

This experimental licence made in duplicate this 15<sup>th</sup> day of August, 2022.

**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 -

**WE'KOQMA'Q FIRST NATION**  
PO BOX 149  
WHYCOCOMAGH, NS  
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 grant special experimental licences;

**AND WHEREAS** Aquaculture Licence No. 5010 was first issued to the Licencee for a term of one year from August 23, 2019 to August 23, 2020;

**AND WHEREAS** Aquaculture Licence No. 5010 has been consecutively renewed for two additional one-year terms, most recently for a term from August 24, 2021 to August 23, 2022;

**AND WHEREAS** under the Regulations, a special experimental licence may be renewed annually for up to 5 years;

**AND WHEREAS** the Licencee wishes to renew Aquaculture Licence No. 5010 for a fourth one-year term;

**NOW THEREFORE** in consideration of the mutual covenants herein contained, the Parties agree as follows:

1. The Administrator hereby grants to the Licencee a special experimental licence to use a 10.89 hectare area located in the body of waters known as North Aberdeen, Whycomomagh Bay, Inverness County, more particularly described in Schedule "A" attached to and forming part of this Agreement (that area, the "site") for the marine cage cultivation of Rainbow trout (*Oncorhynchus mykiss*).
2. The term of this licence shall be for one year from August 24, 2022 to August 23, 2023 with the right of renewal, in accordance with the terms of the Act and the Regulations.
3. The Licencee shall pay to the Minister of Finance an annual fee as set out in the Regulations. The annual payment must be received by the anniversary date of the licence. Late payments are subject to a fee as set out in the Regulations.
4. The undertakings set out in Schedule "B" to this licence (the "undertakings"), form part of this licence, and the Licencee hereby agrees to comply with any conditions or limitations contained in the undertakings unless compliance for licensing purposes is expressly waived by the Administrator. 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 (the "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. The Licencee must use this licence only for the research purposes set out in Schedule "C" attached to and forming part of this licence.
7. This licence must not be assigned. If the Licencee is a corporation, any change in the right to control the corporation shall be deemed to be an assignment.
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, the Administrator may revoke this licence and this Agreement shall be of no further force and effect subject only to the right of Her Majesty ("Her Majesty") to claim for damages.
9. The Licencee must adhere to the Farm Management Plan, as it is in effect for this licence from time to time, and any failure to adhere to the Farm Management Plan is a breach of this licence.
10. The Licencee 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 Licencee's use and the productivity of the site.
11. The Licencee is hereby prohibited from using the site in any way that would interfere with other licenced aquaculture operations.
12. If the Administrator, in his or her sole discretion, is of the opinion that the aquaculture activities authorized by this licence are detrimental to or interfere with other licenced facilities, the Administrator may revoke this licence without compensation.
13. Following the completion of a performance review, in accordance with the Regulations, of the aquacultural operation subject to this licence, the Administrator may vary any terms or conditions of this licence in order to address any concerns raised in the performance review.
14. The Administrator may revoke 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.
15. If the Licencee fails to perform any of its obligations under this licence, 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.
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 Administrator, the Administrator may revoke this licence without further notice or compensation.
17. Should it become necessary for Her Majesty 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 lease for the same site.



# SCHEDULE A

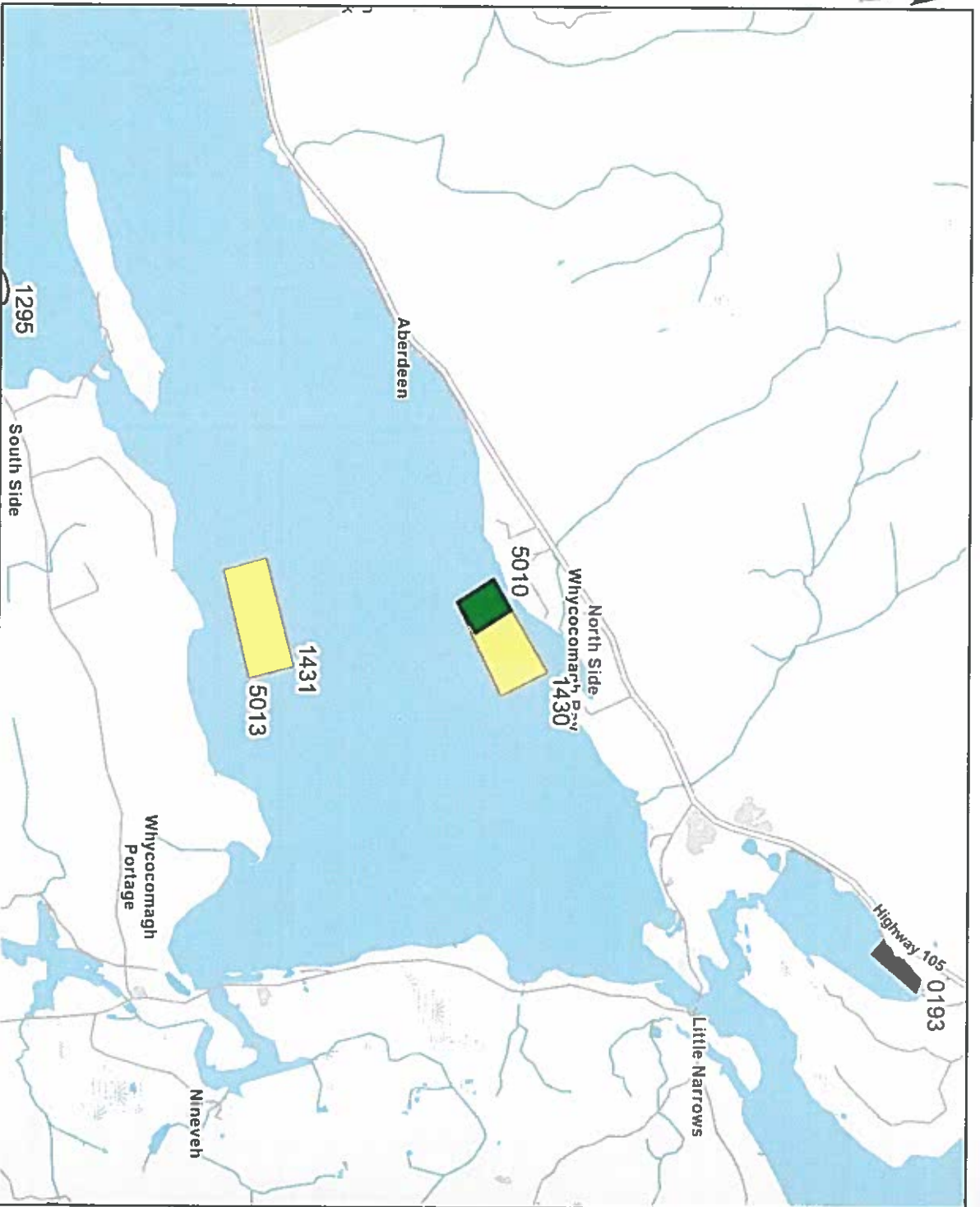


## Aquaculture Site

### 5010

Corner	Latitude	Longitude
1	45° 58' 40.400"	-61° 1' 51.510"
2	45° 58' 30.400"	-61° 1' 42.550"
3	45° 58' 35.187"	-61° 1' 30.479"
4	45° 58' 45.124"	-61° 1' 39.165"
Centre	45° 58' 37.781"	-61° 1' 40.674"

DATUM NAD 83 CSRS UTM Zone 20  
The above coordinates are tied from a legal survey



License/Lease Holder  
We'Kogma'q First Nation

County  
Inverness

Waterbody  
Whycocomagh Bay

Hectares  
10.89

Species Type  
Finfish

Culture Type  
Suspended Culture

Chart  
4278

 Renewal Application  
 Issued Experimental



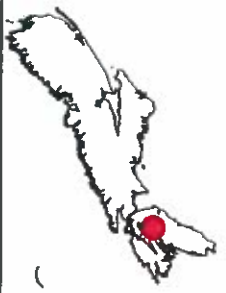
Proposed Experimental/Commercial Lease 0 0.5 1 2



**Disclaimer**  
This map should not be used for navigation or legal purposes. It is intended for general reference use only.

DATA: 2021.05.28  
Created By: MK

# SCHEDULE A



## Aquaculture Site

### 5010

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License/Lease Holder  
We'koqima'q First Nation

County  
Inverness

Waterbody  
Whylocomagh Bay

Hectares  
10.89

Species Type  
Finfish

Culture Type  
Suspended Culture

Chart  
4278

- Renewal Application
- Other Issued Lease



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Date: 2021-05-28  
Created By: MKK

## **Schedule "B"**

This Schedule sets out any undertakings required of the Licencee.

There are no undertakings required of the Licencee.

## **Schedule “C”**

### **Research purposes**

This licence has been granted to enable the Licencee to research new production methods and to assess the technical feasibility of an aquaculture site in an effort to support the sustainable expansion of finfish aquaculture in Bras d'Or Lake.

In particular, further to this licence, the Licencee will be involved in the following activities:

- Testing the effectiveness and efficiencies of 100 m polar circle cages for rainbow trout aquaculture by comparing fish production characteristics and production costs with those of traditional cage sizes (60 m polar circle cages) while using standard husbandry practices.
- Evaluation of harvested fish in terms of size and size variation, percent yield, colour and other quality characteristics for comparison of each cage size.
- Evaluation of fish production characteristics including growth, feed conversion ratio and product quality for comparison of each cage size.
- Evaluation of cost of production per kg calculated from feed, equipment use and labour cost for comparison of each cage size.
- Comparison of time spent by employees working on the cages will be monitored and recorded for each cage size.
- Evaluation of the use of a feed barge to support the operation of a 10-cage array of 100 m cages.
- Evaluation of the replacement from 60 m polar circles cages to 100 m polar circle cages as the fish grow, to assess the size variability experienced in fish grown in 100 m cages only.