

Decision on Application to Amend a Marine Aquaculture Licence and Lease

Application to the Administrator:

On June 14, 2024, the Nova Scotia Department of Fisheries and Aquaculture (the “Department”) received an application to amend Experimental Aquaculture Licence and Lease #5006 (AQ#5006), as described below:

Application Summary:

Type: Marine (Experimental)	Size: 121.70 HA
Number: AQ#5006	Cultivation Method: Suspended
Applicant: Bear River First Nation	
Location: Annapolis Basin, Annapolis County	Species: American oyster
Proposed Amendment: Modification of Gear configuration	

Site History:

AQ#5006 was first issued on April 8, 2020, for a one-year term (March 10, 2020 to March 10, 2021). The licence and lease were renewed on April 30, 2021 for a second one-year term (March 10, 2021 to March 9, 2022). The licence and lease were renewed on April 5, 2022 for a third one-year term (March 10, 2022 to March 9, 2023). On July 25, 2022, the licence and lease were amended to modify the Schedule “B”. On April 20, 2023, the licence and lease were renewed for a fourth one-year term (March 10, 2023 to March 9, 2024). On May 9, 2024, the licence and lease were renewed for a fifth and final one-year term (March 10, 2024 to March 9, 2025).

Performance Reviews Conducted by Administrator:

A performance review was conducted on the aquacultural operation of site AQ#5006, pursuant to Sections 71-72 of the *Aquaculture Licence and Lease Regulations* (the “Regulations”). There were no concerns raised following the performance review.

Consultations on Application to Administrator:

The application was sent for consultation to the following departments or agencies of the Government of Canada, pursuant to Clause 40(1)(b) of the Regulations: Fisheries & Oceans Canada (DFO), and Transport Canada (TC).

Public Submissions on Application to Administrator:

Pursuant to Section 41 of the Regulations, notice of the application was published on the Department's website and in the Royal Gazette Part I inviting the public to submit written comments on the application to the Administrator within the 30 days following the date the notice was published. This notice was published on July 24, 2024.

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

Factors to be Considered (as set out in Section 3 of the Regulations):

The optimum use of marine resources

The applicant's development plan demonstrates an optimum use of marine resources.

The amendment application for AQ#5006 was submitted to allow additional gear configurations, without a change to the method of cultivation (which remains as "suspended cultivation"). More specifically the application was submitted to allow for the operator to test out additional types of equipment for the cultivation of American oyster, for example, a floating upweller system (FLUPSY) to be used for the collection of wild American oyster spat.

The contribution of the proposed operation to community and Provincial economic development

The proposed amendment proposed using equipment sourced locally where possible and has committed to use local suppliers where possible.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The amendment was assessed to consider any potential impact to fishery activities within and surrounding the new proposed boundaries of the site. There was no indication that this amendment would impact any specific fishery activities.

The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation

The applicant's development plan has taken into account the oceanographic and biophysical characteristics of the public waters surrounding the existing operation. There were no issues raised during review or network consultation in respect to this factor.

The other users of the public waters surrounding the proposed aquacultural operation

In respect to the application to amend the existing aquaculture licence and lease, there were no expected novel impacts to the other users of the public waters near the existing site.

The public right of navigation

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#2019-200032.

The sustainability of wild salmon

There is no indication that the proposed amendment will pose ecological concerns to, or have an impact on, the sustainability of wild salmon.

The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation

Experimental aquaculture site AQ#5006 is located in the Annapolis Basin approximately 1 km North of the shoreline of Cornwallis. There are currently 12 aquaculture sites within this body of water, with the nearest site, AQ#1042, located approximately 270 m Southwest of site AQ#5006. There is no evidence to suggest that the extent of the existing aquaculture in this body of water has exceeded the carrying capacity.

Decision:

Based on the factors considered above, the application to amend the existing experimental aquaculture licence and lease AQ#5006 is approved with modifications to the applicant's original proposal. Except as expressly amended, AQ#5006 shall remain unchanged in full force and effect, including any terms and conditions. Documents shall be prepared to effect the above-approved amendments respectively to the Licence and Lease, in accordance with the Department's standard operating documents and shall be made publicly available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

Modifications:

As a matter of reducing future unnecessary administrative burden, licence and lease no. 5006 shall be amended such that the operator will not be limited to testing a specific list of gear configurations (for example only OysterGro systems and FLUPSY), but rather be authorized to test multiple gear configurations (using OysterGro and FLUPSY as examples) for suspended cultivation. The operator will continue to be responsible for maintaining an up-to-date Farm Management Plan under the Nova Scotia *Aquaculture Management Regulations* and ensuring that their gear configuration remains in compliance with the Navigation Protection Program under Transport Canada's *Navigation Protection Act*.



Robert Ceschiutti
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

September 6, 2024

Date