

Findings and Decision - Renewal Application of Bear River First Nation for Experimental Site AQ#5008

1. Overview

On December 13, 2022, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Bear River First Nation to renew Experimental Aquaculture Licence and Lease #5008 (AQ#5008), as described below:

Table 1. Description of Aquaculture Licence and Lease #5008

Type: Marine	Size: 138.22 Ha
Number: AQ#5008	Cultivation Method: Suspended Shellfish Cultivation
Applicant: Bear River First Nation	Species: American oyster
Location: St. Marys Bay, Digby County	Proposed Term: One year with annual renewals up to a maximum of five years

2. History

AQ#5008 was issued on April 8, 2020 for a one-year term from March 10, 2020 to March 10, 2021. The licence and lease were renewed on April 30, 2021 for a second one year term from March 10, 2021 to March 9, 2022. The licence and lease were renewed on April 5, 2022 for a third one year term from March 10, 2022 to March 9, 2023. On July 25, 2022 the licence and lease were amended to change the Schedule “B”.

3. Procedure

3.1 Performance Review

A review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review was completed on March 22, 2023.

4. Factors to be Considered

AQ#5008 is an experimental aquaculture site located in St. Marys Bay. For the proposed renewed tenure, Bear River First Nation will continue to ascertain whether this particular area of St. Marys Bay is conducive to Oyster farming using suspended cultivation methods. As an experimental site, the operator will assess the viability of survival and growth rates of oysters using OysterGro cages. If the experiment proves successful, it could bring economic prosperity to Bear River First Nation through commercial development of the licence and lease.

The operation of this site on an experimental basis will enable the operator to inform future decisions with respect to suspended shellfish cultivation. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters.

AQ#5008 is located in St. Marys Bay, Digby County and is located approximately 3.5 km south from AQ#1228, a shellfish aquaculture operation, issued to Innovative Fishery Products. There is no evidence to suggest that the extent of existing aquaculture sites within the area has exceeded the carrying capacity of the area. AQ#5008 is located in waters which are not eligible for direct shellfish harvest under the Canadian Shellfish Sanitation Program (CSSP); therefore, the existence of AQ#5008 does not negatively interfere with other shellfish harvesters. Bear River First Nation must adhere to all provisions of the CSSP and cannot harvest product unless the classification of the site permits harvesting. No product is permitted to be sold from unclassified

waters.

5. Decision

Based on the considerations above, Experimental Aquaculture Licence and Lease #5008 shall be renewed for a fourth term, with a period of one year (March 10, 2023 to March 9, 2024). The issued documents shall be prepared in accordance with the standard operating documents of the NSDFA and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

6. Conditions

In addition, the following conditions shall apply:

In the event that aquacultural produce is not placed on the site during the term of this lease, this lease will not be eligible for renewal for a fifth and final term, due to the understanding that it will not be possible to obtain sufficient data related to the research purposes detailed in Schedule "C" of the Licence and Lease.

The operator shall adhere to the site marking requirements according to their Notice of Works issued by Transport Canada under the Canadian Navigable Waters Act, reference number NPP File 2019-200034.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

March 24, 2023

Date