

Findings and Decision- Assignment Application of Aw Shucks Oysters Ltd. for AQ#1327

1. Overview:

On July 10, 2017, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Aw Shucks Oysters Ltd. to assign Aquaculture Licence and Lease #1327 (AQ#1327), as described below:

Table 1. Description of Aquaculture Licence and Lease #1327

Type: Marine Shellfish	Location: Mabou Harbour, Inverness County
Number: AQ#1327	Size: 4.00 ha
Assignor: Ryan MacInnis	Cultivation Method: Suspended cultivation and bottom cultivation without gear
Assignee: Aw Shucks Oysters Ltd.	Species: American oyster

2. History

AQ#1327 was first issued on September 12, 2007 for a ten year term (September 1, 2007 to August 31, 2017). AQ#1327 was amended on February 16, 2011 to authorize the suspended cultivation of American oysters on a portion of the site and the bottom cultivation of American oysters on a portion of the site. AQ#1327 was renewed on August 31, 2017 for a ten year licence term (August 31, 2017 to August 31, 2027). AQ#1327 was renewed on August 31, 2017 for a lease term of twenty years (August 31, 2017 to August 31, 2037).

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal application (previously approved) and assignment application was completed. This review recommended that the site also be assigned based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(b) of the Aquaculture Licence and Lease Regulations, and was completed on May 16, 2017.

3.2 Public Comment Period

Notice of the application for the renewal of AQ#1327 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of August 3, 2017 to September 1, 2017. Notice of the application was also published in the Royal Gazette Part I on August 3, 10, 17 and 24, 2017.

3.3 Submissions

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

4. Factors to be considered

Review of the file indicates the site has had production and employment in recent years. Renewal plan indicated continued 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.

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 the respect to negative impacts on other fisheries. The presence of invasive Green Crab and starfish species have been noted and reported to the Department, and mitigation efforts are in place. AQ#1327 is licensed to cultivate American oyster, and as such there is no evidence that shellfish aquaculture has impacts on the sustainability of wild salmon.

The successful growth of oysters in Mabou Harbour using both bottom and suspended methods has been proven. The information reviewed during the performance review did not indicate adverse impacts on the surrounding public waters. AQ#1327 is located within waters that are currently classified as *Conditionally Approved* by the Canadian Shellfish Sanitation Program (CSSP); therefore, product can only be harvested pursuant to a Conditional Management Plan (CMP) that is approved by the CSSP Partners (Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Canadian Food Inspection Agency).

AQ#1327 is located in the portion of Mabou Harbour, known as MacPhee's Cove. There are no recorded instances on file of AQ#1327 interfering with other users of the public waters surrounding the operation. AQ#1327 has certain areas where gear is permitted, and other areas where gear is not permitted, as outlined in Schedule A of the Licence and Lease respectively. The licence and lease documents for AQ#1327 will allow for access to the bottom cultivation portion of the site by the general public for recreational activities, provided that the public does not harvest the product on 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. Also, it is a requirement for the equipment and aquacultural product to remain within the geographic boundaries of that site.

Sites within Mabou Harbour are located in the near-shore environment providing a main navigation corridor in the harbour. Individual sites within Mabou Harbour are geographically separated, providing corridors through which other users can navigate. There are 8 other oyster aquaculture sites licensed in Mabou Harbour. There is no evidence to suggest that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Aquaculture Licence and Lease #1327 shall be assigned to Aw Shucks Oysters Ltd. A letter approving this assignment shall be prepared in accordance with NSDFA policy, and shall be made publicly available subject to the provisions of the Freedom of Information and Protection of Privacy Act.



Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

SEP 15 2017

Date