

Findings and Decision - Renewal Application of Innovative Fishery Products Incorporated for AQ#1344

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 #1344 (AQ#1344), as described below:

Table 1. Description of Aquaculture Licence #1344

Type: Marine	Size: 75.52 HA
Number: AQ#1344	Cultivation Method: Bottom shellfish without gear
Applicant: Innovative Fishery Products Incorporated	Species: Soft shell clam
Location: Yarmouth Bar, Yarmouth County	Proposed Term: 10 year Licence

2. History

AQ#1344 was issued on May 25, 2007 for a ten year term (May 23, 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#1343 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) the period of September 13, 2018 to October 12, 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#1344 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#1344 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#1344 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#1344 does not authorize the use of gear provides for sufficient navigation within the area.

AQ#1344 is located in a Federal Harbour, and as such only a Licence is issued by the Nova Scotia Department of Fisheries and Aquaculture, whereas Transport Canada issues the Lease. A portion of AQ#1344 is located in waters which are classified as *Conditionally Restricted* by the Canadian Shellfish Sanitation Program (CSSP), and another portion is located in waters that are classified as *Prohibited*. Harvesting is only permitted pursuant to the requirements of the CSSP; therefore, due to the current classification of AQ#1344, the existence of AQ#1344 does not negatively interfere with other harvesters. AQ#1344 is located in the western 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 #1344 shall be renewed for a period of 10 years (May 23, 2017 to May 23, 2027).

The Licence 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*.

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.

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11/19/18

Date