

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

1. Overview:

On September 20, 2018, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an experimental application from Bear River First Nation for Aquaculture Licence and Lease #5008 (AQ#5008), as described below:

2. 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 oysters
Location: St. Mary's Bay, Digby County	Proposed Term: Five year maximum with annual renewals

3. History

AQ#5008 is a new issuance of an Experimental Aquaculture Licence and Lease.

4. Procedure

4.1 Performance Review

A review of the information submitted by the operator in support of their application was completed. This review recommended that the site be issued based on the technical and biological assessment. This performance review was completed on February 5, 2020.

4.2. Network Review

AQ#5008 was sent for review on February 8, 2019 to the following agencies: Fisheries and Oceans Canada, Canadian Food Inspection Agency, Transport Canada, Environment and Climate Change Canada, Canadian Wildlife Service, Nova Scotia Environment, Nova Scotia Agriculture, NS Communities, Culture and Heritage, Nova Scotia Lands and Forestry and Nova Scotia Office of Aboriginal Affairs.

4.3 Public Comment Period

Notice of the experimental application of AQ#5008 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of July 25th, 2019 to August 23rd, 2019. Notice of the application was also published in the Royal Gazette Part I on July 25, August 1, 8, 15, 22, and 2019.

4.4 Submissions

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

5. Factors to be considered

Review of the application indicates that the experiment will run for two years to identify the potential for oyster growth. If the experiment proves successful, it could bring economic prosperity to Bear River First Nation through commercial development of the licence and lease.

As an experimental site, the operator will assess the viability of survival and growth rates of oysters using OysterGro cages.

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 issuance 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 2.3 km west from another experimental aquaculture operation, AQ#5007 also issued to Bear River First Nation and 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, Bear River Mi'kmaw Nation, Aquaculture Licence #5008 and Aquaculture Lease #5008 is hereby issued. The issued 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*. In addition, the following conditions shall apply.

7. Conditions

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

February 10, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date