

AMENDMENT TO LEASE

THIS INDENTURE made in duplicate the 3<sup>rd</sup> day of JUNE, 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**  
PO Box 149  
Whycocomagh, Nova Scotia  
B0E 3M0

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

**AND WHEREAS** the Lessee is desirous of amending Lease 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 Lease No. 1291 to permit the bottom cultivation with gear and suspended cultivation with gear of American oyster (*Crassostrea virginica*) by the Lessee;

**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. Lease No. 1291 is hereby amended by deleting Section 1 and replacing it with the following Section:

“1. The Administrator hereby grants to the Lessee a lease 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. Lease No. 1291 is further amended by deleting Section 6 and replacing it with the following Section:

“6. The Lessee 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. Lease 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 Lessee shall be limited to a maximum of two (2) cages. For the suspended cultivation with gear at the site, the Lessee shall be limited to two (2) cages.”

4. Lease No. 1291 shall in all other respects remain the same and continue to be 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

[Redacted signature]

witness

) **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]



) Administrator, Nova Scotia Department  
) of Fisheries and Aquaculture  
)  
)

) Waycobah First Nations Band Council  
) Per:  
)  
)

[Redacted signature]

[Redacted signature]



) Chief Rod Goojoo  
)  
)

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

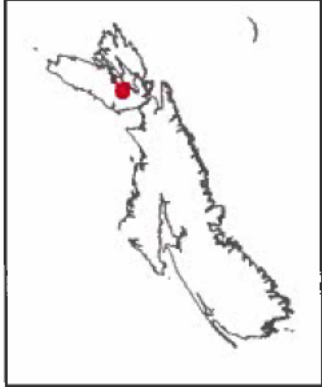
**Approximate Coordinates of Application:**

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"

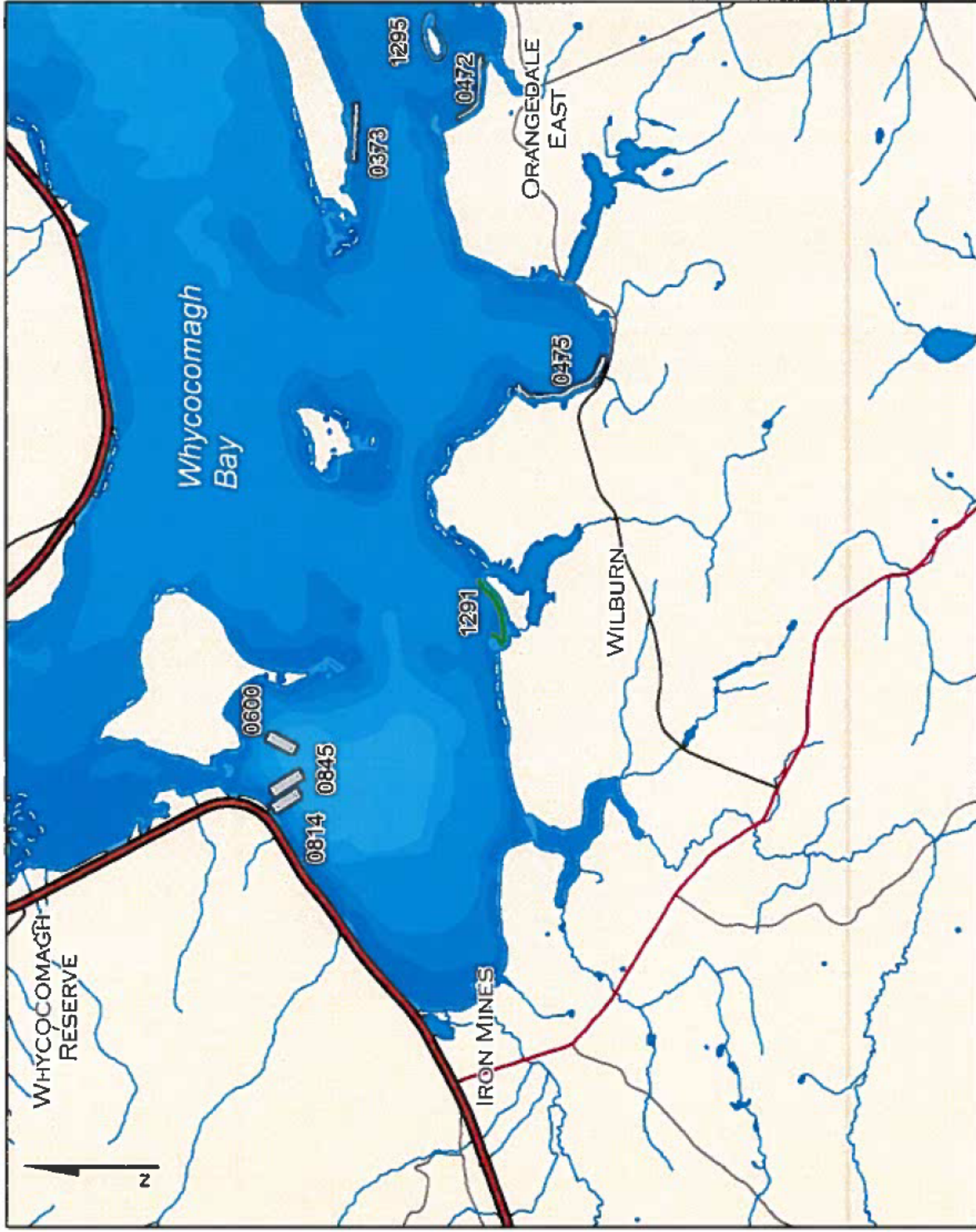
***NOTE: THESE COORDINATES ARE NOT FROM A LEGAL SURVEY.***



**Aquaculture Site**  
**1291**

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"  
 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"

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



**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

Amendment Application Low Water Mark  
 Other Issued Lease 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-JUN-2018



**Aquaculture Site**

**1291**

Center  
 Lat 45° 56' 17.43" Long -61° 06' 41.25"  
 Corner 1  
 Lat 46° 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"  
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Amendment Application    NS Bathymetry  
 Low Water Mark

Chart No.  
**4279**



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