

**Findings and Decision - Renewal Application of Innovative Fishery Products Incorporated
for AQ#1338**

1. Overview:

On January 26, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Innovative Fishery Products Incorporated to renew Aquaculture Licence and Lease #1338 (AQ#1338), as described below:

Table 1. Description of Aquaculture Licence and Lease #1338

Type: Marine	Current Size: 44.33 HA
Number: AQ#1338	Current Cultivation Method: Bottom shellfish without gear
Applicant: Innovative Fishery Products Incorporated	Current Species: Soft shell clam
Location: Annapolis Basin (Smith's Cove), Digby County	Proposed Term: 10 year Licence/ 20 year Lease

2. History

AQ#1338 was first issued on May 24, 2007 for a ten year term (May 24, 2007 to May 23, 2017).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(c) of the Aquaculture Licence and Lease Regulations, and was completed on February 28, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1338 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of April 13, 2017 to May 12, 2017. Notice of the application was also published in the Royal Gazette Part I on April 12, April 19, April 26 and May 3, 2017.

3.3 Submissions

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

Factors to be considered

AQ#1338 is an integral component of the operator's multi-site bottom cultivation shellfish operation in Southwest Nova Scotia, which includes a licensed depuration facility. The renewal plan indicates continued production is planned for this site and therefore resulting employment.

Should the operator not operate the site as indicated, the Department's site utilization review procedures will be triggered. Performance review indicates that successful development of this site will have a positive impact on the local and provincial economy.

There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#1338 is authorized for the bottom cultivation of shellfish without gear, and as such there is no gear permitted within the boundaries of the lease which mitigates concerns pertaining to navigation. Section 55 of the *Licence and Lease Regulations* requires an aquaculture licence holder to mark each of their sites in a manner determined by the Minister (see below) and to keep each site marked during the term of their licence.

There are past instances on file of concerns from commercial, recreational, and aboriginal harvesters and other users with respect to AQ#1338 interfering with their use of the public waters surrounding the operation. As such, NSDFA has engaged with concerned harvesters, including the Mi'kmaq, and will continue to monitor the concerns raised. The licence and lease documents for AQ#1338 allow for access to the site by the general public for recreational activities, and other types of fishery activities, provided that the public does not harvest the soft shell clams on site. This clause serves to reduce potential interference with other users. The allowance for access to the site by other users and the fact that AQ#1338 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#1338 is located in waters which are classified as *Restricted* and *Prohibited* by the Canadian Shellfish Sanitation Program (CSSP); therefore, the existence of AQ#1338 does not negatively interfere with other harvesters, as product harvested from *Restricted* areas must be processed in a registered depuration facility, and product cannot be harvested from *Prohibited* areas. AQ#1338 is located in the nearshore environment of Smith's Cove, and is one of six bottom cultivation soft shell clam sites located in the Annapolis River system. There are also three suspended finfish sites, and one suspended shellfish site located in Annapolis Basin. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

4. Decision

Based on the considerations above, Aquaculture Licence #1338 shall be renewed for a period of 10 years (May 23, 2017 – May 23, 2027) and Aquaculture Lease #1338 shall be renewed for a period of 20 years (May 23, 2017 to May 23, 2037).

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

5. Conditions

In addition, the following condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) mark all corners of the leased site with cautionary yellow buoys of a minimum of 60 cm in diameter;

- b) mark all corners of the leased bottom with a cement block or similar device of a weight sufficient to ensure the cement block or device remains in place at all times; and
- c) display the licence or lease number at 1 corner of the licensed or leased area.

Brennan Goreham

Brennan Goreham
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Nova Scotia Department of Fisheries and Aquaculture

October 5, 2017

Date