

This licence made in duplicate this 13th day of August, 2018.

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

P.O. Box 149

Whycocomagh, Nova Scotia

BOE 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 renew aquaculture licences and aquaculture leases;

AND WHEREAS pursuant to the Act the Licencee was issued Aquaculture Licence No. 1291 on January 28, 2014 for a term of five years from October 1, 2013 to October 1, 2018;

AND WHEREAS the Licencee wishes to renew aquaculture Licence No. 1291;

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

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 Whycocomagh Bay, Inverness County, more particularly described in Schedule "A" attached to and forming part of this Agreement (the "site") for the bottom (seeding only) cultivation of American oyster (*Crassostrea virginica*).
1. The term of this licence shall be for ten years commencing on the 1st day of October, 2018 to the 1st day of October, 2028 with the right of renewal, in accordance with the terms of the Act and the Regulations.
2. The Licencee 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 licence. Late payments are subject to a fee as set out in the Regulations.
3. The undertakings set out in Schedule "B" to this licence (the "undertakings"), form part of this Agreement, 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.
4. The Licencee shall allow access to the site by the general public for recreational activities. The general public is not permitted to carry out American oyster and Bay quahog harvest, enhancement, or husbandry activities at the site.

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. This licence must not be assigned without the written approval of the Administrator. If the Licencee is a corporation, any change in the right to control the corporation shall be deemed to be an assignment.
7. 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 the Queen in right of the Province of Nova Scotia ("Her Majesty") to claim for damages.
8. 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.
9. This licence does not include any rights as to minerals in or on the site.
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. Following the completion of a performance review, in accordance with the Regulations, of the aquaculture 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.
12. The Licencee is hereby prohibited from using the site in any way that would interfere with other licenced aquaculture operations.
13. 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.
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 licence for the same site.

18. Any notices required to be given under this licence may be sent by regular mail to the parties at their addresses set out in the heading of this Agreement, and notice will be deemed to have been received by the intended recipient thereof five business days from the date on which the notice is post-marked. The parties, by agreement, may effect notice by any other means. The Licencee must notify the Administrator of any change of address within thirty (30) days.
19. Nothing in this Agreement shall be taken as a warranty by the Administrator 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.

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

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

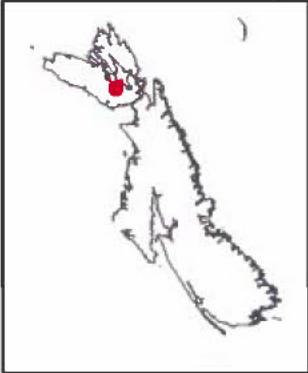
Approximate Coordinates of Application:

Datum used: NAD 83

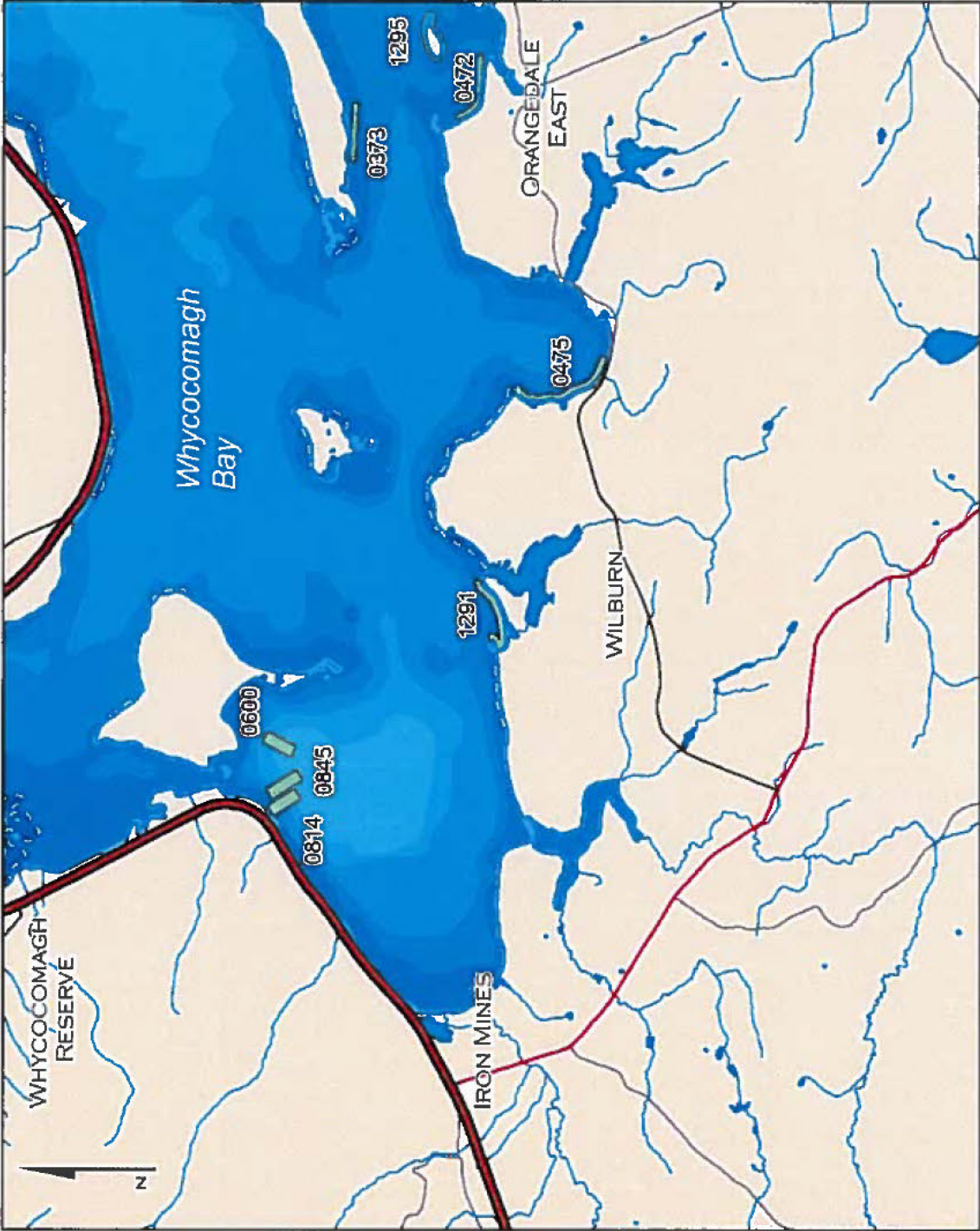
Centre coordinates (approx.) Lat. 45° 56' 17.43"
Long. -61° 06' 41.25"

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	
1291	
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DATUM NAD 83 The above coordinates are not from a legal survey	



Application Information

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

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-MAY-2018



Aquaculture Site 1291	
Center	Lat 45° 56' 17.43" Long -61° 06' 41.25"
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Application Information	
Proponents :	Waycobah First Nations Band Council
Site Location :	Whycomagh Bay
Dimensions :	Approx. 48m x 509m x 48m x 620m
Area :	Approx. 2.74 ha

Application Information	
Issued Lease	NS Bathymetry
Proposed Lease	Low Water Mark
	OMHW Mark

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-MAY-2018	

Schedule “B”

This Schedule sets out any undertakings required of the Licencee.

The Licencee undertakes to complete the following report:

The Licencee shall submit an annual report (in addition to Annual Production Statistics) dealing with enhancement efforts. The details and format of the report shall be determined by agreement with the Nova Scotia Department of Fisheries and Aquaculture and the Licencee. The report shall include information such as the following:

- Stock assessment
- Broodstock manipulations
- Seed collection activities
- Predator control activities
- Other information may be required

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 Whycocomagh 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:

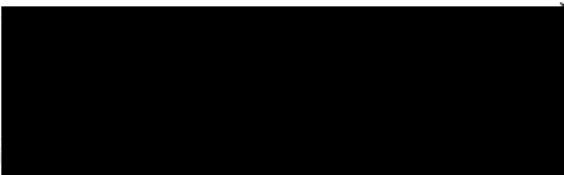
“1A. For the bottom cultivation with gear at the site, the Licencee shall be limited to a maximum of two (2) cages. For the suspended cultivation with gear at the site, the Licencee shall be limited to two (2) cages.”

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

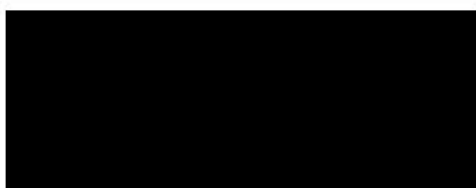
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) in right of the Province of Nova Scotia, as
) represented by the Administrator, Nova Scotia
)
)

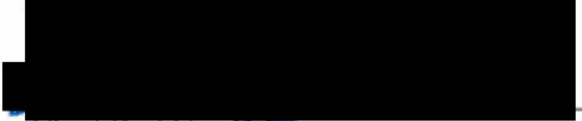

V


Administrator, Nova Scotia Department
of Fisheries and Aquaculture



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)
)
) Waycobah First Nations Band Council
) Per:


witness

)
)
)
) 
) Chief Rod Googoo



SCHEDULE A

GPS COORDINATE INFORMATION SHEET

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Applicant: Waycobah First Nations Band Council

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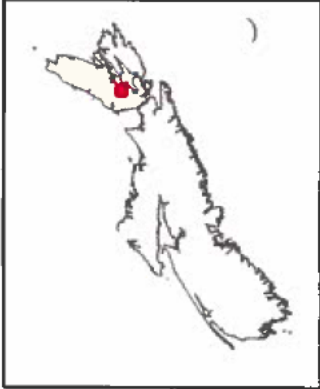
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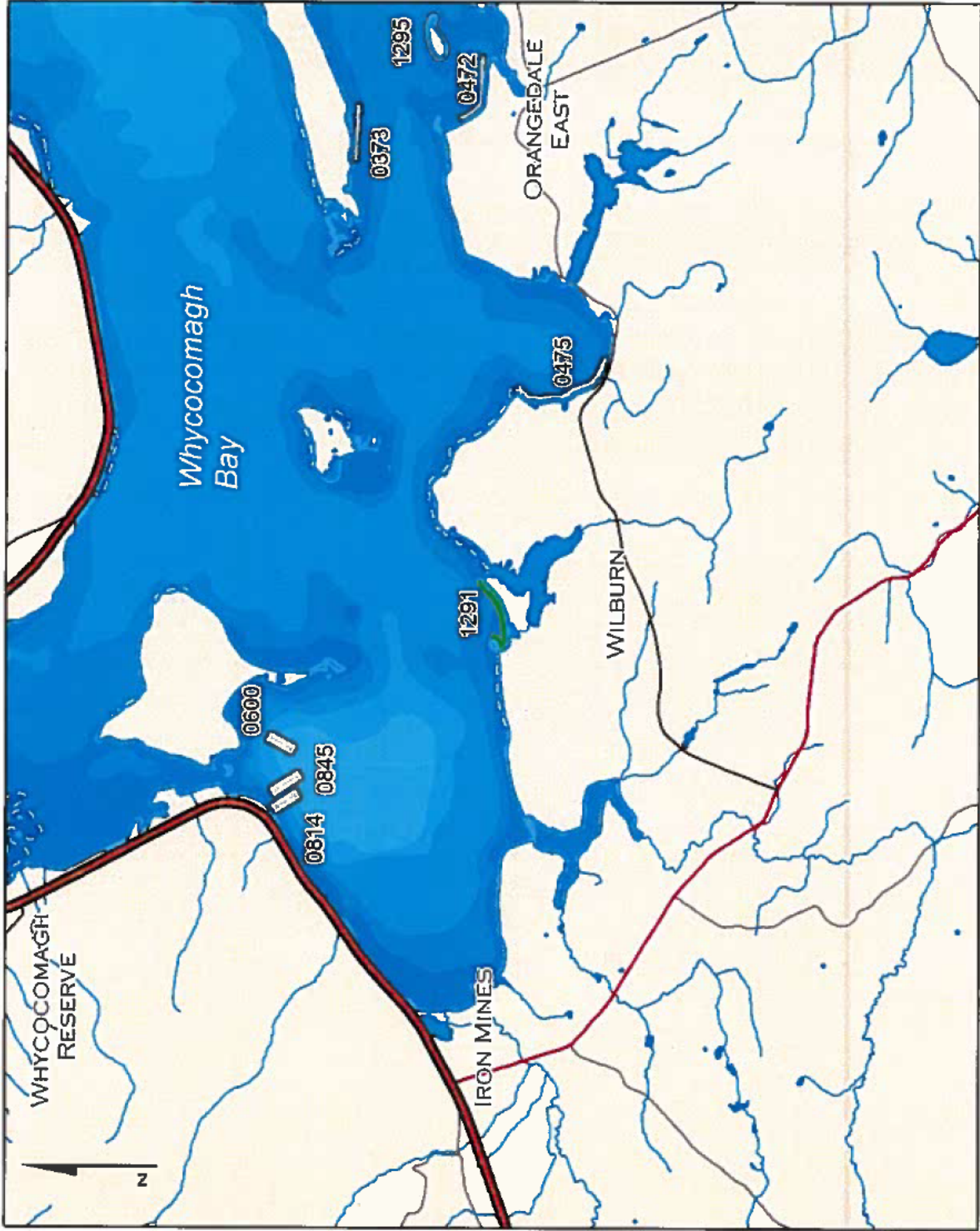
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Aquaculture Site
1291

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Chart No.
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MK-1291-JUN-2018



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Amendment Application

NS Bathymetry
Low Water Mark

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