

AMENDMENT TO LICENCE

THIS INDENTURE made in duplicate the 3rd day of JUNE, 2018/9

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 -

WAYCOBAH FIRST NATIONS BAND COUNCIL
PO Box 149
Whycocomagh, Nova Scotia
B0E 3M0

hereinafter referred to as "**THE LICENCEE**"

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 the Licencee was issued Aquaculture Licence No. 1291 ("Licence No. 1291") on August 13, 2018 for a term of ten years from October 1, 2018 to October 1, 2028, authorizing the bottom (seeding only) cultivation of American oyster (*Crassostrea virginica*);

AND WHEREAS the Licencee is desirous of amending Licence No. 1291 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 Administrator;

AND WHEREAS the Administrator consents to amend Licence No. 1291 to permit the bottom cultivation with gear and suspended cultivation with gear of American oyster (*Crassostrea virginica*) by the Licencee;

NOW THEREFORE, in consideration of the mutual covenants and agreements 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. Licence No. 1291 is hereby amended by deleting Section 1 and replacing it with the following section:

“1. The Administrator hereby grants to the Licencee a licence to use a 2.74 hectare area located in the body of waters known as Whycomomagh Bay, more particularly described in Schedule “A” attached to and forming part of this Agreement (that area, the “site”) for the cultivation of American oyster (*Crassostrea virginica*) by the following methods: bottom (seeding only) cultivation; bottom cultivation with gear; and suspended cultivation with gear.”

2. Licence No. 1291 is further amended by deleting Section 5 and replacing it with the following section:

“5. The Licencee shall allow access to the bottom-cultivation 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. Licence No. 1291 is further amended by adding the following section immediately after Section 1:

“1A. For the bottom cultivation with gear at the site, the Licencee shall be limited to a maximum of two (2) cages. For the suspended cultivation with gear at the site, the Licencee shall be limited to two (2) cages.”

4. Licence No. 1291 shall in all other respects remain the same and 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
)
)
)

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witness

Administrator, Nova Scotia Department
of Fisheries and Aquaculture

) Waycobah First Nations Band Council
) Per:

[Redacted signature block]

[Redacted signature block]



Chief Rod Googoo

SCHEDULE A
GPS COORDINATE INFORMATION SHEET

Application #: 1291
Applicant: Waycobah First Nations Band Council
Location: Whycocomagh Bay County: Inverness
Hydrographic Chart: 4279 Orthophoto #:
Dimensions of site: Approx. 48m x 509m x 48m x 620m Size: Approx. 2.74 hectares

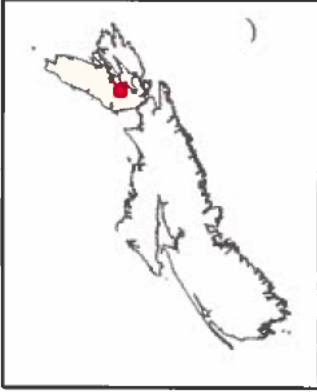
Approximate Coordinates of Application:

Datum used: NAD 83

Centre coordinates (approx.) Lat. 45° 56' 17.43"
Long. -61° 06' 41.25"

Corner #1	Lat. 45° 56' 20.01" Long. -61° 06' 47.20"	Corner #2	Lat. 45° 56' 20.03" Long. -61° 06' 44.94"
Corner #3	Lat. 45° 56' 17.91" Long. -61° 06' 46.91"	Corner #4	Lat. 45° 56' 22.70" Long. -61° 06' 29.12"
Corner #5	Lat. 45° 56' 21.12" Long. -61° 06' 29.12"	Corner #6	Lat. 45° 56' 16.37" Long. -61° 06' 47.17"

NOTE: THESE COORDINATES ARE NOT FROM A LEGAL SURVEY.



Aquaculture Site <h2 style="text-align: center;">1291</h2>	
Centre	Lat 45° 56' 17.43" Long -61° 06' 41.25"
Corner 1	Lat 45° 56' 20.01" Long -61° 06' 47.20"
Corner 2	Lat 45° 56' 20.03" Long -61° 06' 44.94"
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Corner 5	Lat 45° 56' 21.12" Long -61° 06' 29.12"
Corner 6	Lat 45° 56' 16.37" Long -61° 06' 47.17"
DATUM NAD 83 The above coordinates are not from a legal survey	



Application Information	
Proponents :	Waycobah First Nations Band Council
Site Location :	Whyccomagh Bay
Dimensions :	Approx. 48m x 509m x 48m x 620m
Area :	Approx. 2.74 ha

<input checked="" type="checkbox"/> Amendment Application <input type="checkbox"/> Other Issued Lease	<input checked="" type="checkbox"/> Low Water Mark <input type="checkbox"/> OMHW Mark
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Chart No.	4279

Disclaimer	
This map should not be used for navigation or legal purposes. It is intended for general reference use only.	
MK-1291-JUN-2018	



Aquaculture Site 1291	<p>Center Lat 45° 56' 17.43" Long -61° 06' 41.25" Corner 1 Lat 45° 56' 20.01" Long -61° 06' 47.20" Corner 2 Lat 45° 56' 20.03" Long -61° 06' 44.94" Corner 3 Lat 45° 56' 17.91" Long -61° 06' 46.91" Corner 4 Lat 45° 56' 22.70" Long -61° 06' 29.12" Corner 5 Lat 45° 56' 21.12" Long -61° 06' 29.12" Corner 6 Lat 45° 56' 16.37" Long -61° 06' 47.17"</p> <p style="text-align: center;">DATUM NAD 83 The above coordinates are not from a legal survey</p>
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Application Information		Disclaimer	
Proponents : Waycobah First Nations Band Council Site Location : Whycomagh Bay Dimensions : Approx. 48m x 509m x 48m x 620m Area : Approx. 2.74 ha		This map should not be used for navigation or legal purposes. It is intended for general reference use only. MK-1291-JUN-2018	
Amendment Application		Chart No. 4279	
NS Bathymetry Low Water Mark			