

Findings and Decision- Assignment Application of Lisa Nishi for AQ#1306

1. Overview:

On, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Lisa Nishi on September 10, 2018 for Aquaculture Licence and Lease #1306 (AQ#1306), as described below:

Table 1. Description of Aquaculture Licence and Lease #1306

Type: Marine Shellfish	Location: Mabou Harbour, Inverness County
Number: AQ#1306	Size: 4.00 HA
Assignor: Geoff Nishi	Cultivation Method: Bottom and suspended cultivation
Assignee: Lisa Nishi	Species: American oyster

2. History

AQ#1306 was first issued on July 25, 2005 for a term of ten years from July 4, 2005 to July 4, 2015. AQ#1306 was amended on March 9, 2011 to change the culture method on a portion of the site to suspended cultivation. AQ#1306 was renewed on July 14, 2015 for a term of five years from July 4, 2015 to July 4, 2020.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their assignment application was completed. This review recommended that the site be assigned based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(d) of the Aquaculture Licence and Lease Regulations and was completed on March 12, 2019.

3.2 Public Comment Period

Notice of the application for the assignment of AQ#1306 for the 30-day public comment period was published on NSDFA's website (<http://novascotia.ca/fish/aquaculture/public-information/>) for the period of December 6, 2018 to January 4, 2019. Notice of the application was also published in the Royal Gazette Part I on December 12, 19 and 26, 2018 and January 4, 2019.

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 that the site has had limited annual production since issuance. The assignment plan indicates increased 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 respect to the negative impacts on other fisheries. AQ#1306 is licenced 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 surround public waters. AQ#1306 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#1306 is located in the southern portion of Mabou Harbour, opposite of MacPhee's Island and AQ#1346. There are no recorded instances on file of AQ#1306 interfering with other users of the public waters surrounding the operation. AQ#1306 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#1306 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* require 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 equipment and aquacultural product to remain within the geographic boundaries of that site. Furthermore, AQ#1306 is required to maintain compliance with Transport Canada as it relates to Navigable Waters.

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 suggests that the extent of existing aquaculture in the harbour has exceeded the carrying capacity of the harbour.

5. Decision

Based on the considerations above, Geoff Nishi's right, title and interest in and to Aquaculture Licence #1306 and Aquaculture Lease #1306 is hereby assigned to Lisa Nishi. The assignment shall have an effective date of March 27, 2019. The approval documents shall be prepared in accordance with the standard operating documents of NSDFA, and shall be made publically available subject to the provisions of the *Freedom of Information and Protection of Privacy Act*.

In addition, the following condition shall apply.

6. Conditions

The operator shall adhere to the following site marking requirements:

- (a) Mark each corner and angle of the lease from May 1 to November 30, annually;

- (b) Mark each corner and angle of the lease with a cautionary yellow buoy of a minimum 16 inches in diameter;
- (c) Display "PRIV" in black, on opposite sides of each buoy;
- (d) At 1 corner buoy, display in black, the licence/lease number, licence holder's name and contact phone number.

Brennan Goreham

March 29, 2017

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date