

This licence made in duplicate this 3RD day of FEBRUARY, 2014: 2015 (JE)

BETWEEN:

HER MAJESTY THE QUEEN, in right of the Province of Nova Scotia, represented in this behalf by the Honourable Minister of the Nova Scotia Department of Fisheries and Aquaculture, hereinafter referred to as "**THE MINISTER**"

OF THE ONE PART

- and -

SUSAN DUNPHY carrying on business under the name of "**DUNPHY'S OYSTERS**" 271 Shore Road Dingwall, Nova Scotia B0C 1G0

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

OF THE OTHER PART

WHEREAS the Minister, 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 grant aquaculture licences for the purpose of conducting aquaculture in Nova Scotia;

AND WHEREAS the Licencee wishes to conduct aquaculture in the Province.

1. The Minister hereby grants to the Licencee a licence for the culture of American oyster (*Crassostrea virginica*) at a landbased facility located in 271 Shore Road, Dingwall, Victoria County, more particularly described in Schedule "A" attached to and forming part of this Agreement (the "site").
2. The term of this licence shall be for ten years commencing on the 1ST day of October, 2014, to the 1st day of October, 2024 with the right of renewal, in accordance with the terms of the Act and the Regulations.
3. The Licencee shall pay to the Minister an annual fee as set out in the Regulations. The first payment is due upon issuance of the licence, with further annual payments due in full within sixty (60) days after each anniversary of the granting of the licence.
4. Any undertakings set out in Schedule "B" to this licence ("undertakings"), form part of this Agreement, and the Licencee hereby agrees to comply with any conditions or limitations contained in these undertakings unless compliance for licensing purposes is expressly waived by the Minister. The Licencee is responsible for confirming any undertakings and ensuring compliance with them.
5. The Licencee agrees to comply with any permits, protocols, approvals, licenses or permissions ("licensing requirements") which may be required under the laws of the relevant municipality, the Province or Canada. The Licencee is responsible for confirming any licensing requirements and ensuring compliance with them.
6. This licence may not be assigned without the express written consent of the Minister. If

the Licencee is a corporation, any change in the right to control the corporation shall be deemed to be an assignment. No assignment shall be binding on the Minister until approved by him.

7. The Minister will not normally approve of a licence assignment unless the site has been in production for a period of at least one year.
8. In the event that the Licencee 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, then, at the option of the Minister, this licence shall terminate and be of no further force and effect subject only to the right of the Minister to claim for damages.
9. The Licencee agrees to comply with any environmental monitoring program requirements determined by the Minister. Any data required under the program shall be submitted to the Minister for purposes of site evaluation and may be made public in whole or in part.
10. The Licencee shall submit to the Minister an annual report stating such information as the Minister requires concerning the Licencee's use and the productivity of the site.
11. If the Minister, in his sole discretion, is of the opinion that the aquaculture activities authorized by this licence are detrimental to or interfere with previously licensed facilities, the Minister may cancel this licence upon reasonable notice without compensation.
12. The Minister may cancel this licence without advance notice or compensation if the Minister, in his sole discretion, finds any form of disease on the site which could adversely affect either aquatic flora or fauna, or render the aquacultural produce unsuitable for human consumption.
13. The Minister may cancel this licence without advance notice or compensation if the Licencee is found by a court of competent jurisdiction to be in violation of any law of the Province or Canada relating to fishery activities.
14. The Licencee shall immediately remove from the site and safely dispose of any contaminated substance in accordance with the laws of the Province and the laws of Canada.
15. If the Licencee fails to perform any of its obligations under this licence, the Minister may perform them at the Licencee's expense. In addition to any other remedies available, the Minister shall have a first priority charge for any amount due to him on the aquacultural produce within the site.
16. If the Licencee is in breach of any term of this licence and such breach is not corrected within the time period set out in the notice from the Minister, the Minister may cancel this licence without further notice or compensation.
17. Should it become necessary for the Minister to expropriate the Licencee's rights under this licence, it is hereby agreed that the value of the licence for purposes of expropriation compensation shall not exceed the depreciated value of improvements made by the Licencee that cannot be removed from the site. No compensation may be claimed for the cancellation of this licence where compensation is paid or payable in relation to the expropriation of a licence for the same area.
18. Any notices required to be given under this licence may be sent to the parties at their

addresses set out in the heading of this Agreement. Nothing in this section prohibits the giving of notice by any other means. The Licencee must notify the Minister of any change of address within thirty (30) days.

19. Nothing in this Agreement shall be taken as a warranty by the Minister that the site may be used now or in the future by the Licencee for aquaculture purposes. The Minister assumes no responsibility whatsoever for any private property rights or for the actions of other levels of government which may interfere with the use of the site for aquaculture purposes.
20. This licence shall be subject to the laws of the Province of Nova Scotia and the parties hereby agree to attorn to its courts.
21. This licence shall be subject to any changes made from time to time in the Act, the Regulations or any other relevant legislation.

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

in the presence of

WITNESS

WITNESS

Minister of the Nova Scotia Department
of Fisheries and Aquaculture

DUNPHY'S OYSTERS

Per:

Per: [REDACTED] SUSAN DONATH

Witne

GPS CO-ORDINATE INFORMATION SHEET

Application #: 1402
Applicant: Dunphy's Oysters
Location: South Harbour County: Victoria
Hydrographic Chart: 4447 Orthophoto #:
Dimensions of site: Size: Shellfish Hatchery

Approximate Co-ordinates of Application:

Datum used: NAD 83
Centre co-ordinates (approx.) Lat. 46° 53' 01.52"
Long. -60° 27' 53.75"

Applicant's Signature: 
Date: Dec. 10 / 2014
NOTE: THESE CO-ORDINATES ARE NOT FROM A LEGAL SURVEY.



Center
Lat 46° 53' 01.52" Long -60° 27' 53.75"

Aquaculture Site
1402

DATUM NAD 83
The above coordinates
are not from a legal survey

Application Information

Proponents : Dunphy's Oysters
Site Location : South Harbour
Dimensions :
Area : Shellfish Hatchery

Species: American Oyster

Legend:
● Issued Shellfish Hatchery
■ Landbased Property
■ Issued Marine Lease
■ Proposed Marine Lease

OMHW Mark
Low Water Mark

Chart No. **4363**

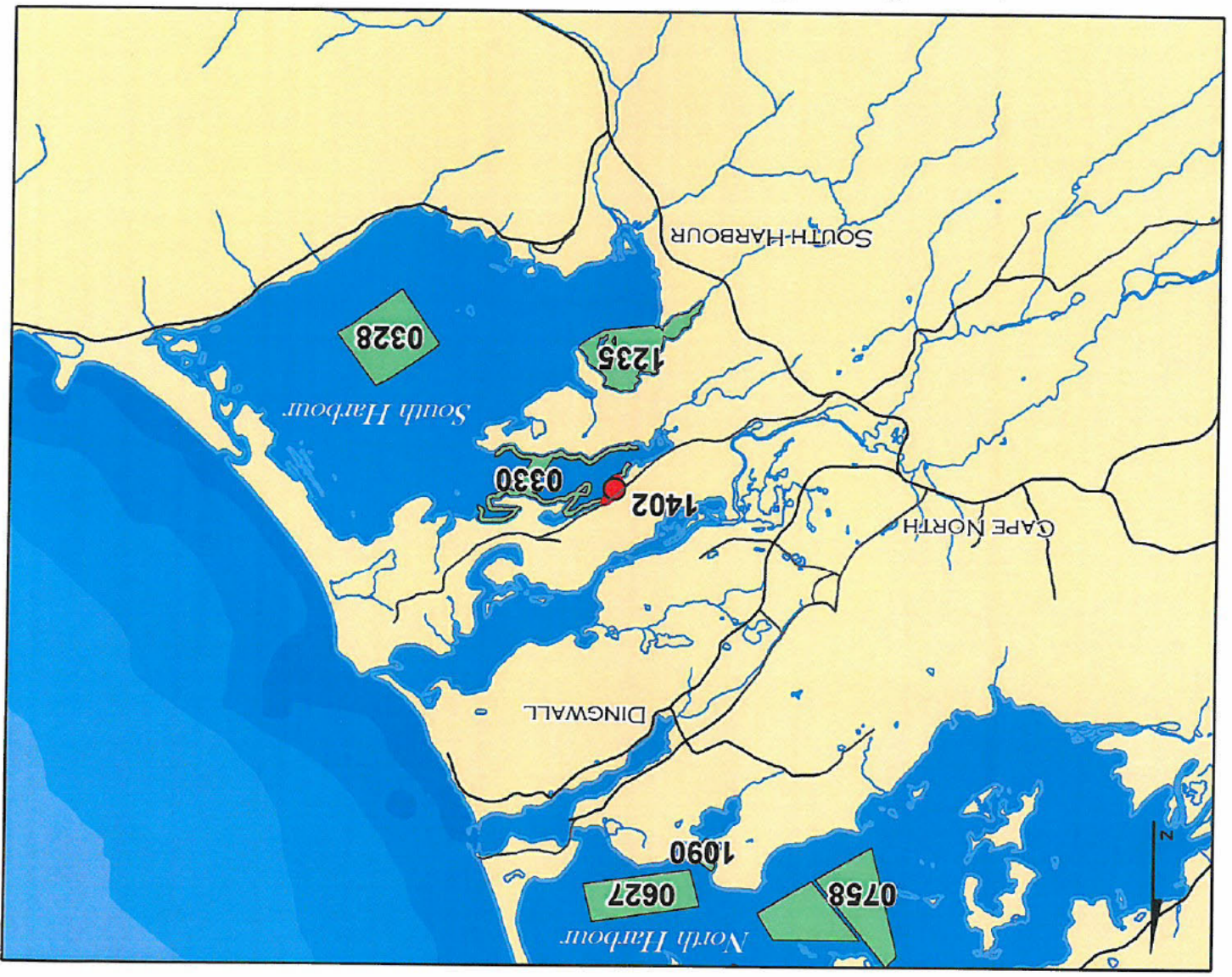
NOVASCOTIA Fisheries and Aquaculture

Date: Dec. 10 / 2014

Drawn by : Matthew King, Sept 15, 2014

Signature _____

Proposer _____





Center
Lat 46° 53' 01.52" Long -60° 27' 53.76"

1402
Aquaculture Site

DATUM NAD 83
The above coordinates
are not from a legal survey

Application Information

Proponents : Dunphy's Oysters
Site Location : South Harbour
Dimensions :
Area : Shellfish Hatchery

- Issued Shellfish Hatchery
- Landbased Property
- Issued Marine Lease
- Proposed Marine Lease
- NS Bathymetry
- Low Water Mark
- OMHW Mark

Species: American Oyster

NOVA SCOTIA
Fisheries and Aquaculture

Chart No.
4363

Signature

Proposer

Date : Dec. 16 / 2012

Drawn by : Matthew King, Sept 15, 2014



Schedule “B”

This Schedule sets out any undertakings required of the Licencee.

The Licencee undertakes to do:

1. Observations of significant mortalities should be immediately reported to the DFO, Shellfish Health Unit at (506) 851-3107
2. Any changes in the plans are to be reported to DFO for further review and consideration by the Department.