take over these sites and expand AQ#1205 it will mean that these vessels will need to travel further, use more fuel and be more at risk than when fishing close to shore.

2) Navigational hazards - AQ#1432 and AQ#1433 sites (pens, anchors, lines and buoys) represent new and increased hazards to navigate into and out of Liverpool, Brooklyn and Moose Harbour wharves, especially during fog and rough seas. Fishermen will no longer be able to navigate near and follow the coast, which is what we do now during bad weather.

Cooke's buoys from the current Coffin Island site (AQ#1205) break away regularly, and float through our fishing grounds and navigational channels. During bad weather and fog these buoys are another hazard to navigation.

The proposed site at Mersey Point (AQ#1433) is an especially poor location for a fish farm. High winds out of the northeast and southwest produce big waves and seas that will offer no protection for the fish farm. And when you add in the likely impacts of increased hurricanes and Climate Change events, this further increases the likelihood of cage failures (fish escapes) and buoys breaking free.

3) Environmental impacts to fish and loss of fish habitat - the addition of approximately 1.5 million more farmed salmon, when stocked, in our Bay will result in potential loss or contamination of fish habitat due to sedimentation from excess fish food and waste, potential contamination by use of pesticides and antibiotics and the infestation of native species by the sea lice that will eventually find, multiply and spread out from the farmed fish pens.

1.5 million more salmon in pens will result in substantially more caged fish (370% more) and the same in waste feed and excrement attracting predators, like seals into the Bay, adding risk to the fish farm infrastructure and resulting in more seals eating local wild fish.

Liverpool Bay is a fish nursery, teeming with larval and juvenile lobster and fish (gaspereau, herring, mackerel and American eel elvers). Any lobster and fish larva that happen to be floating on currents that move through the farm pens will be eaten by hungry salmon further adding to the depletion of stock. Others will be impacted by loss of habitat and potentially by antibiotics and/or pesticides should sea lice become an issue. Which we expect they will.

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

We are local, inshore fishermen from Liverpool, Moose Harbour, Brooklyn, West Berlin, East Berlin, Port Medway, and Vogler's Cove who navigate through and fish commercially for lobster, and when in season, mackerel and herring within the proposed new lease sites AQ#1432 and AQ#1433 sites and the expanded AQ#1205 site.

NOVA SCOTIA AQUACULTURE REVIEW BOARD

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

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 are local, fishermen and crew from Liverpool, Moose Harbour, Brooklyn, West Berlin, East Berlin, Port Medway, and Vogler's Cove wharves, who all fish commercially for lobster, and when in season, mackerel and herring and some harvest Irish moss in the areas surrounding the proposed new lease sites AQ#1432, AQ#1433 and AQ#1205 expansion sites.

We and our families are also recreational users of the Bay, its Beaches and Coffin Island. Several of us have boats licensed and insured as tourist sightseeing/fishing vessels and most all of us host our family and friends on board for tours around the Bay. Several of us have camps on Coffin Island, but the view and shoreline there has been ruined by the existence of AQ#1205, so not as enjoyable to visit.

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

The fishermen requesting Intervenor status via this application are shocked and offended by this attempted PRIVATIZATION OF A PUBLIC RESOURCE by our government and Cooke Aquaculture/Kelly Cove Salmon.

Inshore lobster fishermen are generational, independent small, local business owners who support their families and are the backbone of rural Nova Scotia, redistributing HUNDREDS of MILLIONS of DOLLARS annually into our economy. Cooke boasts that their proposed expansion plan will create "up to 20 new direct jobs"... these are likely to be primarily, low wage, seasonal positions, while the real money from open net pen fish farming in Our Bays leaves the province and goes back to New Brunswick while we carry the negative impacts! Many businesses locally and around the province are struggling to find workers, there is no shortage of low paying or seasonal jobs in the area, but adding industrial operations in these waters will jeopardize the existing very lucrative local fishery of Liverpool Bay and its future, a fishery already under increasing pressure from Climate Change. We believe no amount of such new jobs are worth putting the livelihood of fishermen, their families and the communities they support at risk.

Due to the reasons outlined above, we 23 commercial fishermen, representing approximately 100 local, commercial fishers of Liverpool Bay, are opposing these Cooke Aquaculture's lease/license applications and how we will be directly and significantly impacted if their applications 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.

 Digitally signed by Mike Muise
Date: 2023.09.18 21:17:30
-03'00'

Signature of Applicant



Date

*SEE the ATTACHED LIST of FISHERMEN SIGNATURES

For Internal Office Use Only

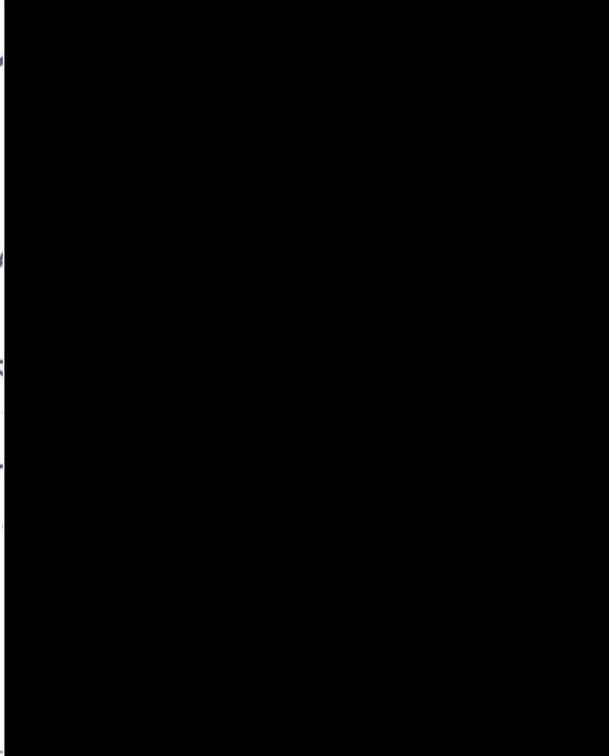
Notice Date: _____

Date Received: _____ Decision Date: _____

Decision: Approved Denied Decision Notes: _____

Applicant Notification Sent: _____ Notification to Parties Sent: _____

Commercial Lobster Fishers

Name Printed	Signature
STEPHEN SCOBAY	
Mike Muise	
Victor Westhaver	
Ronnie Conrad	
Daniel Reinhardt	
Kevin Golt	
Ernest Selig Jr	
Matthew manthorne	
Terry Conrad	
Bobby Lohmes	
Justin Munroe	

Name	Signature
Dennis Naugler	
Sean Tester	
Jim Rhodenizer	
Joey Oickle	
Rob Crouse	
Darren Hatt	
KRIE CONRALL	
PETER FOSTER	
Ryan Foster	
Dylan POMPH X	
BRADFORD CROUSE	
DAVID CROUSE	

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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 11:58 am, Sep 19, 2023

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).**

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

Lease Number:

1205x 1432 1433

Hearing Date:

February 5 2024

- Name of Applicant:

Region of Queens Municipality

- Civic Address:

249 White Point Rd
Liverpool

- Mailing Address:
(if different than above)

Box 1264
Liverpool
B0T 1K0

- Phone Number(s):

[REDACTED]

- Email Address*:

dnorman@regionofqueens.com

- 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:

Region of Queens Municipality's (RQM's) branding 'Queens Coast - Seek Nature's Rewards' speaks to that which is most valued in our area, our coast. This branding is based upon our area's natural beauty, pristine coastlines and the relative ease by which residents and guests can experience Queens County's natural assets.

Liverpool Bay is a core assets to RQM as a public, natural resource that supports local fisheries, boat building/repair, tourism, healthy living and a marina. It is one of the primary attractions for new residents, businesses and visitors.

Industrial scale operations in close proximity to our coastlines detract from and deteriorate our natural environment and are contrary to our marketing brand. Thus, the proposed expansion of Open Net Pen Fish Farms in Liverpool Bay is anticipated to substantially and directly affect RQM's citizens, existing businesses and visitors from economic, social and environmental perspectives.

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

RQM represents the citizens of Queens County. For this reason 'our existing uses" include their interests as well.

The existing Coffin Island site (AQ#1205) and proposed expansion extends in waters within 250m of Coffin Island. A provincial Nature Reserve and home to species at risk, this historically important and attractive island is regularly visited by recreational boaters, kayakers and artists for photography, hiking, swimming, bird watching, and sight seeing. There are several small cabins (former fish shanties) owned by many generations of local families.

Other recreational uses of the three proposed lease areas are boating, stand up paddle boarding, bird watching, sight seeing and 'peace of mind'.

Commercial uses of the three lease areas include the commercial fishery. The most important fishery is the lobster fishery, however other activities ie marine plant harvesting also contribute to our economy.

NOVA SCOTIA AQUACULTURE REVIEW BOARD

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

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:

Beach Meadows Beach, a municipally owned property identified as 'protected' under the Nova Scotia Beaches Act, is located within 500 m of requested expansion 1205x.

Because this is a popular beach for locals and tourists for sightseeing, swimming, walking, dog walking, weddings, surfing, wake boarding, standup paddle boarding, photography, beach combing, etc., RQM has recently made significant financial investments into the promotion of and construction of accessible infrastructure. This includes public washrooms, change rooms, outdoor showers, sidewalks, boardwalks and a MOBI Mat on the beach. The back beach and creek side are particularly popular for families with young children because of its warm, shallow water. A destination beach for locals and tourists, it is one of Liverpool's major draws for newcomers, including business owners and medical professionals. These uses are both recreational and commercial in nature.

This beach is already being negatively impacted due to the presence of the existing fin fish farm. An expansion of the open net pen farm with more pens and fish will further increase this impact as washed up buoys, styrofoam, fish waste (excess food and feces), increase at the ocean's edge.

With an increased number of fish farms in Liverpool Bay the potential for contamination of our shorelines and beaches with antibiotics and pesticide laced waste due to sea lice in our water also increases (recreational).

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

While it is understood the responsibility of RQM stops at the water's edge, due to the extremely close proximity of the operations to the shoreline, the impacts will affect the uplands within our jurisdiction.

Extensive high level land use planning covers all of Queens County. The goal of planning is the creation of orderly, healthy and sustainable communities. This involves careful consideration when establishing new industrial, residential, commercial, recreational, conservation and institutional zones.

Creating three large 'marine' industrial zones of approximately 40 ha each within Liverpool Bay is highly conflicting and contrary to all planning logic.

The impacts of expanded, industrial scale fish farming in Liverpool Bay is anticipated to impact our tax payers and visitors, adjacent property owners and all users of our shorelines, parks and beaches that we own. All will be subjected to increased noise, light and water pollution from the fish farm sites.

These proposed industrial expansions will have a negative impacts on our citizens' quality of life and transform the character of all communities surrounding the bay. It is for this reason Region of Queens is making application for intervenor status at the hearing.

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.

Mayor Darlene Norman

Signature of Applicant

19-Sep-2023

Date

HOW TO SEND YOUR APPLICATION TO THE BOARD:

Upon completing the application form, you have two choices on how to submit your application to the Board.

- To send this document electronically after filling in the form, either click on the "Send Via Email" button OR [click on this link](#) to save it and open an email for you to attach it to.
- To print the document on your printer and send via Canada Post or courier, select the "PRINT" button .

Send Via Email

PRINT

Additional Information on Intervenor Requests

Excerpt from the Aquaculture Licence and Lease Regulations

Request for intervenor status

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(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;

RECEIVED

By Nova Scotia Aquaculture Review Board at 2:41 pm, Sep 19, 2023

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

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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:

AQ#1205, AQ#1432, AQ#1433

Hearing Date:

Feb. 5, 2024

2. Name of Applicant:

Catherine Collins and Douglas Frantz

3. Civic Address:

Lunenburg, NS

4. Mailing Address:
(if different than above)

Lunenburg, NS

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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

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

We are the authors of *Salmon Wars: The Dark Underbelly of Our Favourite Fish*, published by Henry Holt and Company in 2022. In addition, we live in Lunenburg, on Nova Scotia's South Shore.

Before I continue, I would like to note that we are both Canadians. Catherine was born in Cape Breton. Doug was thrilled recently to acquire Canadian citizenship.

Between us, we have 70 years of research and investigative experience. We have worked for some of the largest and most influential newspapers in North America, before Doug went to the US State Department as assistant secretary of state and then to the OECD as the deputy secretary general. Catherine left newspapers to work for an international private investigative firm, mostly in the US and Europe, on a single, large international fraud case.

Although we do not live within site of the Kelly Cove Salmon farm in Liverpool Bay, we are a coastal community and we believe that the ocean belongs to all of us, not one particular private company.

While we know that argument does not hold water with provincial officials, we base our request to be included as intervenors on this fact -- that as investigators we can attest to the historic and world-wide business practices of this company, Cooke Aquaculture. See below for more details on our findings.

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

N/A

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
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:

N/A

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

As part of our request to be recognized as intervenors in this process, we will leave the science to the scientists, the environmental and health impacts to the academics, and the economic impacts to local fishers and residents. Instead, we would like to present the details of our investigation for our book to ask the question: Should the province put the future of its coastal livelihood in the hands of this company? We will base our answers on court records, litigation documents, regulatory documents, and interviews.

*On April 26, 2013, Cooke Aquaculture subsidiary Kelly Cove Salmon pleaded guilty to two counts of using a banned neurotoxin to combat sea lice at 15 of its open-net pen salmon farms in the Bay of Fundy. The pesticide, cypermethrin, was smuggled into New Brunswick from Maine, according to court records. Kelly Cove paid a fine of \$500,000, one of the largest environmental fines in Canadian history.

* On August 19, 2017, a Cooke Aquaculture open-net pen salmon farm in Puget Sound off the coast of Washington State collapsed. Roughly 250,000 alien Atlantic salmon were released into waters containing endangered Pacific salmon. The company blamed the incident on natural causes, including a solar eclipse. But an investigation by three Washington State agencies concluded that the entire farm had broken apart because it had not been properly maintained by Cooke. The pens were fouled with impenetrable layers of mussels, kelp, and other marine growth. The company was fined USD \$332,000 and some of its leases were cancelled.

* In August 2021, more than 100,000 fish died at two Cooke open-net salmon pens near Bar Harbor, Maine. The company failed to report the die-off to the State of Maine for 11 days. During those 11 days, government emails show, the company cleaned the nets at the farms. The company blamed the deaths on low oxygen levels in the cages but offered no explanation for why the levels were lethally low. The delay raised the question of whether dirty nets, similar to those responsible for the Washington State farm collapse, contributed to the die-off.

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.

[Redacted Signature]

Signature of Applicant

19-Sep-2023

Date

HOW TO SEND YOUR APPLICATION TO THE BOARD:

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- To send this document electronically after filling in the form, either click on the "Send Via Email" button OR click on this link to save it and open an email for you to attach it to.
- To print the document on your printer and send via Canada Post or courier, select the "PRINT" button .

Send Via Email

PRINT

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 2:13 pm, Sep 19, 2023

INTERVENOR STATUS APPLICATION

Instructions

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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:

AQ#1205x, 1432, 1433

Hearing Date:

Feb 5, 2024 and onwards

- Name of Applicant:

Protect Liverpool Bay Association

- Civic Address:

 Brooklyn, NS, B0J 1H0

- Mailing Address:
(if different than above)

- Phone Number(s):

Please communicate via counsel at the phone number in the attached submission.

- Email Address*:

 *Please communicate via counsel at the email addresses in the attached submission.

- Preferred method of communication: email* Mail Other: _____

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

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

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

See attached submission.

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

See attached submission.

NOVA SCOTIA AQUACULTURE REVIEW BOARD

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

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 attached submission.

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

See attached submission.

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.

Sarah McDonald Digitally signed by Sarah McDonald
Date: 2023.09.19 09:31:01 -03'00'

Signature of Applicant

Sept 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;

James Gunvaldsen Klaassen & Sarah
McDonald

1801 Hollis Street, Suite 520

Halifax, NS B3J 3N4

Tel: 902-417-1700 ext. 642/643

Fax: 902-417-1701

Email:

jgunvaldsenklaassen@ecojustice.ca

smcdonald@ecojustice.ca

File No.: 1012

September 19, 2023

Sent via email to: aquaculture.board@novascotia.ca

Nova Scotia Aquaculture Review Board
60 Research Drive
Bible Hill, Nova Scotia
B6L 2R2

Dear Aquaculture Review Board members,

Re: Application for intervenor status re AQ#1205x, AQ#1432, AQ#1433

We are counsel for the Protect Liverpool Bay Association (“PLBA”). Please accept this submission as PLBA’s Intervenor Status Application for the upcoming Aquaculture Review Board hearing regarding Kelly Cove Salmon Ltd. (“Kelly Cove”)’s application for a boundary amendment to AQ#1205, and for new aquaculture sites AQ#1432 and AQ#1433.

PLBA is a grassroots community group based in Brooklyn, Nova Scotia and is incorporated as a non-profit society under the laws of Nova Scotia. Brooklyn is a suburban community in the Region of Queens Municipality and is located on the eastern shore of Liverpool Bay.

PLBA has hundreds of members and supporters among the local community. Its membership is comprised largely of Queens County residents and business owners who are concerned about the impact of marine-based salmon farming on the region’s economic prosperity, social wellbeing, and coastal environment. Many of PLBA’s members own property on Liverpool Bay or frequently recreate in the Bay or on Beach Meadows Beach (which is located less than 500 metres from AQ#1205). As a result, their properties, livelihoods, and lifestyles may be severely affected by Kelly Cove’s proposed projects.

PLBA was originally founded in September 2018 by concerned area residents, in response to the news that Kelly Cove was planning to dramatically expand its fish farming operations in Liverpool Bay. PLBA’s mission is “[t]o promote prosperity, social wellbeing, and environmental sustainability of our coastal community by preventing the expansion of open net fin fish farms.”

PLBA's objectives include preventing the expansion of open net pen fish farms, educating the community about healthy marine environments, and protecting natural, balanced ecosystems.

Should PLBA be granted intervenor status for the upcoming ARB hearing, the organization intends to submit lay and expert evidence on all eight factors the Board must consider pursuant to s 3 of the *Aquaculture Licence and Lease Regulations* (the "**Regulations**").

PLBA squarely meets the test for intervenor status before the ARB as set out in s 23(4) of the *Regulations*. PLBA should therefore be granted intervenor status for the upcoming hearing.

(1) Legal Context

The *Regulations* require the ARB to grant intervenor status to "[...] any person requesting it who, in the opinion of the Review Board, is substantially and directly affected by the hearing."¹

The test for intervenor status before the ARB has not yet been judicially interpreted – however, Nova Scotia's Supreme Court has made it clear that standing provisions under the *Fisheries and Coastal Resources Act* ("**FCRA**" or the "**Act**") must be interpreted broadly and liberally.²

In recent decisions on applications for intervenor status,³ the ARB has applied the Nova Scotia Supreme Court's decision in *Specter v Nova Scotia (Fisheries and Aquaculture)*. In that case, Justice LeBlanc had to determine whether two individuals had standing under the *FCRA* to appeal the Minister's decision to approve amendments to aquaculture licences held by Kelly Cove. Subsection 119(1) of the *FCRA* provides that "[a] person aggrieved by a decision of the Minister may, within thirty days of the decision, appeal on a question of law or on a question of fact, or on a question of law and fact, to a judge of the Supreme Court of Nova Scotia [...]" The key question was therefore whether the appellants were "persons aggrieved."

In making his decision, Justice LeBlanc opined on the test for standing:

In my view, how the test for standing is phrased is largely irrelevant. It does not matter whether a statute uses the phrase, "person aggrieved," "person directly affected," or "direct and personal interest." What matters is the interpretation that is given to these phrases [...]

The key question to ask is whether a potential applicant has an economic, commercial, legal, or personal interest in a decision that is sufficiently delineated from the concerns of the general public so as to make them a "person aggrieved."⁴

¹ *Aquaculture Licence and Lease Regulations*, NS Reg 347/2015, s 23(4).

² *Specter v Nova Scotia (Fisheries and Aquaculture)*, 2011 NSSC 333 at paras 56-72 [*Specter*]; *Brighton v Nova Scotia (Agriculture and Fisheries)*, 2002 NSSC 160 at para 7.

³ See *Kelly Cove Salmon*, NSARB 2021-001, and *Town Point Consulting Inc.*, NSARB 2022-001, 2022-002, and 2022-003.

⁴ *Specter*, *ibid* at paras 61-62.

Justice LeBlanc's comments are directly applicable to the "substantially and directly affected" test outlined in s 23(4) of the *Regulations*. As in *Specter*, the ARB must ask whether PLBA and its members have an economic, commercial, legal, or personal interest in the hearing that is distinct from the concerns of the general public. As the Board noted in its most recent decision in *Town Point Consulting Inc.*, organizations whose members include adjacent landowners have been granted standing to challenge decisions governing land use.⁵

(2) PLBA's Members

Many, if not most, of PLBA's members will be substantially and directly affected on an individual basis by Kelly Cove's proposed new and expanded salmon farming sites in Liverpool Bay.

A particularized description of the impacts of Kelly Cove's proposed new and expanded sites on each of PLBA's members would have caused this submission to become unwieldy. We have therefore provided an overview of the projects' impacts on a small sample of the members who will be substantially and directly affected by the sites. Those impacts are described in detail below.

PLBA submits that the described impacts are representative of the effects of Kelly Cove's proposed projects on the majority of PLBA's members. These impacts are sufficient to meet the "substantially and directly affected" test. PLBA should therefore be granted intervenor status in this proceeding.

(a) Brian Muldoon & Stan Wentzell [REDACTED] Brooklyn, NS, B0J 1H0

Brian Muldoon and Stan Wentzell's residence overlooks Liverpool Bay and is a short walk from Beach Meadows Beach. Although Mr. Muldoon and Mr. Wentzell began residing on the property in April 2015, the home has been in Mr. Wentzell's family since 1840. Since April 2015, the two men have invested a substantial amount of money in renovations to their home.

Mr. Muldoon and Mr. Wentzell enjoy spending time in the outdoors on and around their property. They frequently walk on the beach and sit on the rocks along the coast. They also swim and sea kayak in Liverpool Bay. On occasion, they invite guests to fish for mackerel and pollock from the rocks along the shore.

Kelly Cove's existing open pen salmon farming site at Coffin Island (AQ#1205) is approximately 500-700 metres from Mr. Muldoon and Mr. Wentzell's property. The current site already impacts Mr. Muldoon and Mr. Wentzell's ability to enjoy their property and to engage in recreational activities in the water and along the shore. For example, large yellow navigational buoys filled with Styrofoam and marked as Cooke's property have escaped from the Coffin

⁵ *Town Point Consulting Inc.*, *supra*, citing *Oakland/Indian Point Residents Assn. v Seaview Properties Ltd.*, 2008 NSSC 209.

Island site and smashed on Mr. Muldoon and Mr. Wentzell's shoreline, leaving thousands of tiny pieces of Styrofoam strewn about the property.

Mr. Muldoon and Mr. Wentzell can also hear and see the large automatic feeder, which is the size of a two-story building and is constantly present on the Coffin Island site when there are salmon in Kelly Cove's pens. The two men say that the automatic feeder's generator hums constantly, and that they can hear it from their property when the wind blows toward them. On hot days, Mr. Muldoon and Mr. Wentzell can smell the fish farm from their home.

Mr. Muldoon and Mr. Wentzell own a house next door to their residence, which they use as a short-term rental through the website Airbnb. Their rental property is popular – they have guests staying at the house year-round and are generally fully booked through the summer months. Guests frequently enjoy walking on the beach, sitting on the rocks by the shore, swimming, kayaking, and fishing. Because Kelly Cove's Coffin Island site is visible from the property, guests frequently ask about the fish farm and express concerns about its impacts.

Mr. Muldoon and Mr. Wentzell are concerned that Kelly Cove's proposed expansion of its existing site and addition of new sites in Liverpool Bay will result in increased impacts to their properties and their ability to recreate in the water and along the shore. Given their proximity to the existing site and to the newly proposed sites, they anticipate that their property values will decline significantly if Kelly Cove's applications are approved.

Mr. Muldoon and Mr. Wentzell are also concerned that the popularity of their Airbnb will decline, as guests will no longer be able to enjoy recreational activities on and around the property to the extent they once did. For instance, they are worried that guests will be uncomfortable swimming or fishing in waters in such close proximity to large industrial salmon farming sites and will be restricted in their ability to kayak around Liverpool Bay. This could have a significant and negative impact on Mr. Muldoon and Mr. Wentzell's income.

(b) Randi Dickie [REDACTED] NS, B0J 1H0

Randi Dickie, a retired nurse and former councillor for the Regional Municipality of Queens, owns two properties in the immediate vicinity of Kelly Cove's proposed new and expanded salmon farms in Liverpool Bay (specifically AQ#1205 and AQ#1432). The first is a single-family home in Brooklyn, and the second a log cabin in Beach Meadows facing the salt marsh and creek area. The log cabin was handed down by family members to Ms. Dickie and her husband over 50 years ago, when they were young adults. Nowadays, Ms. Dickie generally resides in her family home for most of the year and spends three to four months in the summer living in her log cabin.

Ms. Dickie's log cabin is a two-minute walk from Beach Meadows Beach, and her family home is only a six- or seven-minute drive from the same beach. Ms. Dickie therefore walks the beach frequently in all seasons, and swims at the beach in the summer. In previous years, Ms. Dickie and her husband would canoe or kayak from their cabin out to Coffin Island, or even to Brooklyn or Mersey Point.

Ms. Dickie's family and friends have gathered regularly at her cabin and at Beach Meadows Beach over the years and continue to do so today. Her grandchildren, family, and friends spend numerous hours at Beach Meadows Beach, where they swim, surf, body board, and engage in many other beach and water-based activities.

Ms. Dickie is primarily concerned about the adverse impacts of Kelly Cove's proposed new and expanded fish farms on her lifestyle and her ability to engage in recreational activities on Beach Meadows Beach and in the surrounding waters. Among other things, she is worried about the smell, the visual impacts associated with the automatic feeder, the accumulation of waste and toxins in the water, the impacts on local wildlife such as shorebird populations, and the proliferation of algae overgrowth. Of course, these concerns also extend to Ms. Dickie's family's ability to enjoy their time at Beach Meadows Beach, and to spend time in the water without fear of exposure to pesticides, antibiotics, and other substances associated with salmon farms.

Ms. Dickie and her husband want to ensure that their log cabin stays in their family once they pass on, and for generations to come. They hope that their descendants, and the descendants of their extended family, can continue to enjoy the cabin and the surrounding area (including Beach Meadows Beach) as Ms. Dickie and her husband have for decades. Ms. Dickie is concerned that Kelly Cove's proposed salmon farming projects, if approved, will compromise the health and aesthetics of the local environment and undermine her family's enjoyment of the area around Liverpool Bay.

(c) Eric Goulden [REDACTED] Brooklyn, NS, B0J 1H0

Eric Goulden resides directly behind Beach Meadows Beach, on Liverpool Bay. Kelly Cove's current site at Coffin Island is visible from Mr. Goulden's property.

Mr. Goulden enjoys various recreational activities in and around the waters of Liverpool Bay. He walks the beach daily and enjoys swimming in the summer months. His children and grandchildren also visit frequently, and his grandchildren love to play on the beach and swim in the water. Mr. Goulden considers his property and Beach Meadows Beach to be very special places for his family, and is concerned about the environmental and aesthetic impacts of an expanded salmon farming site at Coffin Island.

Mr. Goulden has spent many years developing properties in the Liverpool area and has made a major contribution to the area's economy. He anticipates that the new and expanded net pen operations will have deep and negative effects on the local economy and community if Kelly Cove's applications are approved. The presence of a large industrial aquaculture operation in Liverpool Bay will be seen as a negative factor for people who may otherwise want to live and do business in the community. He has already seen the accumulation of Styrofoam pieces from broken buoys, and fragments of mooring lines and nets littering the beaches near his property due to severe weather. The increased activity and larger infrastructure associated with the expansion and the two new sites will magnify the negative environmental and aesthetic impacts on his property and surrounding area. In addition, Mr. Goulden is concerned that pollutants in the water and the debris from damaged fish farm infrastructure due to severe weather will be

detrimental to the beauty of the waters and beaches and to his family's ability to enjoy recreational activities there.

(d) Josh Morash, [REDACTED] Brooklyn, NS, B0J 1H0

Josh Morash lives on an 18-acre property near the mouth of Liverpool Bay, in direct proximity to Kelly Cove's proposed new salmon farm AQ#1432. Mr. Morash's parents originally purchased the property in 1980, in order to create a life for their five sons that was filled with outdoor activity, breathtaking scenery, and a love for the ocean. As a result, Mr. Morash grew up spending significant amounts of time there and has a deep connection to the area.

Mr. Morash now owns a property appraisal company in the area and lives on the property with his young family. He and his family enjoy beautiful views of the ocean that will be jeopardized by the large new salmon farm Kelly Cove proposes to operate immediately offshore of their property. Mr. Morash has significant concerns about the impact of AQ#1432, as well as the other new and expanded sites Kelly Cove has proposed for Liverpool Bay, on the local environment and his family's ability to enjoy their property and the surrounding area.

Mr. Morash and his family have been enjoying the coastal area near Liverpool bay - from Fralic Cove to East Berlin - recreationally for many years. They enjoy aquatic activities such as boating, swimming, and fishing. Mr. Morash is worried that the Kelly Cove's new and expanded salmon farms will impede his family's ability to swim and enjoy the Bay without fear of negative health impacts. Because there are no barriers between the pens and the surrounding environment, Mr. Morash is concerned that the fish feed, fecal matter, and chemicals from pesticides will contaminate the water quality, endangering both the local aquatic life and his family's ability to enjoy the water.

Mr. Morash is also concerned about the aesthetic impacts of AQ#1432 on his ability to enjoy his property, including the noise pollution that will be created by the automated fish feeders. The loud and persistent noise will disrupt the serenity of the property. In addition, both the aesthetic and environmental impacts of the proposed salmon farming projects will negatively impact the value of Mr. Morash's property.

(e) Tom Raddall, [REDACTED] Mersey Point, NS B0T 1K0

Tom Raddall purchased his property (7+ acres) on the west side of Liverpool Bay in 1988 and built his home shortly afterward. Tom and his family have been swimming and boating recreationally in the harbour in front of their home for many years. The warmer shallow waters in the lee of the prevailing winds on the Mersey Point side has been a popular anchorage site for the Raddall family and for many other recreational boaters and sport fishers from the Brooklyn Marina and beyond. The ideal prevailing conditions also make the area the preferred navigational channel used by small boats to move out to open waters.

Kelly Cove's proposed site AQ#1433 would be located in the Bay right offshore from Mr. Raddall's home. It would occupy and obstruct a significant portion of the navigation channel and the prime fishing grounds currently used and enjoyed by Mr. Raddall and many others. The

waters off Mr. Raddall's property, including the site of AQ#1433, are very shallow. With weather patterns becoming more violent and extreme, this site would be very vulnerable to damage. Mr. Raddall has measured the loss of oceanfront soil/land in front of his property since moving there and to date he has lost 45 feet of property due to erosion.

In severe weather, the waves and wind push debris as much as 100 feet up on to the shore at Mr. Raddall's property. If AQ#1433 is built, the significant waves and ocean surges during storms like Hurricane Fiona will also most certainly result in waste effluent (uneaten food and feces) as well as buoys, nets and other debris from the facility being pushed high up onto his property where it will decompose and accumulate.

AQ#1433 will be a new site containing 20 open fish pens. Coupled with a noisy two storey feeding barge just offshore from Mr. Raddall's home, the facility would be both visually and acoustically offensive to Mr. Raddall and his family. The impact of this industry location would result in a significant decline in his property value as well.

As a practicing local dentist, Tom is also very concerned about the broader negative economic impact of this proposal on the Liverpool economy, and on his ability to attract qualified support staff for his practice and indeed his ability to sell his practice as he is currently trying to do.

To summarize, Mr. Raddall's property, his professional livelihood and his long-standing recreational use of the harbour would be directly impacted by Kelly Cove's new salmon farming site proposed as AQ#1433.

(f) Larry Cochrane, [REDACTED] Hunts Point, NS, B0T 1G0

Mr. Cochrane has lived on a property overlooking Liverpool Bay for the past seven years. Mr. Cochrane chose to build his home on a property that overlooks Liverpool Bay in order to enjoy an unobstructed view of the Bay from his home, which required a significant financial investment. He is worried that his view will be ruined by the buoys and feeding barges associated with the proposed sites AQ#1432 and 1433. He is also concerned that large fish farms in close proximity to his home will negatively impact the financial value of his property.

In addition, Mr. Cochrane has enjoyed the Bay recreationally since he moved to the area. He regularly goes boating in the Bay and is worried that Kelly Cove's proposed new and expanded salmon farms in Liverpool Bay will cause significant pollution of the water that would make the recreational activities he enjoys unsafe.

Mr. Cochrane has also been an avid salmon fisherman for over 40 years. He began fishing for salmon on the Medway River when he was a teenager. Unfortunately, the Medway River has since been closed to salmon fishing as a result of drastically declining salmon returns. As a member of the Medway River Salmon Association, Mr. Cochrane has participated in activities aimed at restoring the salmon population in the area, such as liming the Medway River to try to lower its acidity. However, Mr. Cochrane is very concerned that dramatically increasing the number of farmed salmon in relatively close proximity to the Medway River will undermine ongoing salmon conservation and restoration efforts.

Mr. Cochrane understands that open net pen salmon farms can have significant impacts on wild salmon populations, including through the spread of sea lice and disease from farmed fish to their wild counterparts. He is worried that Kelly Cove's proposed new and expanded salmon farms will lead to the extirpation of the few remaining salmon left in the Medway River and destroy any hope of restoring a healthy salmon population and thriving salmon fishery to the area.

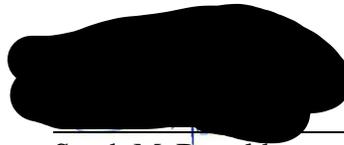
(3) Conclusion

PLBA represents numerous members of the local community who will be substantially and directly affected by Kelly Cove's applications for new and expanded fish farms in Liverpool Bay. In our respectful submission, the Board must grant intervenor status to SMBP in accordance with s 23(4) of the *Regulations*.

Sincerely,



James Gunvaldsen Klaassen
Barrister & Solicitor



Sarah McDonald
Barrister & Solicitor

cc. Protect Liverpool Bay Association

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 existing 14 open fish pens have substantially and directly adversely affected me in the following ways: storms have destroyed and will continue to destroy the pens, sending debris from broken gear to our otherwise pristine beaches and littering the shoreline with dead fish (eye-witness knowledge). Even when the pens are intact, they house fish who harbor diseases and lice, and when these fish escape into the ocean it is generally accepted that they mingle with and contaminate the wild fish population. The parasitic lice pollute our swimming waters and, to our disgust, invade our bathing suits (first-hand knowledge). Furthermore, the existing pens are overfilled, which creates conditions that cause mutations in fish and in their diseases. This overfilling also creates a level of waste pollution that our basin is too shallow to accommodate. Our shallow basin and these over-filled pens have also caused the fish to freeze and die (general knowledge). There is no reason to think this won't continue. Also, the existing fish pens have a large automatic feeder that is noisy.

Queens County beaches and our coastline (marketed as "Queens Coast") contribute in an integral way to our physical and mental well-being and to our economy. We walk, run, play, swim, boat, and otherwise release stress and exercise there daily. The 14 existing fish pens also compromise our food security (seafood fishery) and our economy (our pre-existing, by generations, million dollar lobster fishery is specifically threatened by the pesticides used on the farmed fish), not to mention tourism. An additional 46 open pens would have a hugely detrimental effect on the ecology of our ocean and shoreline. It is impossible for these pens to be made secure.

We have to stop acting like the ocean can absorb all of our waste--from direct human action or from the consequence of crowding fish in an unnatural environment.

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

There is one existing and two new lease sites at issue; my concerns extend to all of them. I find it difficult to make a distinction between recreational and commercial use, since recreational use is also a positive economic force in our county. The way this question and the next one are phrased makes it seem as if somehow one can consider the impact of the site as if stops at the boundaries of the lease, when that is an impossibility. (As a matter of fact, the owners have for years ignored these boundaries, and our government officials did nothing, although concerned citizens pointed out this encroachment.)

You are asking me to describe MY existing use, so I will discuss the existing site. I have to look at it, and it is an eyesore in such a beautiful spot that years ago our government created a look-out on the Shore Road over what became this fish farm. I swim at Beach Meadows Beach, which is part of a Queens County Municipal Park. I have to listen to the automatic fish feeder. I walk and run on Beach Meadows Beach for stress release (as do many of my neighbors), and it is difficult to find this relief when I'm constantly reminded of the fish farm and its detrimental effects on our environment. For this reason, the current leased area adversely affects my mental health.

Do you realize that there is no vantage point from Eagle Head Point all of the way along the entire coastline to Western Head Light where the existing pens are not visible from the shore?

Kelly Cove Salmon Ltd, as Cook Aquaculture, has never dealt in good faith with Nova Scotia governing bodies or Nova Scotians--its overreach means there are 14 pens in an area designated for fewer than 10. I would like to know why this private company was not fined for this infraction and made to remove the extra pens. This company also promised to build a fish processing plant in Shelburne, which never materialized; instead they truck the farmed fish to their plant in New Brunswick. They also process diseased fish and sell them in the Canadian food market to unsuspecting consumers (as reported by the CBC). Cook Aquaculture brought only one job that I know of to Queens County. We question the value of any jobs they have brought to Nova Scotia. It should be no surprise that we don't want any fish pens in the waters of Queens County especially under the aegis of this company in which we have no trust. After all, the best indication of future behavior is past behavior.

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:

See above for my comment about the area of the proposed sites and the false dichotomy between recreational/commercial use.

To be specific, my family and I:
Eat local lobster and clams
Walk and exercise on the beaches
Swim in the waters
Paddleboard, surf, kayak
Entertain tourists on the beaches
Look at the natural beauty that remains
Support our mental health

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

I have time to devote to this review. I am passionate about this cause. I have lived by the shore in Queens County for 48 years, and my children and grandchildren live here and use the ocean as I do. As an intervenor, I can have an open mind. I am in favor of economic development. The main things that worry me are losing the economic framework that has supported Queens County for generations (lobstering and tourism) and the possibility of pollution from open-pen fish farms destroying our chance of having a sustainable source of healthy food from the ocean.

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.

Leslie Ann Clarke Digitally signed by Leslie Ann Clarke
Date: 2023.09.15 16:33:04 -03'00'

Signature of Applicant

15 September 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

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(a) the optimum use of marine resources;

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

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(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;

RECEIVED

By Nova Scotia Aquaculture Review Board at 3:02 pm, Sep 19, 2023

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

INTERVENOR STATUS APPLICATION**Instructions**

Please submit this form to the Aquaculture Review Board (Board) no later than **ten (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 16h30 pm (local Nova Scotia time) on the deadline date.

A person applying for intervenor status for multiple applications 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 may 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:

AQ#1205x, AQ#1432, AQ#1433

Hearing Date:

Feb 5 - 9, 2024

- Name of Applicant:

South Queens Chamber of Commerce

- Civic Address:

154 Main St
Liverpool NS
B0T1K0

- Mailing Address:
(if different than above)

PO Box 1378
Liverpool NS
B0T1K0

- Phone Number(s):

[REDACTED]

- Email Address*:

secretary @southqueenschamber.com

- Preferred method of communication: email* Mail Other: _____

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

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

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

The South Queens Chamber of Commerce (SQCC) represents 87 small businesses and individuals in the Liverpool Bay Area. Member businesses include Business, Financial, Family and Professional Services, Education, Real Estate, Legal, Hotel & Tourism, Entertainment and Music, Restaurant & Bars, Sports & Recreation, Retail, Construction, Beauty, Health & Wellness, Government and Not for Profit Organizations, Transportation, Publishing, Agriculture & Environmental Services, and Community Supporters.

The SQCC believes that should the proposed expansion of ONPFF in Liverpool Bay be approved that many of its member businesses will be directly and substantially affected due to the deterioration of Liverpool Bay, spoiled scenic views and lost tourism revenue.

In 2019, members of the SQCC had members vote (in favour or opposed) to "Open Pen Fish Farming in the Bay of Liverpool". 100% of those voting members voted "AGAINST" Open Pen Fish Farming in Liverpool Bay. See attached.

Liverpool Bay is the local, natural resource that underpins our economy and our livelihoods. It is a relatively small bay and scale-appropriate industries are much more likely to succeed and be sustainable because they respect the capacities of the resources. Follow the stories of large commercial industries in other places. Make comparisons. Look at their history. Understand the limitations of local environments and resources before inviting exploitation by out-of-province or foreign interests. We are asking you to do what is socially, environmentally and economically via for our community.

The viability of many of Liverpool's small businesses is dependent on tourism and new residents moving to the area. People are attracted to Liverpool (Nova Scotia in general) in large part by our beautiful and pristine coastlines. Recreational and eco-tourism are two of the fastest growing sectors of tourism. Liverpool's recent influx of new residents are for many, a quality life decision. Regulatory policy and decisions which do not value the health or protection of our marine ecosystems will quickly translate into fewer tourists, residents and lost revenues and a lower tax base.

While Kelly Cove Salmon (KCS) and the NS Department of Fisheries and Aquaculture would like us to believe that the expansion of open net pen fish farming (ONPFF) in Liverpool Bay will "create jobs"—we say this is an excuse to bring a polluting industry into our community. Any jobs to be created by this expansion are likely to be low paying jobs, of which there are ample available in Queens County. KCS claims to require an increase in salmon production in order to justify building a processing facility in NS. Again, creating low paying jobs that will be of little interest to local workers and likely to result in the need to import workers should the processing facility ever even materialize. And in the long term, there are no guarantees that these jobs would even stay in Nova Scotia, let alone Liverpool, especially with technological advances make it possible to feed fish by pushing a button from anywhere in the world.

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

The following SQCC member uses the proposed lease sites for commercial and recreational purposes:

1) Liverpool Adventure Outfitters (LAO) is located at the Milton Canoe & Camera Club, 137 West St. Milton NS, along the Mersey River. L.O.A offers Paddle and Full Day Picnic tours in Liverpool Bay and Coffin Island. Should the proposed expansion of fish farms proceed, believes that the location of the pens and deterioration of water quality and marine life is likely to impact the quality of guest tours and interest in paddling in Liverpool Bay.

NOVA SCOTIA AQUACULTURE REVIEW BOARD
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
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:

The following SQCC members use the area surrounding the proposed lease sites for commercial and recreational purposes:

1) Bear Cove Resources operates in East Berlin, Queens County, N.S. harvesting local, storm-logged seaweeds under License issued by the Nova Scotia Department Natural Resources and Renewables. The seaweed is composted, processed and packaged on-site and marketed as a soil amendment and seaweed fertilizer, under the trade name Storm-cast. Organic growers demand clean, chemical-free products. Bear Cove Resources is facing increasing demand for their products as farmers, gardeners, landscapers and coastal landowners look for options of increasing soil quality and integrity. Bear Cove Resources is extremely concerned that the proposed expansion of ONPFFs in Liverpool Bay will negatively impact their commercial operation due to decreased water and seaweed quality and potential chemical contamination.

2) As previously stated (#9) Liverpool Adventure Outfitters (LAD) offers Paddle and Full Day Picnic tours in Liverpool Bay and Coffin Island. Should the proposed expansion of fish farms proceed, they believe that the proposed locations/expansion of the fish farm pans and impacts to water quality and marine life is likely to impact their ability and their guests interest in paddling Liverpool Bay.

3) The Point on the Mersey by RumCio Developments is a real estate, subdivision underway on property adjacent to the proposed AQ# 1433 ONPFF site. The Point Development will include 124 detached and semi-detached units (permanent and seasonal) many with water frontage and water views. RumCio Developments strongly opposes the Cooke Aquaculture expansion of salmon farms in Liverpool Bay. RumCio Developments will be investing \$30 Million into their initiative which has a strong focus on green living. RumCio Developments considers ONPFF as both undesirable to look and harmful to the environment. They believe that the expansion of salmon farms in Liverpool Bay will have a negative impact on their sales as it will directly interfere with scenic views and the ocean lifestyle they are promoting.

4) Covey Island Boatworks (Lunenburg County Shipwrights Incorporated, est 1979) is an award-winning builder of custom and semi-custom power and sailing vessels since 1979. In 2016 Covey Island Boatworks opened a boatyard in Port Mersey Commercial Park, situated in Herring Cove on Liverpool Bay, Brooklyn, including a 16,000 sf facility, offering both products and services to boat owners. The boatyard employs skilled workers who specialize in repairs and custom building of vessels for private and commercial use including lobster boats, motor yachts and sailing cruisers, and are distributors of boat motors, gear and accessories. On choosing to expand the operations at the Port Mersey location, Al Hutchinson, President of Covey Island Boats says: "Over the past several years, demand has skyrocketed for new boats in the commercial fishing industry, with a 3-4 year wait for a this point. This is an opportunity for us to fulfill a need, especially for lobster fishermen". Covey expects to expand up to 15-20 workers at this location. We are opposed to the expansion of KCS's net pen operations in Liverpool Bay which would negatively impact many of our boating customers. Covey Island Boatworks has concerns with the proposed fish farm expansion, "the scale of the 40ha sites would restrict safe boating access particularly for sailing vessels, and their presence would have an immediate negative impact on the appeal of the bay for visiting boaters, many traveling from International ports, who may choose to bypass this bay for more attractive locations along the South Shore." We have some customers from the US and Europe who spend considerable time here, while having their boats worked on by our company, not being able to boat in the affected areas will impact their decision to come to our yard for work."

4) TydeKite is a kite flying event company founded in 2017. TydeKite has the largest collection of kites in Nova Scotia, including 2D, 3D, professional quads, 140ft kites, colorful images, designed and weighted for the individual. On 8 Oct. 2023, One Sky One World Fest - TydeKite will host an international kite flying day for Peace, Love, Friendship and Environment at Privaleer Park, Liverpool, NS. These are the type of businesses that Liverpool works to attract to our Town, not fish farms.

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

Our primary concern is the people, the existing businesses of Queens County and our most precious resource, Liverpool Bay... an environment and natural resource valued for fishing, tourism, recreation, wild catch fisheries' ecosystems and nurseries, health and cleanliness of beaches, clean air and water, a balanced natural interface between landscape and seascape, wild species protection and preservation of a way of life and livelihoods that are threatened by noise, air and water contaminations.

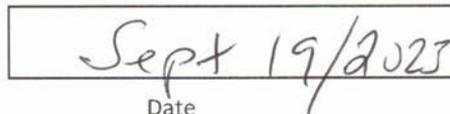
In summary, KCS does not have the "Social License" to occupy Liverpool Bay. Social License is a privilege to use a shared resource, granted when the affected party, in this case, SQCC members sees a fair trade-off in social benefits, for the concessions offered to an industry or development, and the environmental costs, including quality of life and displacement of existing activities. All the above need to be factored into the equation. Access to and use of Liverpool Bay needs to be kept within the jurisdiction of the people of Queens County and not handed off to multi-national corporation without first prioritizing traditional and current uses by the people of our community.

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: _____

June 13/2019

Re: **Open Pen Fish Farming in the Bay of Liverpool**



THO WHOM IT MAY CONCERN

Open Pen Fish Farming in the Bay of Liverpool has been a widely and vigorously discussed topic in South Queens lately. The board of the South Queens Chamber of Commerce (SQCC) was asked by several of its members to take a stand on this issue.

The Board of SQCC took the approach of sending out a questionnaire to all its members **if they are opposed or in favour of "Open Pen Fish Farming in the Bay of Liverpool"**

On behalf of the Board of South Queens Chamber of Commerce and all its members I am reporting the results of the anonymous survey:

100% of the returned votes of the members of the SQCC have cast their votes "AGAINST" Open Pen Fish Farming in the Bay of Liverpool.

Based on the results the SQCC is representing the will of our members by sharing these results and confirming that our members have voted against Open Pen Fish Farming in the Bay of Liverpool.

Thank you,

South Queens Chamber of Commerce

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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 4:00 pm, Sep 19, 2023

INTERVENOR STATUS APPLICATION

Instructions - download this document prior to filling it in.

Please submit this form to the Aquaculture Review Board (Board) no later than **ten (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 16h30 pm (local Nova Scotia time) on the deadline date.

A person applying for intervenor status for multiple applications 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 may 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:

1205, 1432, 1433

Hearing Date:

Feb 5-9, 2024

2. Name of Applicant:

Emily Ferguson

3. Civic Address:

Brooklyn, NS

4. Mailing Address:
(if different than above)

██████████
Liverpool, NS
██████████

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

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

Aquaculture.Board@novascotia.ca

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

I moved to Liverpool, NS in December 2020. The "Protect Liverpool Bay" lawn signs were the only indication of industrial aquaculture in the area. When I asked around to community members, everyone told me that the project had already been approved.

Upon hearing that there was a new hearing / expansion proposal, I emailed an application to Cooke Aquaculture to join the Liverpool and Area Community Liaison Committee. I have yet to receive a response from Cooke Aquaculture.

I know very little about the existing operation or the planned expansion. My involvement in the ARB hearing would allow me to better understand AQ#1205x, AQ#1432, and AQ#1433 and provide input on how the proposed aquaculture activities may affect me as a resident and frequent beach goer / recreational fishing.

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

Recreational - Time at the beach, swimming, fishing

NOVA SCOTIA AQUACULTURE REVIEW BOARD

60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2

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 above.

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

I'm applying as an individual who is new to the area and seeking information about the proposal.

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.

[Redacted Signature]

Signature of Applicant

19-Sep-2023

Date

HOW TO SEND YOUR APPLICATION TO THE BOARD:

Upon completing the application form, you have two choices on how to submit your application to the Board.

- To send this document electronically after filling in the form, either click on the "Send Via Email" button OR [click on this link](#) to save it and open an email for you to attach it to.
- To print the document on your printer and send via Canada Post or courier, select the "PRINT" button .

Send Via Email

PRINT

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.*

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(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
60 RESEARCH DRIVE, BIBLE HILL, NS B6L 2R2
Aquaculture.Board@novascotia.ca

RECEIVED

By Nova Scotia Aquaculture Review Board at 5:36 pm, Sep 19, 2023

INTERVENOR STATUS APPLICATION**Instructions - download this document prior to filling it in.**

Please submit this form to the Aquaculture Review Board (Board) no later than ***ten (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 multiple applications 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 may 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).**

- 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

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

The Ecology Action Centre (the “EAC”) is Atlantic Canada’s oldest and largest non-profit environmental organization.

Please refer to counsel’s submission below for further information about how the hearing will substantially and directly impact the EAC.

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

Please refer to counsel’s submission below for further information about the EAC’s interests in the proposed lease site, including personal and legal interests in addition to commercial and economic interests.

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:

Please refer to counsel's submission below for further information about the EAC's interests in the hearings related to Kelly Cove Salmon Ltd.'s application.

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

Please refer to counsel's submission below for further information that the ARB should consider in its assessment of this intervenor status 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.

Mike Kofahl

Signature of Applicant

September 19, 2023

Date

HOW TO SEND YOUR APPLICATION TO THE BOARD:

Upon completing the application form, you have two choices on how to submit your application to the Board.

- To send this document electronically after filling in the form, either click on the "Send Via Email" button OR [click on this link](#) to save it and open an email for you to attach it to.
- To print the document on your printer and send via Canada Post or courier, select the "PRINT" button .

Send Via Email

PRINT

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;



East Coast Environmental Law Association
6061 University Ave., PO Box 15000
Halifax, NS B3H 4R2

September 19, 2023

Nova Scotia Aquaculture Review Board
60 Research Drive
Bible Hill, Nova Scotia
B6L 2R2
Aquaculture.Board@novascotia.ca

SUBMITTED VIA EMAIL

Re: Application for Intervenor Status related to applications by Kelly Cove Salmon Ltd. for a boundary amendment and two new marine finfish aquaculture licenses and leases in Liverpool Bay

Dear members of the Nova Scotia Aquaculture Review Board,

I am legal counsel for the Ecology Action Centre (the “**EAC**”). Please accept the following submission as part of the EAC’s application for intervenor status for the upcoming Aquaculture Review Board (“**ARB**”) hearings (the “**Hearings**”) with respect to an application by Kelly Cove Ltd. (“**KCS**”) for a boundary amendment to AQ#1205 and two new marine finfish aquaculture licenses and leases for AQ#1432 and AQ#1433 in Liverpool Bay, Queens County (together, the “**Lease Sites**”).

The EAC is a registered charity, a not-for-profit society incorporated in Nova Scotia, and an independent civil society organization that plays an important role in public policy and decision-making on matters of environmental interest, and in the promotion of democratic, participatory, and community-based engagement on topics of environmental concern. The EAC's primary role is to hold governmental policies, processes, and actions accountable to the public interest regarding the use of shared natural space and resources.

The EAC is Nova Scotia's oldest and largest environmental charity, with more than 50 years of experience on conservation and sustainable livelihood issues in the Maritimes. The EAC's Marine Program, focusing specifically on the protection of ecosystems and coastal livelihoods and the sustainable use of shared marine resources, has a 30-plus year history of work on marine and fisheries policy at regional, national and international scales and advises the Government of Canada on international fisheries negotiations.

The EAC has more than a decade of experience advocating for sustainable aquaculture development in the province that is based on science and precautionary regulation and policy. Its work has included efforts to reduce or eliminate the ecological risks associated with open net-pen finfish farming operations and engagement on the development of the legislative and policy regime now governing aquaculture in Nova Scotia. Additionally, the EAC is involved in the economic development and direct

marketing of sustainable fisheries and aquaculture products, including farmed shellfish and seaweed, to establish sustainable employment opportunities in coastal communities throughout the province. For example, through its Kelp Kurious project, the EAC supports small-scale regenerative seaweed farming and small-scale seaweed product entrepreneurs to develop community-based economic opportunities and sustainable sources of income. Beyond engagements within coastal communities, the EAC has also participated on and advised the Aquaculture Regulatory Advisory Committee to the Minister of Fisheries and Aquaculture.

Finally, the EAC is a member-based organization that represents many people in Nova Scotia who support the organization's regulatory positions and who have an interest in sustainable use and protection of the marine environment. Its province-wide membership has an interest in marine environmental protection and includes local members who reside in proximity to the Lease Sites.

The EAC is substantially and directly affected by the Hearings for the Lease Sites in Liverpool Bay and must therefore be granted intervenor status as set out in subsection 23(4) of the *Aquaculture Licence and Lease Regulations* (the "**Regulations**"). By ensuring that the EAC participates as a full party in the Hearings, the Board can ensure that the EAC's interests and the aforementioned public interests are represented in relation to the impact of the proposed developments on waters held in trust for all Nova Scotians. No single stakeholder or individual community member is positioned to speak as fully to these concerns.

1. The Ecology Action Centre is substantially and directly affected by the Hearings because of its on-going engagement with respect to the Lease Sites in Liverpool Bay.

Section 23(4) of the *Regulations*, which are made under the *Fisheries and Coastal Resources Act* (the "**FCRA**"), require the Aquaculture Review Board (the "**ARB**" or "**Board**") to grant intervenor status to any person requesting it, who, in the opinion of the Board, "is substantially and directly affected by the hearing".¹ An intervenor becomes a full party to the adjudicative hearing.² In making its decision on an intervenor application, the Board must consider all the factors set out in section 3 of the *Regulations*.

To date, subsection 23(4) of the *Regulations* has not been judicially considered. The Nova Scotia Supreme Court ("**NSSC**") has interpreted section 119(1) of the *FCRA*, which deals with legal standing under the legislative regime, and the ARB has interpreted intervenor standing under the *Regulations* based on the reasoning of the NSSC in those decisions.

In *Brighton v Nova Scotia (Agriculture and Fisheries)*, the NSSC was asked to decide an appeal, made under section 119(1) of the *FCRA*, of a decision by the Minister of Fisheries and Aquaculture (the "**Minister**") to approve a licence and lease application by Aquafish Technology Incorporated to operate a finfish net cage aquaculture farm in Northwest Cove, Nova Scotia. The appeal was made by "a group of concerned citizens" that was comprised of twelve individuals from Northwest Cove, Southwest Cove, Mill Cove and Hubbards (the latter is located in a different county). In a decision for the court, Justice MacDonald considered whether the appellants met the threshold of "aggrieved persons" under the *FCRA*. Justice MacDonald determined the appellants were aggrieved persons, and provided the following commentary (underlining added):³

¹ *Aquaculture Licence and Lease Regulations*, NS Reg 347/2015 [**Regulations**], s 23(4).

² *Ibid*, s 22.

³ *Brighton v Nova Scotia (Agriculture and Fisheries)*, 2002 NSSC 160, para 7.

Because the Appellants filed no documentation to show that they have been directly prejudiced by this decision, the Respondent Crown suggests that they do not meet the threshold of “aggrieved persons” so as to have standing to prosecute this Appeal. I reject this submission. One need look no further than to the voluminous record to quickly realize that the Appellants were most interested in the outcome of this application and directly involved in the process. In fact the Minister saw fit to write many of them personally when his decision was announced (Volume IV, Tab 449). Given the scope of the FCRA generally and the circumstances surrounding this process in particular, the Appellants meet the standard contemplated under s. 119. They have standing to process this Appeal.

It is particularly noteworthy that Justice MacDonald determined that the appellants’ involvement in the licencing process for the specific site under the FCRA was indicative of their status as aggrieved persons. It is also noteworthy that one of the successful appellants was not located in the same county as the proposed aquaculture site or the other appellants. Proximity to the proposed aquaculture site was a determinative factor of whether the appellants were “aggrieved”.

In *Specter v. Nova Scotia (Fisheries and Aquaculture)* (“*Specter*”), the NSSC was asked to decide an appeal, also made under section 119(1) of the FCRA, of a decision of the Minister to approve lease and licence amendments for three KCS aquaculture sites which involved the relocation and size increases of aquaculture sites in Shelburne Harbour. The appellants were residents of Shelburne who were actively involved in the amendment process and had expressed concerns about water quality and other issues associated with fish farms.⁴ The appellants owned and lived on property that fronted Shelburne Harbour, where the aquaculture sites were located.

In considering whether the appellants in *Specter* were “aggrieved persons”, Justice Leblanc, for the NSSC, set out an analytical framework to be used when determining whether an applicant rose to the level of being an interested party (underlining added):⁵

“Public interest groups and individual advocates have usually been denied standing to challenge administrative action that raises environmental concerns, for lack of an identifiable special interest of their own” (Donald JM Brown Y John M Evans, *Judicial Review of Administrative Action in Canada*, loose-leaf (Toronto: Canvasback, 2010) _4.3443. For example, in *Friends of Public Gardens v. Halifax (City)* (1985), 1985 CanLII 5635 (NS SC), 68 NSR (2d) 433, 13 Admin LR 272 (SCTD), the applicant was denied standing to challenge the City of Halifax’s decision not to designate certain properties near the Halifax Public Gardens as “heritage property”.

However, adjacent landowners have been granted standing to challenge the issuance of permits or government decisions governing land use. In *Oakland/Indian Point Residents Assn. v. Seaview Properties Ltd.*, 2008 NSSC 209, the Court allowed the applicant standing to challenge a subdivision plan and development permits, noting that some of the members of the applicant association were adjacent landowners to the proposed condo development at issue. In *Lord Nelson Hotel Ltd. v. Halifax (City)* (1972), 1972 CanLII 1160 (NS CA), 4 NSR (2d) 753, 33 DLR (3d) 98 (CA) [Lord Nelson Hotel], the Court of Appeal found that an adjacent landowner had standing to challenge the City of Halifax’s re-zoning of neighbouring property.

⁴ *Specter v Nova Scotia (Fisheries and Aquaculture)* 2011 NSSC 333, para 6.

⁵ *Ibid*, paras 59-62

In my view, how the test for standing is phrased is largely irrelevant. It does not matter whether a statute uses the phrase, “person aggrieved”, “person directly affected”, or “direct and personal interest”. What matters is the interpretation that is given to these phrases. This necessarily involves a textual, contextual, and purposive analysis of the applicable legislation. Involved in this interpretation is the concern of courts that an overly broad interpretation will allow mere “busybodies” to flood the courts with litigation challenging public decisions.

The key question to ask is whether a potential applicant has an economic, commercial, legal, or personal interest in a decision that is sufficiently delineated from the concerns of the general public so as to make them a “person aggrieved”.

In its recent decisions, the ARB has taken an approach to intervenor applications that has focused heavily on the physical proximity of applicants to aquaculture sites at issue. However, Justice Leblanc’s analytical framework does not equate proximity with having a direct or personal interest. In that case, the applicants all happened to be adjacent landowners, but proximity is only one factor that may be considered when assessing an applicant’s legal standing.

The Hearing for the Lease Sites will substantially and directly affect the Ecology Action Centre’s ongoing legal, organizational, and membership interests in aquaculture regulatory enforcement and monitoring, and the development of sustainable aquaculture in the local region and the province. The Hearing for the Lease Sites will have direct implications for its marine conservation, including work related to wild Atlantic salmon and other species at risk, and its own aquaculture projects. While the EAC is not located adjacent to the Lease Sites, its work and membership, and therefore its interests, will be impacted by the Lease Sites. Based on a textual, contextual, and purposive analysis of the legislative framework for aquaculture in Nova Scotia (which follows), and the EAC’s extensive and documented history working on aquaculture, including in Liverpool Bay, the EAC is directly and substantially affected by the Hearing.

2. The Hearing will be determinative of the use of public space and public resources and the objective of the FCRA and the Regulations is the participation of individuals and groups who have an interest in the public space and public resources; the EAC is a group with such an interest.

As noted by Justice Leblanc in *Specter*, whether an applicant for intervenor status for an adjudicative hearing is directly and substantially affected requires a textual, contextual, and purposive analysis of the applicable legislation. This analysis begins with an examination of the general purposes of the FCRA, the specific purposes of its aquaculture provisions, and the requirements of the *Regulations* for adjudicative hearings and intervenors.

The FCRA has long been the key provincial statute under which aquaculture is managed and regulated in Nova Scotia. The purposes of the Act are found in section 2, and are as follows (underlining added):

- (a) consolidate and revise the law respecting the fishery;
- (b) encourage, promote and implement programs that will sustain and improve the fishery, including aquaculture;
- (c) service, develop and optimize the harvesting and processing segments of the fishing and aquaculture industries for the betterment of coastal communities and the Province as a whole;
- (d) support the sustainable growth of the aquaculture industry;
- (e) expand recreational and sport-fishing opportunities and eco-tourism;
- (f) foster community involvement in the management of coastal resources;

- (g) provide training to enhance the skills and knowledge of participants in the fishery, including aquaculture;
- (h) increase the productivity and competitiveness of the processing sector by encouraging value-added processing and diversification.

The aspects of the general purpose section of the *FCRA* that are most relevant for aquaculture licencing and leasing include to manage the aquaculture industry for “the betterment of coastal communities and the Province as a whole” (subsection c), to “foster community involvement in the management of coastal resources” (subsection d), and to support the “sustainable growth of the aquaculture industry” (subsection f). These purposes speak to the inevitable public nature of aquaculture and its implications for the sustainable management of public coastal resources.

The focus on the public aspects of the regulatory regime created by the *FCRA* is echoed in Part V of the *FCRA* – the part dedicated specifically to aquaculture. Part V’s purposes are stated to be the following (underlining added)⁶:

- (a) recognize that aquaculture is a legitimate and valuable use of the Province’s coastal resources;
- (b) ensure aquaculture is conducted under conditions and in accordance with controls that protect the environment;
- (c) provide a predictable and efficient regulatory environment for business and public confidence;
- (d) ensure equity, fairness and compatibility in access to, and utilization of, public water resources for aquaculture;
- (e) ensure that members of the public have access to information with respect to the regulatory process and an opportunity to participate in the process;
- (f) ensure that regulations governing aquaculture are achievable, contain incentives for compliance and are enforceable;
- (g) ensure that coastal communities derive positive social and economic benefits from aquaculture;
- (h) ensure that aquaculture is conducted with due regard to the health, well-being and recovery of species at risk; and
- (i) ensure that the regulation of aquaculture contributes to the productive development of the Province’s coastal resources.

The purpose section for Part V repeatedly highlights that aquaculture operations utilize the “Province’s coastal resources” and reflect the reality that an important function of the legislative regime is to ensure the public’s confidence in a regulatory environment for aquaculture that protects the environment and ensures appropriate public participation.

The EAC has had, and continues to have, a strong interest in seeing aquaculture sites, including the Liverpool Lease Sites, deliver on these stated legislative purposes. That is why the EAC, as a provincial, not-for-profit organization working on marine environmental stewardship issues and conducting aquaculture projects, is directly and substantially affected by the Hearings.

To further contextualize the EAC’s work within the purposes of the *FCRA*, it is prudent to return to the section 3 factors of the *Regulations*, which the ARB must consider as part of its review of an intervenor application. Those factors are as follows:⁷

⁶ *Fisheries and Coastal Resources Act*, SNS 1996 c 25, s. 43A.

⁷ *Regulations*, s. 3.

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

The reference to the “optimum use of marine resources”, as understood by the text, context, and purpose of the *FCRA*, should be viewed as a requirement that the ARB consider whether KCS’s boundary amendment and two new proposed aquaculture sites will be an optimum use of *public* marine resources that contribute generally to coastal communities deriving positive social and economic benefits. The optimum use of *public* marine resources must include consideration of whether the proposed sites in Liverpool Bay are conducted in conditions that allow for the protection of the environment broadly. An applicant who can demonstrate that they have an interest in seeing the Liverpool Bay aquaculture sites contribute to the optimum use of marine resources is directly affected. The EAC is such an applicant.

The ARB’s consideration of the contribution of KCS’s proposed sites to community and provincial economic development must also be broad in nature and include consideration of the effects of the Lease Sites on communities beyond immediately adjacent properties. Similarly, effects on the public right of navigation and the sustainability of wild salmon also need to be considered generally within the context of coastal communities throughout the province.

A broad approach to consideration of factors (a), (b), (f), and (g) is warranted by virtue of the general and specific purposes of the *FCRA* and because the factors are positioned as topics of general public interest. The remaining factors may be considered more narrowly, as indicated by the text that they be considered in the context of the “public waters surrounding the proposed aquaculture operation”. Put another way, a textual, contextual, and purposive analysis of the section 3 factors reveals that the objective of the legislation is for the ARB to consider some factors broadly (i.e., the impact of the Lease Sites on the general use of public space and public resources throughout the province), and others within a more localized context.

By virtue of its work, the EAC has an interest in the use of public space and public resources; the Lease Sites will impact that space and those public resources, and therefore, the EAC has a direct and substantial interest in the Hearings.

3. The Ecology Action Centre’s has economic, commercial, legal, or personal interests in the Hearings and they are sufficiently delineated from the concerns of the general public.

As the NSSC noted in *Specter*, the key question to consider when examining whether a party ought to be granted standing is whether a potential applicant has an economic, commercial, legal, or personal interest in a decision that is sufficiently delineated from the concerns of the general public.

3.1 The EAC's interests in the Hearings align with the Section 3 factors.

The EAC's work is directly relevant to multiple section 3 factors, and therefore, it has a direct and substantial interest in the Hearing. Specifically, the EAC has an interest in the optimum use of marine resources (factor "a"), the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation (factor "d"), the sustainability of wild salmon (factor "g"), and the number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation (factor "h").

With respect to the optimum use of marine resources and the oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation, the EAC works on marine issues that include marine protected areas, ecologically or biologically significant areas, nature reserves, wilderness areas, important bird areas, provincial parks, species at risk, and general marine ecological health. For example, the EAC has an official position on all fishery advisory committees in the region, and advises regulators on sustainable fishing measures, management policies, and monitoring and control frameworks (advice that was also provided to the Doelle-Lahey Panel). The EAC is also an official advisor to the Canadian government on negotiating positions at several Regional Fisheries Management Organizations, including ICCAT, NAFO and IATTC. The EAC is a leader in the development of eelgrass mapping and monitoring programming in Nova Scotia, including through the coordination of the Atlantic Eelgrass Network. Eelgrass is a key coastal habitat that acts as a nursery for many of our province's most important commercial fish species. Finally, the EAC has conducted research and partnered with industry, communities, and academics on sustainable use and protection of coastal and offshore marine resources, and has worked with community managed fisheries and aquaculture to support market access and economic opportunities. The EAC's interest in this work must be considered with regard to the optimum use of marine resources at the Lease Sites.

The EAC has a direct and substantial interest in seeing *public* marine resources used optimally, and the Hearing, and by extension, the Lease Sites, have implications for that interest, including for the local and provincial areas of its work in this regard. For example, the Lease Sites will have implications for local and cumulative effects on marine resources that will affect and interact with other natural and anthropogenic activities and processes. The EAC has strong interests – including economic, commercial, legal, and personal – in the Hearing because of the implications of the Lease Sites at Liverpool Bay on its work related to stewardship of the marine environment in the local region and the province, and its ongoing projects, including ones that overlap with the geographic area of the Lease Sites.

The Hearing will also have ramifications for the EAC's work on protecting species at risk in the area. The organization's work has focused on fish populations currently within the "critical zone" as defined under the federal *Fisheries Act*, some of which could be directly impacted by the Lease Sites. In particular, the EAC continues to work with partner organizations, individuals, and communities in the vicinity of the Lease Sites to protect and conserve the wild Atlantic salmon populations. The Hearing, and its outcome in relation to the expansion of the Lease Sites, will directly impact these interests. As explained above, the EAC's interest in the sustainability of wild salmon must be viewed broadly within the context of the legislated purposes of the *FCRA*.

Additionally, the EAC has long advocated for a robust and effective regulatory framework for aquaculture activities, and enforcement and monitoring of the aquaculture industry. As part of its mandate, the EAC serves as a public interest watchdog on the implementation of and compliance with provincial regulations. More specifically, the EAC's Marine Program Director Shannon Arnold has served on the ministerial Aquaculture Regulatory Advisory Committee (the "RAC") for the past two years,

following the participation of other EAC staff in similar roles since its creation. Given that role, the EAC has a specific legal interest in this Hearing because of its potential ramifications for future regulatory compliance.

Finally, the EAC also has a membership base that gives the EAC a mandate to engage on aquaculture, and members living in the vicinity of the Lease Sites whose interests are specifically affected. The EAC represents more than 4,100 members from communities all across Nova Scotia who look to them to speak on their behalf in decision-making processes that hold the potential to impact the environment. More specifically, the EAC represents hundreds of individuals that live on Nova Scotia's South Shore, with several in close proximity to the Lease Sites. Each of these members expects the EAC to ensure that the marine and coastal ecosystems they rely on are properly protected and sufficiently represented during aquaculture development processes. The EAC will provide an avenue for its membership generally, and for the specific members living near the Lease Site, to have their interests accounted for within the decision-making process.

The EAC's longstanding interest in protection of the marine environment for the benefit of the public, and in upholding the administration and enforcement of laws that protect the marine environment for the benefit of the public, underscores the EAC's substantial and direct interest in the Hearing.

3.2 The EAC's engagement on aquaculture generally, and on work in Liverpool Bay specifically, is sufficient to set it apart from the general public.

The EAC has been actively engaging in aquaculture issues in Nova Scotia for many years. Its role, expertise, and interest in aquaculture was acknowledged a decade ago during the Independent Aquaculture Regulatory Review for Nova Scotia by the Doelle-Lahey Panel. The panel, which was appointed in April 2013, was mandated to lead the development of a regulatory framework for the aquaculture industry that would integrate environmental protection, social wellbeing and economic opportunity.⁸ The panel's mandate required it to seek advice from key industry sectors, conservation groups, the Mi'kmaq and subject matter experts.⁹ During the Doelle-Lahey Panel's review, it convened a Nova Scotia Aquaculture Regulatory Review Roundtable (the "**Roundtable**"), which was created to provide the panel with advice on the following (underlining added):

- (a) issues related to sustainable development of aquaculture with respect to environmental protection, social wellbeing and economic opportunity, and
- (b) the development of recommendations regarding a new regulatory framework.¹⁰

The Panel also met monthly with an Advisory Committee. The EAC had representation on both the Roundtable and the Advisory Committee. One of the final recommendations of the Doelle-Lahey Panel was that an ongoing Regulatory Advisory Committee be created and meet at least once a year to advise the Department of Fisheries and Aquaculture on the implementation of aquaculture regulations, changes to the regulatory framework in the future, significant policy issues, and overall effectiveness of

⁸ Meinhard Doelle & William Lahey, A New Regulatory Framework for Low-Impact/High-Value Aquaculture in Nova Scotia: The Final Report of the Independent Aquaculture Regulatory Review for Nova Scotia (Halifax, NS: Province of Nova Scotia, 2014) at 20-23, p 1.

⁹ *Ibid.*

¹⁰ *Ibid*, p 2.

the framework.¹¹ The provincial government accepted this recommendation and formed a committee of representatives to provide advice on regulating aquaculture in Nova Scotia; the EAC is represented on the RAC and is active in advising the province about regulation of aquaculture.

In response to the Report of the Independent Aquaculture Regulatory Review Panel (the “**Doelle-Lahey Report**”) and as a commitment to implement its recommendations, the government of Nova Scotia released new regulations under the *FCRA*, including the *Regulations* that set out the ARB’s process. The key role that public participation plays generally under the Act outlines the importance of including environmental and conservation groups in decision-making processes on aquaculture. The EAC’s participation during the Doelle-Lahey Panel process, and through the development of the current regulatory regime, highlights the high degree of interest that the organization has in the important work of the ARB, including the upcoming hearing for the Lease Sites.

Under a legislative framework that encourages and requires public engagement in aquaculture issues and decision-making, the EAC has set itself apart from the general public because of its engagement province-wide on the key aspects of aquaculture development that also affect each individual site. The EAC has expertise and knowledge of the cumulative impacts of aquaculture as an industry within the province that is applicable to the Liverpool Lease Sites and which sets the EAC apart from the general public.

4. The Hearing will be precedent setting and the Ecology Action Centre is sufficiently affected that it must have access to the procedural and substantive rights provided to intervenors.

The need for public engagement and opportunities for their input into aquaculture related decision-making was affirmed by the Doelle-Lahey Panel. The key role that public participation plays generally under the Act outlines the importance of including environmental and conservation groups in decision-making processes on aquaculture. The EAC’s participation during the Doelle-Lahey Panel process, and in the development of the current regulatory regime, highlights the high degree of interest that the organization in the ARB’s work (and in particular, the Hearings).

The EAC recognizes that the *Regulations* provide opportunities for the public to participate in an adjudicative hearing of the Board by submitting written comments or by making a sworn or affirmed statement at the adjudicative hearing. However, these public participation opportunities are not sufficient to address the impacts on the EAC’s direct and substantial interests in the Hearings.

The Hearings will be precedent setting because they will be the first time the ARB considers new aquaculture operations since the Doelle-Lahey Report was released and the *Regulations* and ARB adjudicative hearing process were established. The process and outcomes of the Hearings will be precedent setting for the province and will have long-term implications for the regulation of aquaculture throughout the province.

The text of subsection 23(4) is particularly pertinent in this regard. It reads (underlining added):

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.

¹¹ *Ibid*, p xxi.

In this regard, the Hearings are not only important with respect to the Lease Sites that are the subject of the process, but also because they have relevance for – and impact the interests of – the EAC as a result of their wide-ranging, and precedent setting consequences.

5. Concluding Remarks

The EAC's objectives and mandate, with respect to the marine environment, and its engagement on aquaculture issues around the province cause it to have legal and personal interests in the Hearing for the Lease Sites that are markedly different from the general public and which are direct and substantial.

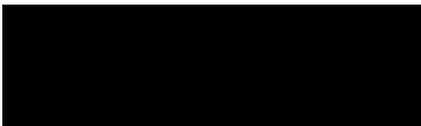
EAC has conducted enormous amounts of work related to aquaculture regulation, including engaging in the Doelle-Lahey Report process and subsequent development process of the current regulatory regime (including the ARB). Its members generally have an interest in seeing aquaculture effectively regulated, and those members in the vicinity of the proposed aquaculture site expansion have specific interests with respect to decision-making about aquaculture in their local environment.

The EAC is substantially and directly affected by the Hearing because the Lease Sites impact the optimal use of the marine resources, impact community and provincial economic development, and impact the sustainability of wild salmon. The EAC has clearly defined interests in the impact of the Lease Sites on these factors, and its interests must be considered in view of the text, context, and purpose of the legislative regime governing aquaculture. The EAC's proximity to the Lease Sites is not determinative for the purpose of considering the sufficiency of effects on the EAC's interest.

The EAC is also substantially and directly affected by the Hearing because the Lease Sites will impact other aspects of its work, particularly the oceanographic and biophysical characteristics of the public waters surrounding the Lease Sites, and other users of the public waters surrounding the Lease Sites.

Therefore, it is my respectful submission that the ARB must grant the EAC intervenor status.

Sincerely,



Mike Kofahl
Staff Lawyer
East Coast Environmental Law