

**Findings and Decision - Renewal Application of Innovative Fishery Products Incorporated for AQ#1336**

**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 #1336 (AQ#1336), as described below:

Table 1. Description of Aquaculture Licence and Lease #1336

<b>Type:</b> Marine	<b>Size:</b> Licensed Area: 206.80 HA; Leased area: 8.72 HA
<b>Number:</b> AQ#1336	<b>Cultivation Method:</b> Bottom shellfish without gear
<b>Applicant:</b> Innovative Fishery Products Incorporated	<b>Species:</b> Soft shell clam
<b>Location:</b> Yarmouth Harbour (Sand Beach), Yarmouth County	<b>Proposed Term:</b> 10 year Licence and 20 year Lease

**2. History**

AQ#1336 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#1336 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of September 13, 2018 to October 11, 2018. Notice of the application was also published in the Royal Gazette Part I on September 12, September 19, September 26, October 3, 2018 and October 10, 2018.

*3.3 Submissions*

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

#### **4. Factors to be considered**

AQ#1336 is a component of the operator's multi-site bottom cultivation shellfish operation in Southwest Nova Scotia, which includes a licensed processing facility. The renewal plan indicates that 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.

The performance review and subsequent public comment period did not note the presence of other fishery activities in the area of the site. There were no ecological concerns identified in the past performance of this site with respect to negative impacts on other fisheries. AQ#1336 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.

The licence and lease documents for AQ#1336 allow for access to the site by the general public for recreational activities, and other fisheries activities, provided that the public does not harvest the product 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#1336 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#1336 is located partially in a Federal Harbour, and partially within waters leased by the Province of Nova Scotia. As such a Licence for the entirety of the site is issued by the Nova Scotia Department of Fisheries and Aquaculture, whereas Transport Canada issues the Lease for the portion within a Federal Harbour and the Nova Scotia Department of Fisheries and Aquaculture issued the Lease for the portion in waters leased by the Province of Nova Scotia.

AQ#1336 is located in waters which are classified as *Conditionally Restricted* by the Canadian Shellfish Sanitation Program (CSSP); therefore, the existence of AQ#1336 does not negatively interfere with other harvesters. Harvesting is only permitted pursuant to the requirements of the CSSP; therefore, due to the current classification of AQ#1336, the existence of AQ#1336 does not negatively interfere with other harvesters. AQ#1336 is located in the southern portion of Yarmouth Harbour, and is one of three shellfish aquaculture leases issued to Innovative Fishery Products Inc. in Yarmouth Harbour. There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

#### **5. Decision**

Based on the considerations above, Aquaculture Licence #1336 shall be renewed for a period of 10 years (May 24, 2017 to May 24, 2028) and Aquaculture Lease #1336 (for an area of 8.72 HA) shall be renewed for a period of 20 years (May 24, 2017 to May 24, 2038).

The Licence and Lease documents shall be prepared in accordance with the standard operating documents of 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 condition shall apply:

The operator shall adhere to the following site marking requirements:

- a) Mark each corner and angle of the lease from May 1 to November 30, annually;
- b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- c) Display "PRIV" in black, on opposite sides of each buoy;
- d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.

*Brennan Goreham*

**Brennan Goreham**  
**Aquaculture Administrator**  
**Nova Scotia Department of Fisheries and Aquaculture**

*11/19/18*

**Date**