Department of Fisheries and Aquaculture
Aquaculture Division, Licensing & Leasing Unit
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Decision – Application to Administrator

Application Summary:

Application Reference Number:	REF#508
Aquaculture Site Number:	AQ#5016
Application Class:	Class II
Application Type:	New Licence / Lease
Abstract:	Application for new marine shellfish licence and lease
Applicant Name:	Bear River First Nation
Date Received by Department:	May 27, 2024
Location:	Annapolis Basin
County:	Annapolis
Site Type:	Marine
Operation Type:	Special Experimental

Proposed Licence / Lease Information:

Site Size (in hectares):	1.67 HA
Method(s) of Cultivation:	Suspended
Species:	American oyster, Blue mussel, Sea scallop, European oyster, Sugar kelp, Oarweed and Winged kelp
Term of Licence:	October 2, 2026, to October 1, 2031
Term of Lease:	October 2, 2026, to October 1, 2031

Decision:

Decision Issued:	Approved
Signature and Date:	[redacted] October 7, 2026
	Bruce Hancock, Aquaculture Administrator

Definitions:

The following are terms, acronyms and definitions that may appear in this document:
Act means the Nova Scotia *Fisheries and Coastal Resources Act*
Department means the Nova Scotia Department of Fisheries and Aquaculture
Regulations means the Nova Scotia *Aquaculture Licence and Lease Regulations*

Site History:

Aquaculture licence and lease no. 5016 is a new issuance of a special experimental licence and lease by the Province for the suspended cultivation of American oyster, Blue mussel, Sea scallop, European oyster, Sugar kelp, Oarweed and Winged kelp on a 1.67 hectare site located in Annapolis Basin, Annapolis County.

Outcomes of Compliance Review:

Pursuant to section 33 of the Regulations, a compliance review of the applicant was completed. The review identified no significant compliance concerns. The applicant, Bear River First Nation, has previously operated experimental aquaculture sites within Annapolis Basin and has maintained compliance with licensing, reporting, and operational requirements. A compliance history report obtained during the review process identified no complaints, warnings, summary offence tickets, outstanding charges, convictions, or other compliance matters requiring further consideration. The compliance review concluded that no action was required and no concerns were identified that would support refusal of the application.

Consultations on Application to Administrator:

Pursuant to Clause 32(a) of the Regulations, the Administrator must undertake consultations with any of the following as required under the laws of the Province or of Canada with respect to the application:

- A department or agency of the Government of Nova Scotia
- A department or agency of the Government of Canada

As such, consultations were undertaken with the following departments or agencies:

Government of Nova Scotia:

- Department of Fisheries and Aquaculture
- Department of Agriculture
- Department of Communities, Culture, Tourism & Heritage (CCTH)
- Department of Environment & Climate Change (NS-ECC)
- Department of Natural Resources (DNR)
- Office of L'nu Affairs (OLA)
- Nova Scotia Municipal Affairs

Government of Canada

- Fisheries & Oceans Canada (DFO)
- Transport Canada (TC)
- Environment & Climate Change Canada (SWCP)
- Environment & Climate Change Canada (CWS)

Public Submissions on Application to Administrator:

Pursuant to Clause 32(c) of the Regulations, the Administrator must undertake consultations with the public, in the manner provided in Section 43 of the Regulations.

Pursuant to Section 43 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 a 30-day period, from Wednesday, February 4, 2026 (at 12:00 AM) to Friday, March 6, 2026 (at 11:59 PM).

No (0) submissions were received by the Department during the 30-day public comment period.

Factors to be Considered:

Under Section 17(1) of the Regulations, in making decisions related to marine aquaculture sites, the Administrator must take into consideration the optimum use of marine resources, as determined by taking into consideration the following factors only:

a) The contribution of the proposed operation to community and Provincial economic development;
b) Fishery activities in the public waters surrounding the proposed aquacultural operation;
c) The oceanographic and biophysical characteristics of the public waters surrounding the proposed aquacultural operation;
d) The other users of the public waters surrounding the proposed aquacultural operation;
e) The public right of navigation;
f) For marine finfish applications, the sustainability of wild salmon;
g) The number and productivity of other aquaculture sites in the public waters surrounding the proposed aquacultural operation.

All of the above factors have been taken into consideration prior to making the decision on this application. The following is a summary of the outcomes of the Departmental review and any consultation undertaken (where indicated above). This summary is not intended to be an exhaustive account of the results following review and consultation.

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

The proposed experimental operation is intended to evaluate commercial-scale oyster aquaculture infrastructure and husbandry practices in the high-energy environment of Annapolis Basin. The proposal builds on experimental work undertaken since 2019 and is intended to support future commercial shellfish aquaculture development in the region. Department reviewers concluded that successful completion of the experiment may improve aquaculture infrastructure design, expand the understanding of shellfish cultivation in high-energy environments, support future commercial development opportunities, and contribute to local and provincial economic activity, employment, and aquaculture-related supply chains. No adverse economic impacts were identified through the review process.

Fishery activities in the public waters surrounding the proposed aquacultural operation

The application considered the presence of commercial, recreational, Indigenous food, social and ceremonial fisheries, and communal commercial fisheries within Annapolis Basin. The proposed site was selected to avoid traditional lobster fishing areas and intertidal clam harvesting grounds. During external review, Fisheries and Oceans Canada confirmed that multiple fisheries occur within Annapolis Basin but determined that the proposed lease occupies a relatively small area compared to the surrounding fishing grounds and does not present a significant conflict with existing fisheries activities. No fisheries-specific mitigation measures were recommended beyond normal regulatory compliance requirements.

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

The proposed site is located within a high-energy marine environment characterized by significant tidal fluctuations, strong currents, and suitable water depth for the objectives of the experiment. Baseline environmental monitoring was completed and reviewed by Department staff. The benthic environment was found to consist primarily of hard-packed sandy substrate with relatively limited biological activity. Department reviewers concluded that sufficient oceanographic and environmental information was provided to support the proposed experimental activities.

During external review, Fisheries and Oceans Canada assessed potential effects on fish habitat and species at risk. DFO identified several species at risk that may occur in the broader vicinity of the site, including North Atlantic Right Whale, Leatherback Sea Turtle, White Shark, and Fin Whale, and recommended operational mitigation measures related to mooring design, anchor installation, aquatic invasive species prevention, accidental-release response planning, marine mammal protection, and avoidance of disturbance to eelgrass and submerged aquatic vegetation where present. DFO concluded that, provided the application is implemented as proposed and the recommended mitigation measures are followed, the operation is not expected to result in impacts to fish habitat beyond those already regulated under federal legislation and is not expected to cause prohibited effects on species at risk. As a result, DFO concluded that a permit under the Species at Risk Act is not required.

ECCC-SWCP advised that the site lies within waters classified as approved under the Canadian Shellfish Sanitation Program and raised no concerns with the proposal. NS ECC also raised no concerns and concluded that the project would not result in significant impacts related to water use, wastewater discharge, environmental assessment requirements, or protected areas.

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

The application considered recreational boaters, tourism operators, wildlife users, nearby residents, and other users of Annapolis Basin. The proposed site was selected to minimize conflicts with existing uses while providing suitable conditions for the experiment. Department review concluded that the site is located outside regular navigation routes and is not expected to create significant impacts on other users of the area.

External review identified no significant concerns regarding other users. ECCC-CWS reviewed the proposal with respect to migratory birds and species at risk and concluded that there were no major concerns, provided standard mitigation measures and wildlife management practices are implemented. Recommendations included minimizing disturbance to wildlife, preventing pollution and lost gear, evaluating habitat interactions, avoiding incidental bird bycatch, and implementing a Wildlife Management Plan that includes procedures for recording and responding to wildlife interactions.

DNR similarly recommended maintaining site cleanliness, developing procedures for wildlife interactions, and minimizing opportunities for gulls to roost or feed on aquaculture infrastructure due to the presence of a nearby Bank Swallow colony, a species at risk. These recommendations can be incorporated through normal operational planning and Farm Management Plan requirements.

The public right of navigation

Transport Canada confirmed receipt of an application under the Canadian Navigable Waters Act and advised that no navigation-related concerns were identified. Transport Canada concluded that any potential interference with navigation can be appropriately mitigated through its regulatory approval process and associated marking requirements. The Administrator is satisfied that the public right of navigation has been appropriately considered and can be adequately managed through applicable federal and provincial requirements.

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

Department review concluded that the spacing and location of the proposed site are appropriate relative to existing aquaculture operations in Annapolis Basin and surrounding waters. The proposed experimental site builds upon previous experimental activities conducted by the applicant and is intended to inform future commercial-scale aquaculture development. No concerns were identified regarding interactions with existing aquaculture operations, and the proposal is expected to complement the orderly development of aquaculture within the region.

Decision:

Having considered the application materials, the technical review, compliance review, public consultation report, external consultation report, and all factors required under subsection 17(1) of the Regulations, I find that the proposed experimental aquaculture operation promotes the optimum use of marine resources. I am satisfied that the proposed activities are consistent with the purpose of a special experimental aquaculture licence and lease and that potential impacts on fisheries, fish habitat, navigation, wildlife, other users, and adjacent aquaculture operations have been appropriately considered. Accordingly, the application submitted by Bear River First Nation for a special experimental marine aquaculture licence and lease known as AQ#5016 is hereby approved as requested.

Modifications:

No modifications.

Implementation:

The licence holder shall implement the recommendations and mitigation measures identified through the Department's review and consultation processes, as applicable and to the satisfaction of the Department. Such measures may be addressed through the Farm Management Plan and other applicable regulatory processes.

The licence and lease documents shall be prepared in accordance with the Department's standard operating documents. The decision shall be deemed implemented once the licence and lease documents have been signed by all parties. The licence and lease shall be made publicly available subject to the provisions of the Freedom of Information and Protection of Privacy Act, once the decision has been implemented.