

This licence made in duplicate this 18<sup>th</sup> day of December, 2017.

**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 -

Bill & Stanley Oyster Company Limited  
c/o Brian Fortune  
931 Brush Wharf Road  
Orwell Cove, PE  
COA 2E0

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. 0028 on November 26, 2013 for a term of five years from January 1, 2013 to January 1, 2018;

**AND WHEREAS** pursuant to the Act Aquaculture Licence No. 0028 was assigned from Atlantic Aqua Farms Partnership to Bill & Stanley Oyster Company Ltd. on February 13, 2014;

**AND WHEREAS** pursuant to the Act Aquaculture Licence No. 0028 was amended on May 29, 2014 to authorize the suspended cultivation of American oyster (*Crassostrea virginica*);

**AND WHEREAS** the Licencee wishes to renew aquaculture Licence No. 0613;

**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 6.39 hectare area located in the body of waters known as Whitehead Harbour, Guysborough County more particularly described in Schedule "A" attached to and forming part of this Agreement (the "site") for the suspended cultivation of Blue mussel (*Mytilus edulis*), American oysters (*Crassostrea virginica*), Giant sea scallop (*Placopecten magellanicus*).
2. The term of this licence shall be for 10 years commencing on the January 1, 2018 to the January 1, 2028 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 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.



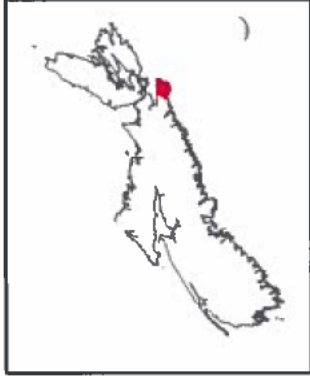
SCHEDULE A  
GPS COORDINATE INFORMATION SHEET

Application #: 0613  
Applicant: Bill & Stanley Oyster Company Ltd.  
Location: Whitehead Harbour County: Guysborough  
Hydrographic Chart: 4233 Orthophoto #:  
Dimensions of site: See Sketch Size: Approx. 6.39 ha

**Approximate Coordinates of Application:**

Datum used: NAD 83  
Centre coordinates (approx.) Lat. 45° 14' 37.80"  
Long. -61° 09' 29.40"  
Corner #1 Lat. 45° 14' 31.67" Corner #2 Lat. 45° 14' 41.23"  
Long. -61° 09' 40.67" Long. -61° 09' 15.69"  
Corner #3 Lat. 45° 14' 44.14" Corner #4 Lat. 45° 14' 34.55"  
Long. -61° 09' 18.05" Long. -61° 09' 43.03"

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



**Aquaculture Site**  
**0613**

Centre  
Lat 45° 14' 37.80" Long -61° 09' 29.40"  
Corner 1  
Lat 45° 14' 31.67" Long -61° 09' 40.67"  
Corner 2  
Lat 45° 14' 41.23" Long -61° 09' 16.69"  
Corner 3  
Lat 45° 14' 44.14" Long -61° 09' 18.05"  
Corner 4  
Lat 45° 14' 34.55" Long -61° 09' 43.03"

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



**Application Information**

Proponent : Bill & Stanley Oyster Company Ltd.  
Site Location : Whitehead Harbour  
Dimensions : Approx. 620m x 103m x 103m  
Area : Approx. 6.39 ha

Renewal Application  
Other Issued Lease

Low Water Mark  
OMHW Mark

Species: Sea Scallop, Blue Mussel

Chart No.

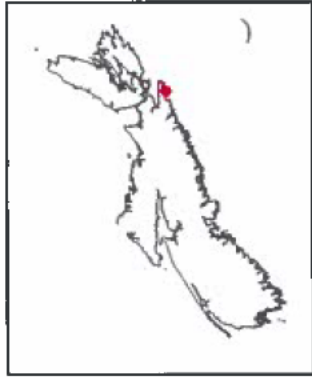
**4233**

**NOVA SCOTIA**  
Fisheries and Aquaculture

**Disclaimer**

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

MK-0613-AUG-2017



**Aquaculture Site**

**0613**

Centre  
 Lat 45° 14' 37.80" Long -61° 09' 29.40"  
 Corner 1  
 Lat 45° 14' 31.67" Long -61° 09' 40.67"  
 Corner 2  
 Lat 45° 14' 41.23" Long -61° 09' 16.68"  
 Corner 3  
 Lat 45° 14' 44.14" Long -61° 09' 18.06"  
 Corner 4  
 Lat 45° 14' 34.56" Long -61° 09' 43.03"

DATUM NAD 83

The above coordinates  
 are not from a legal survey



**Application Information**

Proponent : Bill & Stanley Oyster Company Ltd.  
 Site Location : Whitehead Harbour  
 Dimensions : Approx. 620m x 103m x 620m x 103m  
 Area : Approx. 6.39 ha

Renewal Application  
 NS Bathymetry  
 OM/HW Mark  
 Low Water Mark

Species: Sea Scallop, Blue Mussel

Chart No. **4233**



**Disclaimer**

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

MK-0613-AUG-2017

AMENDMENT TO LICENCE

THIS AGREEMENT made in duplicate the 13 day of Aug, 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,

hereinafter referred to as "**THE ADMINISTRATOR**"

OF THE ONE PART

- and -

**BILL & STANLEY OYSTER COMPANY LTD.**  
931 BRUSH WHARF ROAD  
ORWELL COVE, PE C0A 2E0

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

OF THE OTHER PART

**WHEREAS** the Licencee was issued Aquaculture Licence No. 0613 on December 18, 2018 for a term of ten years from January 01, 2018 to January 01, 2028, authorizing the suspended cultivation of Blue mussel (*Mytilus edulis*), American oyster (*Crassostrea virginica*) and Giant sea scallop (*Placopecten magellanicus*);

**AND WHEREAS** by condition of Licence #0613, 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;

**AND WHEREAS** the Government of Canada, by authority of the *Management of Contaminated Fisheries Regulations* made pursuant to the *Fisheries Act*, may prohibit the harvest of any fish species, either from the commercial fishery or from aquaculture sites, from time to time for the purpose of protecting public health;

**AND WHEREAS** the Government of Canada, by condition of commercial fishing licenses issued under the provisions of the *Fisheries Act* and associated regulations, permits only the landing of the abductor muscle of *Giant sea scallops*, for the purpose of protecting public health;

**AND WHEREAS** the Government of Canada has indicated its willingness to continue to permit the harvesting of *Giant Sea Scallops* from licensed aquaculture sites located within waters otherwise subject to a fish-harvesting prohibition order, so long as aquaculture licence holders comply with requirements, equivalent to those which apply under commercial fishing licences,





## Schedule "B"

This Schedule sets out any undertakings required of the Licencee:

The Licencee undertakes the following:

Where Fisheries and Oceans Canada, pursuant to the *Management of Contaminated Fisheries Regulations*, issues an order which prohibits fishing in an area (the "closed area"), and does not list Giant Sea scallops on the prohibition order, and the site falls within the closed area, the Licencee shall not harvest or retain Giant Sea scallops from the site unless all of the following conditions are met:

- (a) all Giant sea scallops harvested and retained shall be shucked prior to being taken from the site;
- (b) only the adductor muscle (meat), free of all roe and viscera, from the Giant sea scallops shall be retained; and
- (c) no intermingling of Giant sea scallop meat retained from the site shall occur, prior to processing, with Giant sea scallop meat retained from any other location