

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

1. Overview:

2. On September 24, 2021, 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. Mary's Bay, Digby County	Proposed Term: One year with annual renewals up to a maximum of five years

3. History

AQ#5008 was issued on April 8, 2020 for a one-year term from March 10th, 2020 to March 10th, 2021. The licence and lease were renewed on April 30th, 2021 for a second one year term from March 10th, 2021 to March 9th, 2022.

4. 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 8, 2022.

5. Factors to be considered

AQ#5008 is an experimental aquaculture site located in St. Mary's Bay. For the proposed renewed tenure, Bear River First Nation will continue to ascertain whether this particular area of St. Mary's 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 applicant has been made aware of other fishery activities in the area of the site. There were no potential ecological concerns identified in the application with respect to negative impacts on other fisheries. There is no evidence that the renewal of AQ#5008 will have impacts on the sustainability of wild salmon. 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 will be authorized to cultivate shellfish using suspended gear, and as such the gear must remain within the geographic boundaries of the site. 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 and keep each site marked during the term of their licence.

AQ#5008 is located in St. Mary's 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 licensed to cultivate shellfish species, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

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.

6. Decision

Based on the considerations above, Experimental Aquaculture Licence and Lease #5008 shall be renewed for a third term, with a period of one year (March 10, 2022 to March 9, 2023). 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*.

7. Conditions

In addition, the following conditions shall apply:

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 9, 2022

Date