

AMENDMENT TO LEASE

THIS INDENTURE made in duplicate the 24th day of June, 2020.

BETWEEN:

HER MAJESTY THE QUEEN, in right of the Province of Nova Scotia, as represented by the Administrator, Nova Scotia Department of Fisheries and Aquaculture, as appointed under section 54A of the Fisheries and Coastal Resources Act, SNS 1996, c. 25,

hereinafter referred to as "**the Administrator**"

OF THE ONE PART

- and -

Blair MacDonald
32 Parkdale Ave.
Timberlea, NS
B3T 1C2

hereinafter referred to as "**the Lessee**"

OF THE OTHER PART

WHEREAS the Administrator, under the provisions of the Fisheries and Coastal Resources Act, S.N.S. 1996, Chapter 25 (the "Act") and the Aquaculture Licence and Lease Regulations (the "Regulations"), is authorized to amend existing aquaculture licences and aquaculture leases in order to permit certain types of cultivation methods;

AND WHEREAS pursuant to the Act Blair MacDonald and Alphonsus Farrell, operating under a partnership known as Washabuck Aqua Resources ("Washabuck"), were issued Aquaculture Lease No. 1246 on September 12, 2016 for a term of ten years from July 9, 2016 to July 9, 2026, authorizing the bottom (seeding only) cultivation of American oyster;

AND WHEREAS Washabuck was dissolved on March 29, 2019, with Blair MacDonald assuming complete responsibility for Aquaculture Lease No. 1246 as the sole Leasee;

AND WHEREAS the Leasee is desirous of amending Lease No. 1246 to permit the bottom cultivation with gear and suspended cultivation with gear of American oyster (*Crassostrea virginica*), subject to whatever undertakings are prescribed by the Minister;

AND WHEREAS the Administrator consents to amend Lease No. 1246 to permit the bottom cultivation with gear and suspended cultivation with gear of American oyster (*Crassostrea*

virginica), subject to whatever undertakings are prescribed by the Minister;

NOW THEREFORE, in consideration of the mutual covenants herein and the sum of \$1.00 and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged), the Parties agree as follows:

1. Lease No. 1246 is hereby amended by deleting the period at the end of Clause 1 and substituting the following: "and the bottom cultivation with gear and suspended cultivation with gear of American oyster (*Crassostrea virginica*)."
2. Lease No. 1246 is hereby further amended by deleting Clause 5 and substituting the following Clause 6; "The Lessee shall allow access to the bottom-culture areas of the site, where gear is not in use, by the general public for recreational activities. The general public is not permitted to carry out American oyster harvest, enhancement, or husbandry activities at the site."
3. Except as expressly amended herein, Lease No. 1246 shall continue in full force and effect.

IN WITNESS WHEREOF the Parties have caused this Agreement to be duly executed.

SIGNED, SEALED AND DELIVERED
in the presence of

HER MAJESTY THE QUEEN
in right of the Province of Nova Scotia, as
represented by the Administrator, Nova Scotia
Department of Fisheries and Aquaculture

[Redacted Signature]

Witness

[Redacted Signature]

Administrator, Nova Scotia Department
of Fisheries and Aquaculture

[Redacted Signature]

Witness

[Redacted Signature]

Blair MacDonald

Schedule A
GPS COORDINATE INFORMATION SHEET

Application #: 1246
 Applicant: Blair MacDonald
 Location: St. Patricks Channel County: Victoria
 Hydrographic Chart: 4278 Orthophoto #:
 Dimensions of site: Approx. 226m x 2480m x 2726m Size: Approx. 11.12 ha

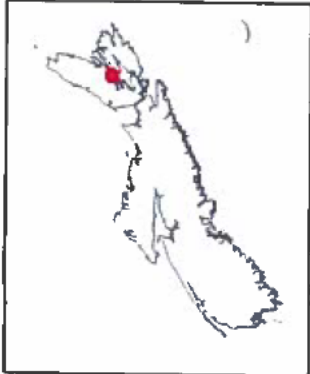
Approximate Coordinates of Application:

Datum used: NAD 83

Centre coordinates (approx.) Lat. 46° 02' 32.14"
 Long. -60° 49' 51.69"

Corner #1	Lat. 46° 02' 59.48" Long. -60° 49' 22.41"	Corner #2	Lat. 46° 02' 59.32" Long. -60° 49' 21.71"
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NOTE: THESE COORDINATES ARE NOT FROM A LEGAL SURVEY.

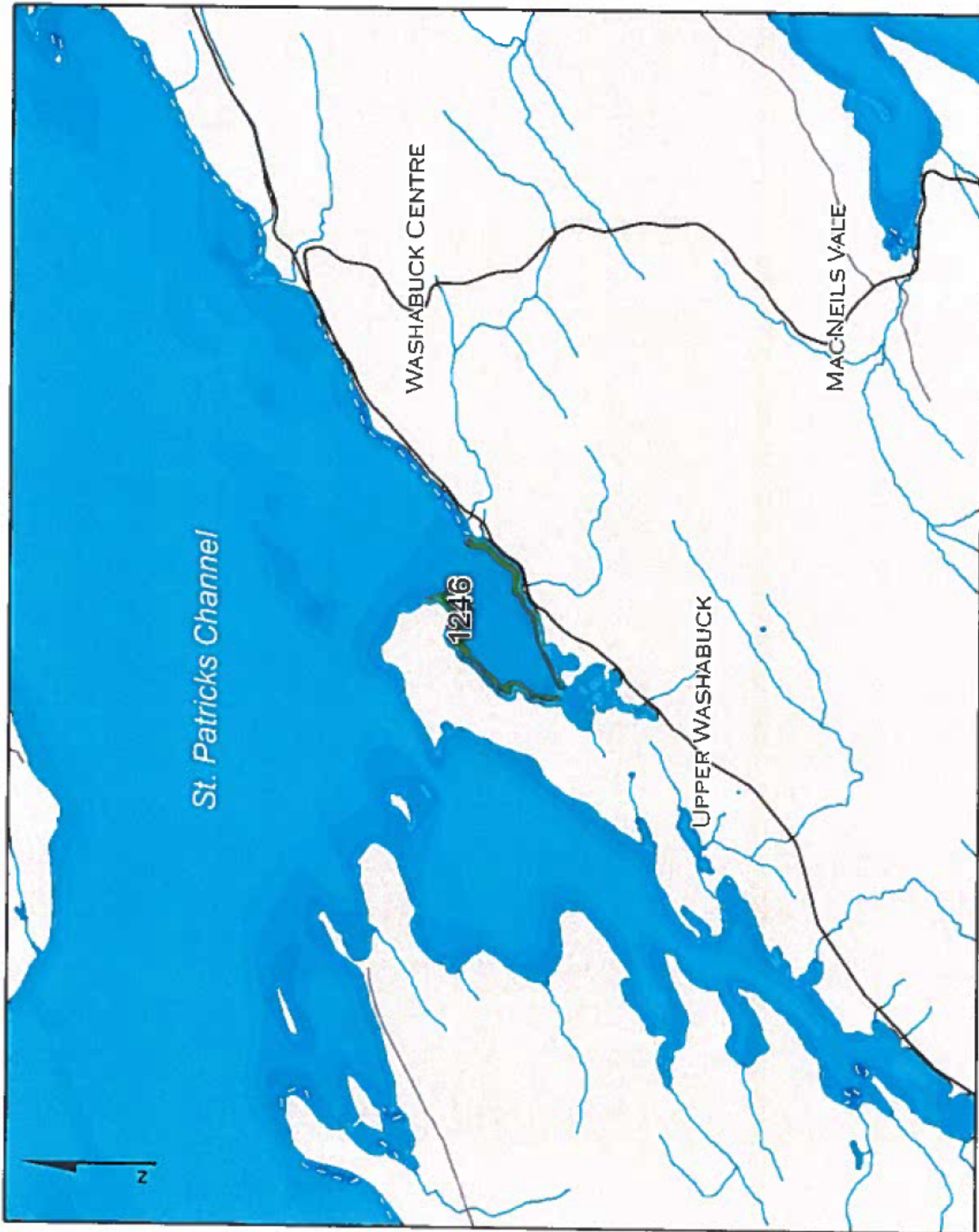


**Aquaculture Site
1246**

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DATUM NAD 83

The above coordinates
 are not from a legal survey



Application Information

Proponent: Blair MacDonald
 Site Location: St. Patricks Channel
 Dimensions: Approx. 226m x 2480m x 2726m
 Area: Approx. 11.12 ha

Amendment Application
 Other Issued Lease
 Low Water Mark
 OMHW Mark

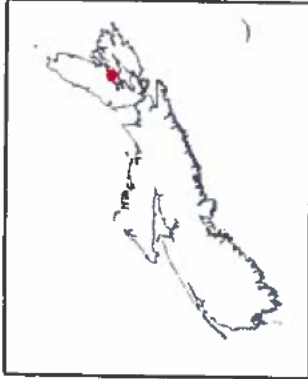
Chart No
4278



Disclaimer

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MK-1246-JUN-2018



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- Amendment Application
- Other Issued Lease
- Low Water Mark
- OMHW Mark
- NS Bathymetry

Chart No
4278



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MK-1246-JUN-2018

This lease made in duplicate this 12th day of September, 2016.

BETWEEN:

HER MAJESTY THE QUEEN, in right of the Province of Nova Scotia, as represented by the Administrator, Nova Scotia Department of Fisheries and Aquaculture, as appointed under section 54A of the Fisheries and Coastal Resources Act, SNS 1996, c. 25,

hereinafter referred to as "**THE ADMINISTRATOR**"

OF THE ONE PART

- and -

Washabuck Aqua Resources
3830 Washabuck Rd.
Upper Washabuck, NS
B2C 1M8

hereinafter referred to as "**THE LESSEE**"

OF THE OTHER PART

WHEREAS the Administrator, under the provisions of the Fisheries and Coastal Resources Act, S.N.S. 1996, Chapter 25 (the "Act") and the Aquaculture Licence and Lease Regulations (the "Regulations"), is authorized to renew aquaculture licences and aquaculture leases;

AND WHEREAS pursuant to the Act the Lessee was issued Aquaculture Lease No. 1246 on July 4, 2012 for a term of five years from July 10, 2011 to July 9, 2016;

AND WHEREAS the Lessee wishes to renew aquaculture Lease No. 1246;

NOW THEREFORE in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. The Administrator hereby grants to the Lessee a lease to use a 11.13 hectare area located in the body of waters known as St. Patrick's Channel, Victoria County, more particularly described in Schedule "A" attached to and forming part of this Agreement (the "site") for the bottom (seeding only) cultivation of *Crassostrea virginica* (American oyster).
2. The term of this lease shall be for twenty years commencing on the 9th day of July, 2016, to the 9th day of July, 2036 with the right of renewal, in accordance with the terms of the Act and the Regulations.
3. The Lessee shall pay to the Minister of Finance and Treasury Board an annual fee as set out in the Regulations. The annual payment must be received by the anniversary date of the lease. Late payments are subject to a fee as set out in the Regulations.
4. The undertakings set out in Schedule "B" to this lease (the "undertakings"), form part of this Agreement, and the Lessee hereby agrees to comply with any conditions or limitations contained in the undertakings unless compliance for leasing purposes is expressly waived by the Administrator. The Lessee is responsible for confirming any undertakings and ensuring compliance with them.
5. Except to the extent restricted by an enactment or this lease, the Lessee has, for aquacultural purposes, the exclusive right to use the leased sub-aquatic lands and water column.

6. The Lessee shall allow access to the site by the general public for recreational activities. The general public is not permitted to carry out *Crassostrea virginica* (American oyster).
7. harvest, enhancement, or husbandry activities at the site.
8. The Lessee agrees to comply with any permits, protocols, approvals, licenses or permissions (the "licensing requirements") which may be required under the laws of the relevant municipality, the Province or Canada. The Lessee is responsible for confirming any licensing requirements and ensuring compliance with them.
9. This lease must not be assigned without the written approval of the Administrator. If the Lessee is a corporation, any change in the right to control the corporation shall be deemed to be an assignment.
10. In the event that the Lessee shall cease conducting an aquaculture business in the normal course, become insolvent, make a general assignment for the benefit of creditors, suffer or permit the appointment of a receiver of its business assets, or avail itself of any proceeding in bankruptcy under any statute relating to insolvency or the protection of rights of creditors, the Administrator may revoke this lease and this Agreement shall be of no further force and effect subject only to the right of Her Majesty the Queen in right of the Province of Nova Scotia ("Her Majesty") to claim for damages.
11. The Lessee must adhere to the Farm Management Plan, as it is in effect for this lease from time to time, and any failure to adhere to the Farm Management Plan is a breach of this lease.
12. This lease does not include any rights as to minerals in or on the site.
13. The Lessee shall submit to the Minister of the Nova Scotia Department of Fisheries and Aquaculture (the "Minister") an annual report stating such information as the Minister requires concerning the Lessee's use and the productivity of the site.
14. Following the completion of a performance review, in accordance with the Regulations, of the aquaculture operation subject to this lease, the Administrator may vary any terms or conditions of this lease in order to address any concerns raised in the performance review.
15. The Lessee is hereby prohibited from using the site in any way that would interfere with other leased aquaculture operations.
16. The Lessee is hereby aware that the placing of an anchor or driving of stakes, within the limits of the site by persons other than the Lessee, provided such are included in legitimate operations incidental to fishing for or catching any kind of fish other than species type, and that placing of buoys or stakes by the proper authorities, for navigation purposes, shall not be deemed as interference with the proper cultivation of the site by the Lessee.
17. If the Administrator, in his or her sole discretion, is of the opinion that the aquaculture activities authorized by this lease are detrimental to or interfere with other leased facilities, the Administrator may revoke this lease without compensation.
18. The Administrator may revoke this lease without advance notice or compensation if the Lessee is found by a court of competent jurisdiction to be in violation of any law of the Province or Canada relating to fishery activities.
19. If the Lessee fails to perform any of its obligations under this lease, the Minister may have the obligations performed, with the amount of any costs incurred to be a debt due to Her Majesty, for which Her Majesty shall have a first priority charge on the aquacultural produce within the site.
20. If the Lessee is in breach of any term of this lease and such breach is not corrected within the time period set out in the notice from the Administrator, the Administrator may revoke this lease without further notice or compensation.

Schedule A
GPS COORDINATE INFORMATION SHEET

Application #: 1246
 Applicant: Washabuck Aqua Resources
 Location: St. Patricks Channel County: Victoria
 Hydrographic Chart: 4278 Orthophoto #:
 Dimensions of site: Approx. 226m x 2480m x 2726m Size: Approx. 11.12 ha

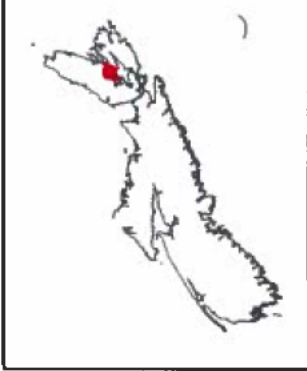
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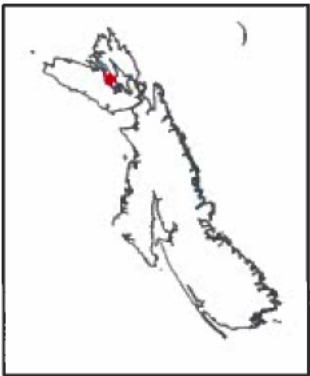
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Chart No. 4278		Disclaimer
		MK-1246-APR-2016

Issued Lease Proposed Lease Low Water Mark OMHW Mark	Application Information
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Schedule "B"

This Schedule sets out any undertakings required of the Lessee.

There are no undertakings required of the Lessee.