

AMENDMENT TO LICENCE

THIS INDENTURE made in duplicate the 24th day of November, 2020.

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 -

SCOTT MACEWAN, HALLEE MACEWAN
RR#1
NEW GLASGOW, NS
B2H 5C4

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 Licence 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. 1129 on June 2, 2020 for a term of ten years from June 16, 2020 to June 16, 2030 authorizing the bottom cultivation of American oyster (*Crassostrea virginica*), Bay scallop (*Argopecten irradians*) and Bay quahog (*Mercenaria mercenaria*).

AND WHEREAS the Licencee is desirous of amending Licence No. 1129 to permit the bottom cultivation with gear of American oyster, Bay scallop, Bay quahog subject to whatever undertakings are prescribed by the Minister;

AND WHEREAS the Administrator consents to amend Licence No. 1129 to permit the bottom cultivation with gear method of American oyster, Bay scallop and Bay quahog (subject to the undertakings set out in Schedule "B" attached to this agreement).

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. 1129 is hereby amended by adding thereto "and the bottom cultivation with gear method of American oyster, Bay scallop and Bay quahog on a certain portion of the licence" at the end of clause 1.

2. Licence No. 1129 is further amended by deleting its Schedule "A" and substituting the attached Schedule "A".
3. Licence No. 1129 is further amended by deleting its Schedule "B" and substituting the attached Schedule "B".
4. Except as expressly amended herein Licence No. 1129 shall 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
Department of Fisheries and Aquaculture



Witness



Administrator, Nova Scotia Department
of Fisheries and Aquaculture



Witness



SCOTT MACEWAN



Witness



HALLEE MACEWAN



SCHEDULE A



Aquaculture Site 1129

Corner	Latitude	Longitude
1	45° 38' 57.725"	-62° 32' 31.816"
2	45° 38' 52.653"	-62° 32' 32.584"
3	45° 38' 54.017"	-62° 32' 42.310"
4	45° 38' 57.703"	-62° 32' 46.765"
5	45° 38' 56.024"	-62° 32' 48.134"
Centre	45° 38' 57.478"	-62° 32' 42.361"
TC1	45° 38' 57.531"	-62° 32' 39.189"
TC2	45° 38' 57.008"	-62° 32' 34.268"
TC3	45° 38' 58.402"	-62° 32' 39.110"
TC4	45° 38' 57.609"	-62° 32' 34.181"

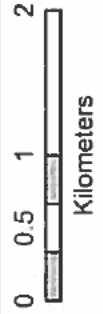
DATUM NAD 83 CSRS UTM Zone 20
The above coordinates are not from a legal survey



License/Lease Holder	County	Waterbody	Hectares	Species Type	Culture Type	Chart
MacEwan, Scott & Hallee	Pictou	Chapel Cove	6.83	Shellfish	Bottom	4445

- Amendment Application
- Other Issued Lease

Proposed Commercial Lease



Disclaimer
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Date: 2020-10-27
Created By: MK

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License/Lease Holder	MacEwan, Scott & Hallee	County	Pictou	Waterbody	Chapel Cove	Hectares	6.83	Species Type	Shellfish	Culture Type	Bottom	Chart	4445
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Amendment Application

Other Issued Lease



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Schedule "B"

This Schedule sets out any undertakings required of the Licencee:

The Licencee undertakes to complete the following report with respect to their activities on the portion of the licence authorized for bottom culture without gear:

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**

This licence made in duplicate this 2nd day of June, 2020.

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 -

SCOTT MACEWAN, HALEE MACEWAN
RR#1
NEW GLASGOW, NS
B2H 5C4

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. 1129 on April 9, 2015 for a term of five years from June 16, 2015 to June 15, 2020;

AND WHEREAS the Licencee wishes to renew aquaculture Licence No. 1129;

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 6.83 hectare area located in the body of waters known as Little Harbour, Pictou County, more particularly described in Schedule "A" attached to and forming part of this Agreement (the "site") for the bottom cultivation without gear of American oyster (*Crassostrea virginica*), Bay scallop (*Argopecten irradians*), Bay quahogs (*Mercenaria mercenaria*).
2. The term of this licence shall be for ten years commencing on 16th day of June, 2020 to the 16th day of June 2030 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 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.
4. 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.

5. 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, Bay scallop and Bay quahog harvest, enhancement, or husbandry activities at the site.
6. 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.
7. 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.
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 the Queen in right of the Province of Nova Scotia ("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. This licence does not include any rights as to minerals in or on the site.
11. 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.
12. 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.
13. The Licencee is hereby prohibited from using the site in any way that would interfere with other licenced aquaculture operations.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

SCHEDULE A

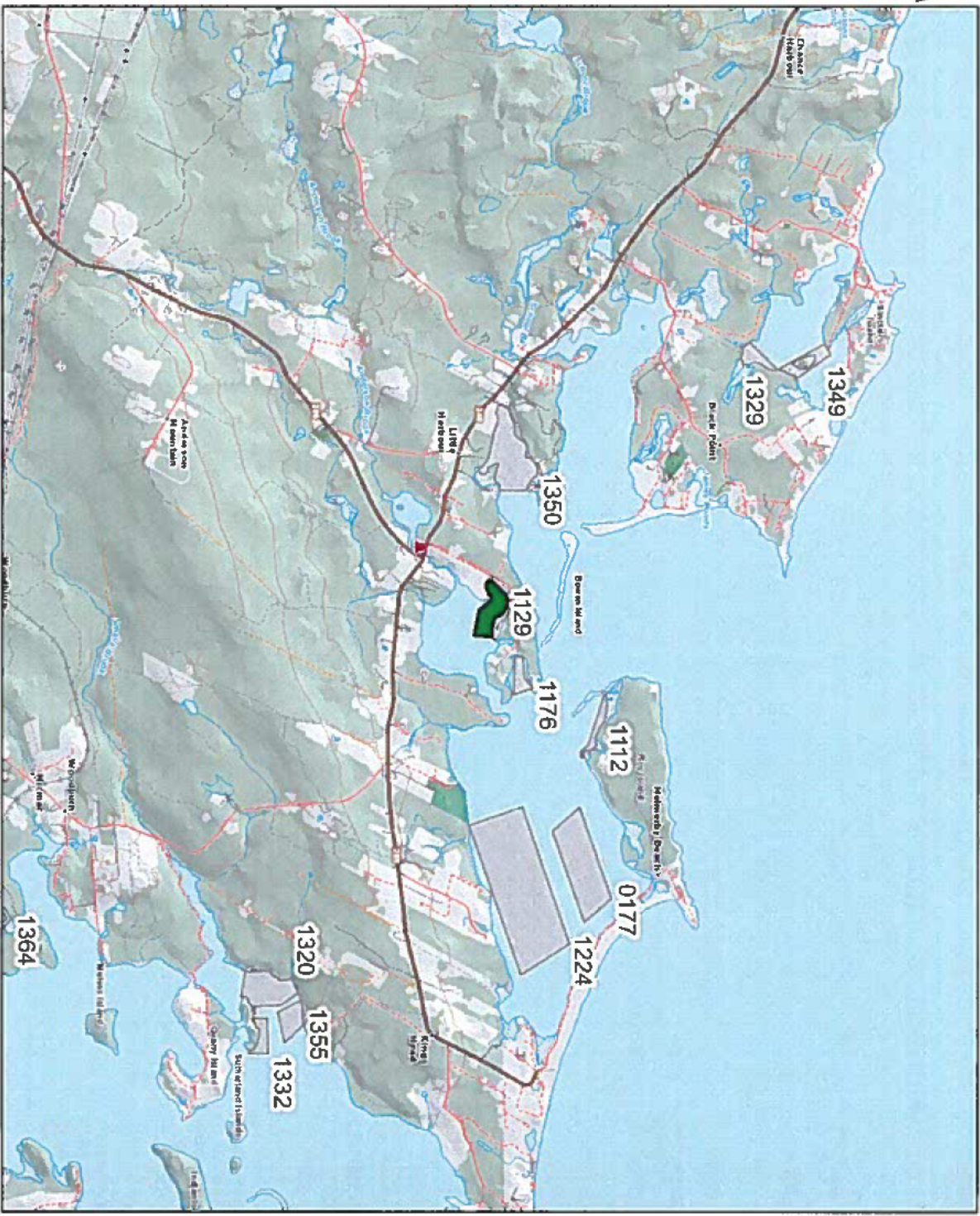


Aquaculture Site

1129

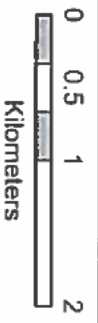
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License/Lease Holder: Macewan, Scott & Hallee
 County: Pictou
 Waterbody: Chapel Cove
 Hectares: 6.83
 Species Type: Shellfish
 Culture Type: Bottom Culture
 Chart: 4445

- Renewal Application
- Other Proposed Lease
- Other Issued Lease



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 Date: 2016-12-02
 Created By: MK

SCHEDULE A



Aquaculture Site

1129

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- NS PIDs



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 Data: 2010-12-07
 Created By: MHI

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community; Internal Services Department

Schedule "B"

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