

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

1. Overview:

On January 7, 2020, the Nova Scotia Department of Fisheries and Aquaculture (NSDFA) received an application from Lisa Nishi to renew Aquaculture Licence and Lease #1306 (AQ#1306), as described below:

Table 1. Description of Aquaculture Licence and Lease #1306

Type: Marine	Size: 4.01 HA
Number: AQ#1306	Cultivation Method: Bottom shellfish without gear
Applicant: Lisa Nishi	Species: American oyster
Location: Mabou Harbour, Inverness County	Proposed Term: 10 year Licence/20 year Lease

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. AQ#1306 was assigned from Geoff Nishi to Lisa Nishi on March 29, 2019.

3. Procedure

3.1 Performance Review

A performance review of the information submitted by the operator in support of their renewal application was completed. This review recommended that the site be renewed based on the technical and biological assessment. This performance review is required pursuant to Subsection 72(c) of the Aquaculture Licence and Lease Regulations, and was completed on June 2, 2020.

3.2 Public Comment Period

Notice of the application for the renewal 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 April 9, 2020 to May 8, 2020. Notice of the application was also published in the Royal Gazette Part I on April 10, 17, 24, May 1, 2020.

3.3 Submissions

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

4. Factors to be considered

The renewal plan indicates 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. A review of the information submitted indicates that successful development of this site will have a positive impact on the local and provincial economy.

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 negative impacts on other fisheries. The successful growth of American oysters in Mabou harbour has been proven. AQ#1306 is licensed to cultivate American oyster, and there is no evidence to suggest that shellfish aquaculture has impacts on the sustainability of wild salmon.

The information reviewed did not indicate adverse impacts on the surrounding 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 that is approved by the CSSP Partners (Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Canadian Food Inspection Agency).

AQ#1306 was previously authorized to cultivate shellfish using suspended gear; however, as part of the renewal process the operator requested to modify the cultivation method to only be for bottom cultivation without gear. This change will be reflected in the renewal documents. 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.

The Farm Operations section of the Farm Management Plan for AQ#1306 will require the operator to indicate how they will operate AQ#1306 in accordance with industry best practices with respect to maintaining the site in good order, the removal of decommissioned farm supplies and equipment, and the retrieval of gear or debris that has broken loose. Any complaints received by the Province of Nova Scotia specific to a particular aquaculture site, such as AQ#1306, are reviewed by Nova Scotia Environment, with appropriate follow-up and prescribed actions taken if necessary.

AQ#1306 is located in the southern portion of Mabou Harbour, opposite of MacPhee's Island and AQ#1346. AQ#1306 is one of nine shellfish aquaculture sites located within Mabou Harbour and is located nearly adjacent to AQ#1331 (issued to David MacNeil) and AQ#1361 (also issued to Lisa Nishi). There is no evidence to suggest that the extent of existing aquaculture in the area has exceeded the carrying capacity of the area.

5. Decision

Based on the considerations above, Aquaculture Licence #1306 shall be renewed for a period of 10 years (July 4, 2020 to July 4, 2030) and Aquaculture Lease #1306 shall be renewed for a period of 20 years (July 4, 2020 to July 4, 2040).

The Licence and Lease 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*.

6. Conditions

In addition, the following condition shall apply:

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.



June 5, 2020

Brennan Goreham
Aquaculture Administrator
Nova Scotia Department of Fisheries and Aquaculture

Date