

2020

ARB #1427  
ARB #1428  
ARB#1429

Nova Scotia Aquaculture Review Board

BETWEEN:

Grand Pass Oysters Ltd.

APPLICANT

- and -

Minister of Nova Scotia Department of Fisheries and Aquaculture

PARTY

**Affidavit of Robert Ceschiutti**

I, Robert Ceschiutti, of Shelburne, Nova Scotia, affirm and give evidence as follows:

1. I am the Manager of Licensing and Leasing in the Department of Fisheries and Aquaculture (the Department). As part of this position, I am responsible for overseeing the maintenance and administration of applications and related records created further to the issuance of any aquaculture leases and/or licenses issued pursuant to the *Aquaculture Licence and Lease Regulations*. Part of my job is to conduct consultations with Mi'kmaq bands respecting established or asserted Mi'kmaq Aboriginal or treaty rights in the context of decisions or activities relating to specific aquaculture sites. I started in this position on July 1, 2019.
2. I have personal knowledge of the evidence affirmed in this Affidavit except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. Following discussions with the Office of Aboriginal Affairs, the Department determined that it wished to conduct consultations with the Mi'kmaq of Nova Scotia concerning Aquaculture Applications 1427, 1428, 1429 (the Application).
5. On July 12, 2019, Brennan Goreham, the Aquaculture Administrator, sent a letter of offer to consult to the following 11 bands:
  - (a) Acadia First Nation

- (b) Annapolis Valley First Nation
  - (c) Eskasoni First Nation
  - (d) Glooscap First Nation
  - (e) L'sitkuk (Bear River First Nation)
  - (f) Membertou First Nation
  - (g) Paqtnkek Mi'kmaw Nation
  - (h) Pictou Landing First Nation
  - (i) Potlotek (Chapel Island) First Nation
  - (j) Wagmatcook First Nation
  - (k) We'koqma'q First Nation
6. The letters sent to these bands are attached to this Affidavit as **Exhibit 1**.
  7. All of these letters had a 9 page attachment appended to them. The attachment included GPS coordinate information for the 3 sites proposed as part of the Application along with maps of each proposed site. The 9 page attachment is attached to this Affidavit as **Exhibit 2**.
  8. On August 14, 2019, Twila Gaudet of the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO) responded indicating that KMKNO wished to proceed with consultation. Ms. Gaudet requested any reports pertaining to the applications. This email is attached to this Affidavit as **Exhibit 3**.
  9. On November 7, 2019, I sent a letter to KMKNO with information for consultation. The information included a link to the Applicant's Development Plan online. I also described the Network agencies that had been consulted by the Department. I asked Ms. Gaudet for a response by December 9, 2019. This letter is attached to this Affidavit as **Exhibit 4**.
  10. I did not receive a response to my letter before December 9, 2019.
  11. On January 10, 2020, I again wrote to Ms. Gaudet. I advised Ms. Gaudet that if we did not receive a response by February 10, 2020, we would conclude that the KMKNO did not intend to respond. This letter is attached to this Affidavit as **Exhibit 5**.
  12. The day after that deadline expired, on February 11, 2020, I received a request from the Office of Aboriginal Affairs (OAA) that the consultation deadline be extended again. I granted this request.
  13. On February 11, 2020, the OAA advised KMKNO that the deadline for response had been extended to February 25, 2020. This email is attached to this Affidavit as **Exhibit 6**.

14. On February 14, 2020, Ms. Gaudet provided the KMKNO response to my January 10, 2020 letter, stating:

...[T]here are many recorded archaeological sites inland of and around Lobster Bay. It is imperative that Mi'kmaq access to fish for food, social and ceremonial purposes is not impeded, as well as treaty-based fisheries, including the ability to fish for a moderate livelihood.

It is requested that all information and correspondence be forwarded to KMKNO to facilitate the flow of the process and communication.

Ms. Gaudet's letter is attached to this Affidavit as **Exhibit 7**.


15. On May 8, 2020, I responded to Ms. Gaudet's letter dated February 14, 2020. I described the status of the application and responded to the concerns she had expressed. This letter is attached to this Affidavit as **Exhibit 8**.


16. On June 10, 2020, I received a letter from Ms. Gaudet indicating that the KMKNO would await notification of the decision of the Aquaculture Review Board. This email is attached to this Affidavit as **Exhibit 9**.

17. The Department will notify KMKNO of the Board's decision regarding the Application.

18. I make this Affidavit for the Aquaculture Review Board's consideration of the Application, and for no other or improper purpose.

Affirmed before me on the 2nd day of  
October, 2020 at Lunenburg, Nova Scotia

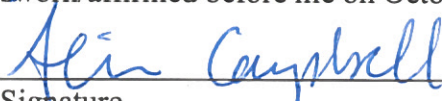
  
\_\_\_\_\_  
**Alison W. Campbell**  
A Barrister of the Supreme Court  
of Nova Scotia

  
\_\_\_\_\_  
**Robert Ceschiutti**

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

# TAB 1

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "1" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October 2<sup>nd</sup>, 2020

  
\_\_\_\_\_  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

July 12, 2019

Chief Deborah Robinson  
Acadia First Nation  
10526 Highway #3  
Yarmouth, NS  
B5A 5J7

Dear Chief and Council:

**RE: Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

I am writing to bring to your attention to three Aquaculture applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County.

The purpose of this letter is to initiate consultation on the three aquaculture applications with the Mi'kmaq of Nova Scotia under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, and to provide information about:

1. Description of the project;
2. Summary of Consultation Screening;
3. Provincial Approval Requirements;
4. Consultation with the Mi'kmaq of Nova Scotia;

#### Description of the Project

The applicant, Grand Pass Oysters Limited, has submitted three applications (1427, 1428, 1429) for the suspended cultivation of American oyster. The combined footprint totals approximately 36 hectare of submerged Crown land.

AQ#1427 has a proposed size of 7.31 hectares and has an intended production of one million oysters using suspended OysterGro cages. The intended scale of the operations is 26 lines with 15 gear units per line.

AQ#1428 has a proposed size of 8.70 hectares and has an intended production of one million oysters using suspended OysterGro cages. The intended scale of the operation is 30 lines with 15 gear units per line.

Acadia First Nation  
Attention: Chief Deborah Robinson  
July 12, 2019

AQ#1429 has a proposed size of 19.84 hectares and has an intended production of three million oysters using suspended OysterGro cages. The intended scale of the operation is 91 lines with 15 gear units per line.

#### Summary of Consultation Screening

Based on the information available at this time, the Province has screened Aquaculture Licence and Lease Application Nos. AQ#1427, AQ#1428, and AQ#1429 and considers them to potentially have impacts to Aboriginal and Treaty Rights at the moderate level. The 3 marine aquaculture applications are located in close proximity to one another and the combined footprint amounts to approximately 36 ha of submerged Crown land. No engagement with the Mi'kmaq of Nova Scotia has been reported by the applicant to date. The province is unaware of any traditional use that may be occurring in the area in spite of the proposed project's close proximity to a known Mi'kmaw archaeological site at Argyle.

The proponent anticipates a net positive impact on the surrounding environment. However, navigation in the vicinity of the project area will be impacted by the placement of cages. Commercial lobster fishing and rockweed harvesting are known to occur in the areas surrounding La Grande Passe.

The Province welcomes receiving additional information from you that may better inform our understanding of your Aboriginal and Treaty Rights.

#### Provincial Approval Requirements

It is not anticipated that any additional provincial permits, authorizations, and/or approvals may be required for this project to proceed.

#### Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Department of Fisheries and Aquaculture will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal) that will be involved.

Transport Canada has been informed of this application, as a site-specific authorization under the *Navigation Protection Act* will be required for the placement of gear in the water.

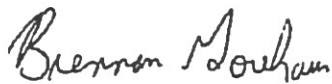
Fisheries and Oceans Canada (DFO) has been informed of this application. Should the application be approved, the movement of any live fish will require a licence from DFO (e.g. Introductions and Transfers Licence) pursuant to the provisions of Section 55 and 56 of the *Fishery (General) Regulations* of the federal *Fisheries Act*. Furthermore, Fisheries and Oceans Canada will review the application in accordance with their legislative mandates under the *Fisheries Act* and the *Species at Risk Act*.

Acadia First Nation  
Attention: Chief Deborah Robinson  
July 12, 2019

The Nova Scotia Department of Fisheries and Aquaculture will keep both Transport Canada and Fisheries and Oceans Canada apprised of the consultation on this file.

We would like to hear from the Mi'kmaq of Nova Scotia about the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. We require a response concerning this project by August 12, 2019.

Sincerely,



Brennan Goreham  
Aquaculture Administrator

Cc:

Twila Gaudet, Consultation Liaison Officer  
Kwilmu'kw Maw'klusuaqn Negotiation Office

Claire Rillie  
Nova Scotia Office of Aboriginal Affairs

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada



July 12, 2019

Chief Gerald Toney  
Annapolis Valley First Nation  
29 Roney Blvd  
Cambridge Station, NS  
B0P 1G0

Dear Chief and Council:

**RE: Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

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AQ#1428 has a proposed size of 8.70 hectares and has an intended production of one million oysters using suspended OysterGro cages. The intended scale of the operation is 30 lines with 15 gear units per line.

Annapolis Valley First Nation  
Attention: Chief Gerald Toney  
July 12, 2019

AQ#1429 has a proposed size of 19.84 hectares and has an intended production of three million oysters using suspended OysterGro cages. The intended scale of the operation is 91 lines with 15 gear units per line.

#### Summary of Consultation Screening

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The proponent anticipates a net positive impact on the surrounding environment. However, navigation in the vicinity of the project area will be impacted by the placement of cages. Commercial lobster fishing and rockweed harvesting are known to occur in the areas surrounding La Grande Passe.

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Transport Canada has been informed of this application, as a site-specific authorization under the *Navigation Protection Act* will be required for the placement of gear in the water.

Annapolis Valley First Nation  
Attention: Chief Gerald Toney  
July 12, 2019

Fisheries and Oceans Canada (DFO) has been informed of this application. Should the application be approved, the movement of any live fish will require a licence from DFO (e.g. Introductions and Transfers Licence) pursuant to the provisions of Section 55 and 56 of the *Fishery (General)*

Regulations of the federal *Fisheries Act*. Furthermore, Fisheries and Oceans Canada will review the application in accordance with their legislative mandates under the *Fisheries Act* and the *Species at Risk Act*.

The Nova Scotia Department of Fisheries and Aquaculture will keep both Transport Canada and Fisheries and Oceans Canada apprised of the consultation on this file.

We would like to hear from the Mi'kmaq of Nova Scotia about the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. We require a response concerning this project by August 12, 2019.

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Brennan Goreham  
Aquaculture Administrator

Cc:

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Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

July 12, 2019

Chief Leroy D.C. Denny  
Eskasoni First Nation  
PO Box 7040  
Eskasoni, NS  
B1W 1A1

Dear Chief and Council:

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Eskasoni First Nation  
Attention: Chief Leroy D.C. Denny  
July 12, 2019

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Eskasoni First Nation  
Attention: Chief Leroy D.C. Denny  
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Chief Sidney Peters  
Glooscap First Nation  
159 Smith Road  
Hantsport, NS  
B0P 1P0

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Glooscap First Nation  
Attention: Chief Sidney Peters  
July 12, 2019

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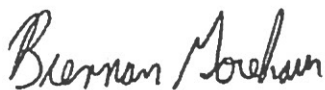


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July 12, 2019

Chief Carol Dee Potter  
L'sitkuk (Bear River First Nation)  
130 Reservation Road  
Bear River, NS  
B0S 1B0

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Bear River First Nation  
Attention: Chief Carol Dee Potter  
July 12, 2019

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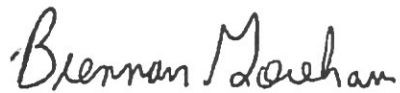
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Brennan Goreham  
Aquaculture Administrator

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Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

July 12, 2019

Chief Terrance J. Paul  
Membertou First Nation  
111 Membertou Street  
Membertou, NS  
B1S 2M9

Dear Chief and Council:

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AQ#1427 has a proposed size of 7.31 hectares and has an intended production of one million oysters using suspended OysterGro cages. The intended scale of the operations is 26 lines with 15 gear units per line.

AQ#1428 has a proposed size of 8.70 hectares and has an intended production of one million oysters using suspended OysterGro cages. The intended scale of the operation is 30 lines with 15 gear units per line.

Membertou First Nation  
Attention: Chief Terrance J. Paul  
July 12, 2019

AQ#1429 has a proposed size of 19.84 hectares and has an intended production of three million oysters using suspended OysterGro cages. The intended scale of the operation is 91 lines with 15 gear units per line.

#### Summary of Consultation Screening

Based on the information available at this time, the Province has screened Aquaculture Licence and Lease Application Nos. AQ#1427, AQ#1428, and AQ#1429 and considers them to potentially have impacts to Aboriginal and Treaty Rights at the moderate level. The 3 marine aquaculture applications are located in close proximity to one another and the combined footprint amounts to approximately 36 ha of submerged Crown land. No engagement with the Mi'kmaq of Nova Scotia has been reported by the applicant to date. The province is unaware of any traditional use that may be occurring in the area in spite of the proposed project's close proximity to a known Mi'kmaw archaeological site at Argyle.

The proponent anticipates a net positive impact on the surrounding environment. However, navigation in the vicinity of the project area will be impacted by the placement of cages. Commercial lobster fishing and rockweed harvesting are known to occur in the areas surrounding La Grande Passe.

The Province welcomes receiving additional information from you that may better inform our understanding of your Aboriginal and Treaty Rights.

#### Provincial Approval Requirements

It is not anticipated that any additional provincial permits, authorizations, and/or approvals may be required for this project to proceed.

#### Consultation with the Mi'kmaq of Nova Scotia

Nova Scotia Department of Fisheries and Aquaculture will lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal) that will be involved.

Transport Canada has been informed of this application, as a site-specific authorization under the *Navigation Protection Act* will be required for the placement of gear in the water.

Fisheries and Oceans Canada (DFO) has been informed of this application. Should the application be approved, the movement of any live fish will require a licence from DFO (e.g. Introductions and Transfers Licence) pursuant to the provisions of Section 55 and 56 of the *Fishery (General) Regulations* of the federal *Fisheries Act*. Furthermore, Fisheries and Oceans Canada will review the application in accordance with their legislative mandates under the *Fisheries Act* and the *Species at Risk Act*.

Membertou First Nation  
Attention: Chief Terrance J. Paul  
July 12, 2019

The Nova Scotia Department of Fisheries and Aquaculture will keep both Transport Canada and Fisheries and Oceans Canada apprised of the consultation on this file.

We would like to hear from the Mi'kmaq of Nova Scotia about the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this particular project. We require a response concerning this project by August 12, 2019.

Sincerely,



Brennan Goreham  
Aquaculture Administrator

Cc:

Twila Gaudet, Consultation Liaison Officer  
Kwilmu'kw Maw'klusuaqn Negotiation Office

Claire Rillie  
Nova Scotia Office of Aboriginal Affairs

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

July 12, 2019

Chief Paul J. Prosper  
Paqtnkek Mi'kmaw Nation  
7 Dillon Street  
Afton Station, NS  
BOA 1A0

Dear Chief and Council:

**RE: Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

I am writing to bring to your attention to three Aquaculture applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County.

The purpose of this letter is to initiate consultation on the three aquaculture applications with the Mi'kmaq of Nova Scotia under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, and to provide information about:

1. Description of the project;
2. Summary of Consultation Screening;
3. Provincial Approval Requirements;
4. Consultation with the Mi'kmaq of Nova Scotia;

Description of the Project

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Paqtnekek Mi'kmaw Nation  
Attention: Chief Paul J. Prosper  
July 12, 2019

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July 12, 2019

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Nova Scotia Office of Aboriginal Affairs

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

July 12, 2019

Chief Andrea Paul  
Pictou Landing First Nation  
PO Box 55, Site 6  
Trenton, NS  
B0K 1X0

Dear Chief and Council:

**RE: Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

I am writing to bring to your attention to three Aquaculture applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County.

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Pictou Landing First Nation  
Attention: Chief Andrea Paul  
July 12, 2019

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The proponent anticipates a net positive impact on the surrounding environment. However, navigation in the vicinity of the project area will be impacted by the placement of cages. Commercial lobster fishing and rockweed harvesting are known to occur in the areas surrounding La Grande Passe.

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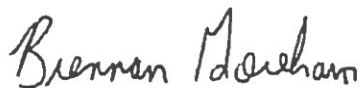
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Attention: Chief Andrea Paul  
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Brennan Goreham  
Aquaculture Administrator

Cc:

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Claire Rillie  
Nova Scotia Office of Aboriginal Affairs

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

July 12, 2019

Chief Wilbert Marshall  
Potlotek (Chapel Island) First Nation  
12004 Nova Scotia 4  
St. Peter's, NS  
B0E 3B0

Dear Chief and Council:

**RE: Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

I am writing to bring to your attention to three Aquaculture applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County.

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Potlotek (Chapel Island) First Nation  
Attention: Chief Wilbert Marshall  
July 12, 2019

AQ#1429 has a proposed size of 19.84 hectares and has an intended production of three million oysters using suspended OysterGro cages. The intended scale of the operation is 91 lines with 15 gear units per line.

#### Summary of Consultation Screening

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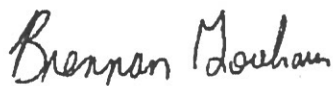
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Attention: Chief Wilbert Marshall  
July 12, 2019

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Sincerely,



Brennan Goreham  
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Cc:

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Nova Scotia Office of Aboriginal Affairs

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Fisheries and Oceans Canada

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada



July 12, 2019

Chief Norman Bernard  
Wagmatcook First Nation  
PO Box 30001  
Wagmatcook, NS  
B0E 3N0

Dear Chief and Council:

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I am writing to bring to your attention to three Aquaculture applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County.

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Wagmatcook First Nation  
Attention: Chief Norman Bernard  
July 12, 2019

AQ#1429 has a proposed size of 19.84 hectares and has an intended production of three million oysters using suspended OysterGro cages. The intended scale of the operation is 91 lines with 15 gear units per line.

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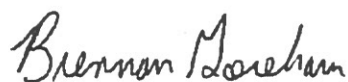
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Fisheries and Oceans Canada

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Transport Canada

July 12, 2019

Chief Roderick Googoo  
We'koqma'q First Nation  
PO Box 149  
Waycobah, NS  
B0E 3M0

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We'koma'q First Nation  
Attention: Chief Roderick Googoo  
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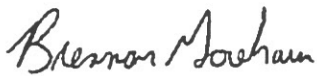
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Transport Canada

# TAB 2

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "2" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October <sup>2<sup>nd</sup></sup>, 2020

Alison Campbell  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia



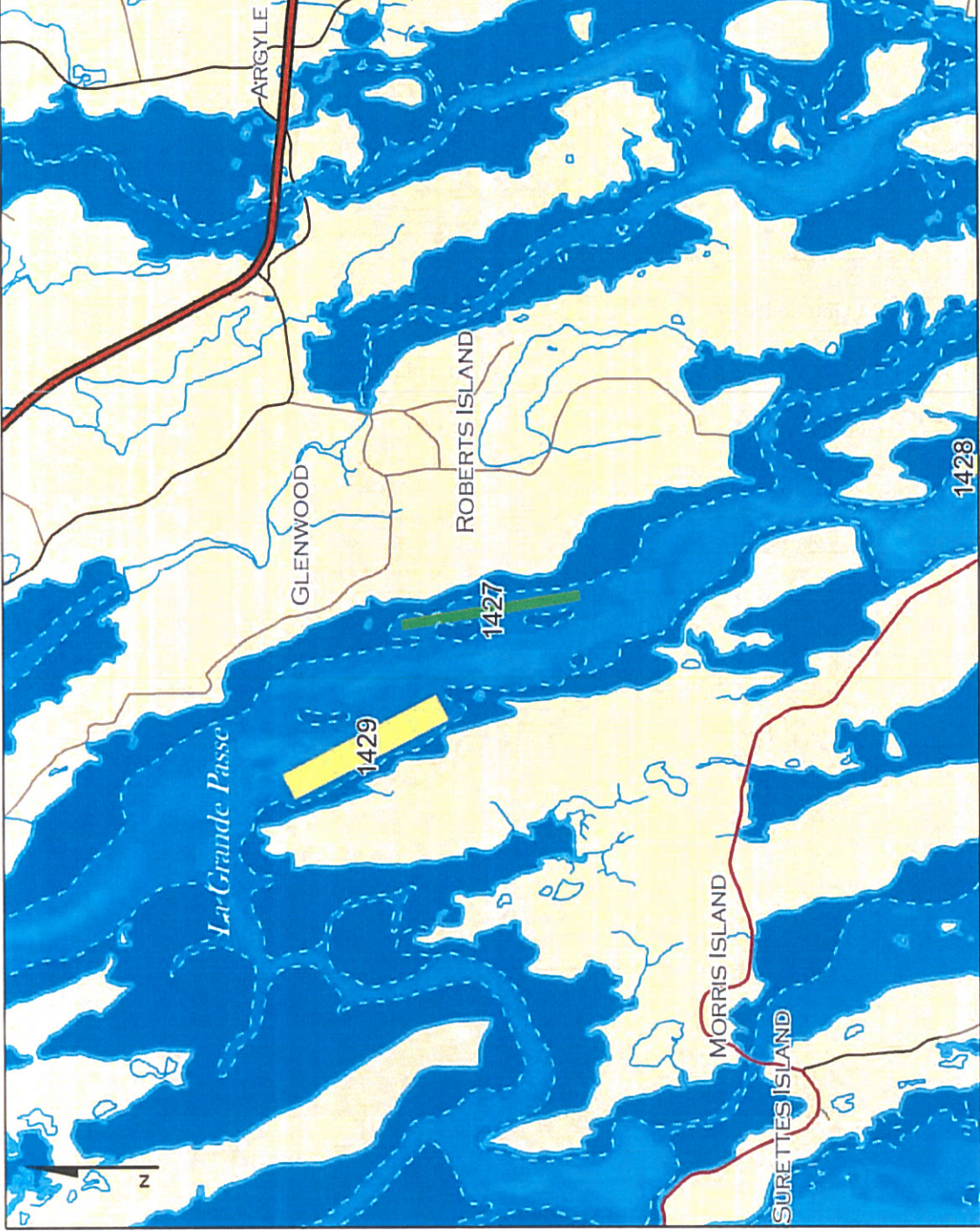
SCHEDULE A  
GPS COORDINATE INFORMATION SHEET

Application #:	1427		
Applicant:	Grand Pass Company Ltd.		
Location:	La Grande Passe	County:	Yarmouth
Hydrographic Chart:	4244	Orthophoto #:	
Dimensions of site:	Approx. 64m x 1142m x 64m 1142m	Size:	Approx. 7.31 ha

**Approximate Coordinates of Application:**

Datum used:	NAD 83				
Centre coordinates (approx.)	Lat.	43° 46' 51.99"			
	Long.	-65° 53' 55.09"			
Corner #1	Lat.	43° 47' 09.93"	Corner #2	Lat.	43° 47' 10.34"
	Long.	-65° 54' 01.54"		Long.	-65° 53' 58.74"
Corner #3	Lat.	43° 46' 34.08"	Corner #4	Lat.	43° 46' 33.67"
	Long.	-65° 53' 48.63"		Long.	-65° 53' 51.44"

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



<b>Aquaculture Site</b> <b>1427</b>	<p>Centre          Lat 43° 46' 51.99" Long -65° 53' 55.09"          Corner 1          Lat 43° 47' 09.93" Long -65° 54' 01.54"          Corner 2          Lat 43° 47' 10.34" Long -65° 53' 58.74"          Corner 3          Lat 43° 46' 34.08" Long -65° 53' 48.63"          Corner 4          Lat 43° 46' 33.67" Long -65° 53' 51.44"</p> <p style="text-align: center;">DATUM NAD 83          The above coordinates          are not from a legal survey</p>
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<b>Application Information</b>		<b>Disclaimer</b>	
Proponents : Grand Pass Oyster Ltd. Site Location : La Grand Passe Dimensions : Approx. 64m x 1142m x 64m x 1142m Area : Approx. 7.31 ha		Chart No. <b>4244</b>	This map should not be used for navigation or legal purposes. It is intended for general reference use only.  MK-1427-MAR-2019
Species: American Oyster			



**Aquaculture Site**

**1427**

Centre  
 Lat 43° 46' 51.99" Long -65° 53' 55.09"  
 Corner 1  
 Lat 43° 47' 09.93" Long -65° 54' 01.54"  
 Corner 2  
 Lat 43° 47' 10.34" Long -65° 53' 58.74"  
 Corner 3  
 Lat 43° 46' 34.08" Long -65° 53' 48.63"  
 Corner 4  
 Lat 43° 46' 33.67" Long -65° 53' 51.44"

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



**Application Information**

Proponents : Grand Pass Oyster Ltd.  
 Site Location : La Grand Passe  
 Dimensions : Approx. 64m x 1142m x 64m x 1142m  
 Area : Approx. 7.31 ha

Proposed Application

OMHW Mark

Chart No. 4244

**Disclaimer**

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

Species: American Oyster

MK-1427-MAR-2019



- Proposed Application
- Other Issued Lease
- Other Proposed Lease
- OMHW Mark
- Low Water Mark

SCHEDULE A  
GPS COORDINATE INFORMATION SHEET

Application #: 1428  
Applicant: Grand Pass Company Ltd.  
Location: La Grande Passe County: Yarmouth  
Hydrographic Chart: 4244 Orthophoto #:  
Dimensions of site: Approx. 106m x 820m x 106m Size: Approx. 32.42 ha  
820m

**Approximate Coordinates of Application:**

Datum used: NAD 83

Centre coordinates (approx.) Lat. 43° 45' 05.92"  
Long. -65° 53' 02.52"

Corner #1	Lat. 43° 45' 16.12" Long. -65° 53' 14.47"	Corner #2	Lat. 43° 45' 18.00" Long. -65° 53' 10.48"
Corner #3	Lat. 43° 44' 53.83" Long. -65° 52' 54.53"	Corner #4	Lat. 43° 44' 55.70" Long. -65° 52' 50.56"

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



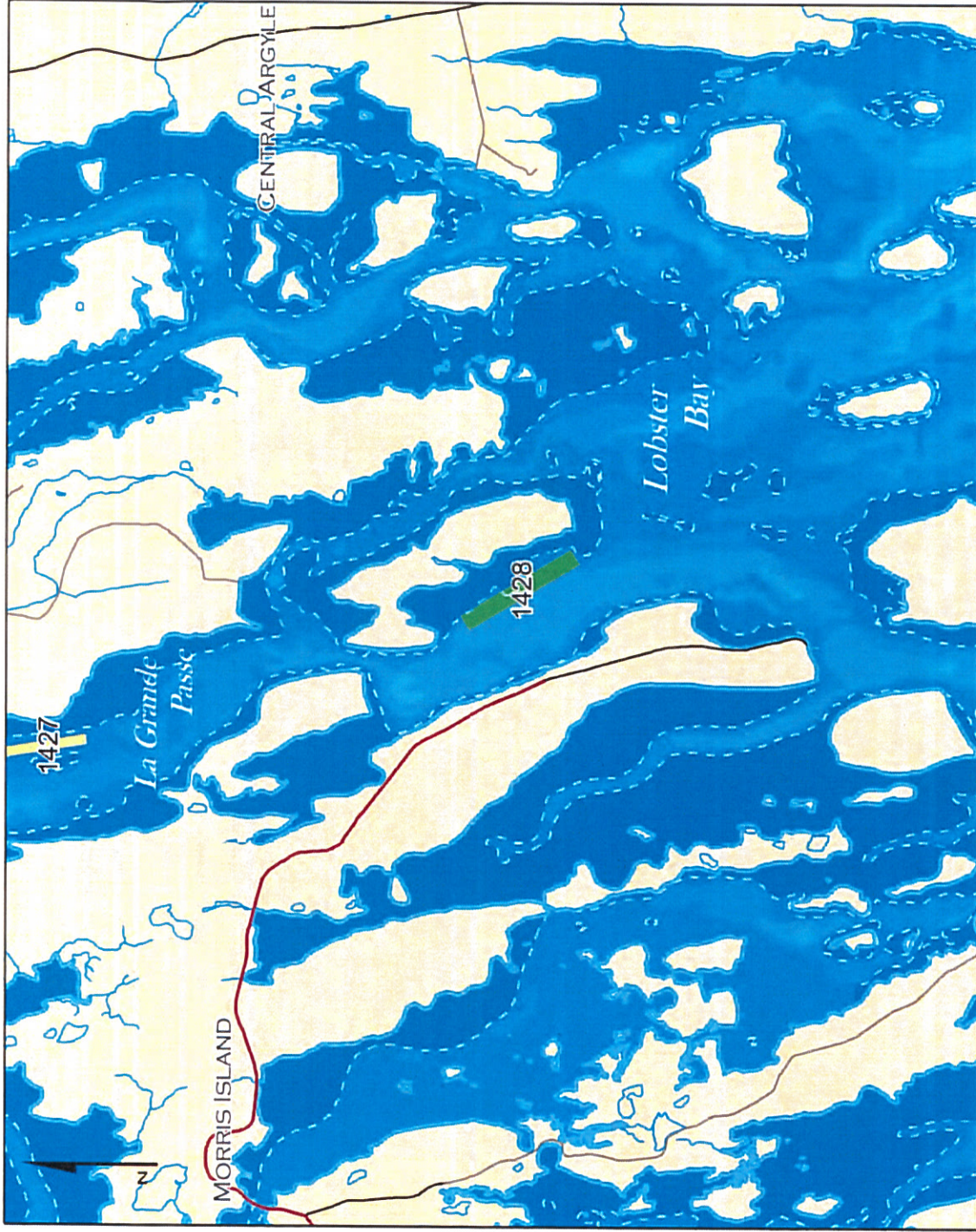
**Aquaculture Site**

**1428**

Centre  
 Lat 43° 47' 16.86" Long -65° 54' 34.91"  
 Corner 1  
 Lat 43° 45' 16.12" Long -65° 53' 14.47"  
 Corner 2  
 Lat 43° 45' 18.00" Long -65° 53' 10.48"  
 Corner 3  
 Lat 43° 44' 53.83" Long -65° 52' 54.53"  
 Corner 4  
 Lat 43° 44' 55.70" Long -65° 52' 50.56"

DATUM NAD 83

The above coordinates  
 are not from a legal survey



**Application Information**

Proponents : Grand Pass Oyster Ltd.  
 Site Location : La Grand Passe  
 Dimensions : Approx. 106m x 820m x 106m x 820m  
 Area : Approx. 32.42 ha

- Proposed Application
- Other Issued Lease
- Other Proposed Lease

OMHW Mark  
 Low Water Mark

Species: American Oyster

Chart No.  
**4244**



**Disclaimer**

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

MK-1428-MAR-2019



<b>Aquaculture Site</b> <b>1428</b>	<p>Centre            Lat 43° 47' 16.86" Long -65° 54' 34.91"            Corner 1            Lat 43° 45' 16.12" Long -65° 53' 14.47"            Corner 2            Lat 43° 45' 18.00" Long -65° 53' 10.48"            Corner 3            Lat 43° 44' 53.83" Long -65° 52' 54.53"            Corner 4            Lat 43° 44' 55.70" Long -65° 52' 50.56"</p> <p>DATUM NAD 83            The above coordinates            are not from a legal survey</p>
--	--



<b>Application Information</b>		<b>Chart No.</b> <b>4244</b>		<b>Disclaimer</b>	
Proponents : Grand Pass Oyster Ltd. Site Location : La Grande Passe Dimensions : Approx. 106m x 820m x 106m x 820m Area : Approx. 32.42 ha					
		Proposed Application  OMHW Mark  Low Water Mark Other Issued Lease Other Proposed Lease		This map should not be used for navigation or legal purposes. It is intended for general reference use only.	
		Species: American Oyster		MK-1428-MAR-2019	

SCHEDULE A  
GPS COORDINATE INFORMATION SHEET

Application #: 1429  
Applicant: Grand Pass Company Ltd.  
Location: La Grande Passe County: Yarmouth  
Hydrographic Chart: 4244 Orthophoto #:  
Dimensions of site: Approx. 64m x 1142m x 64m Size: Approx. 19.85 ha  
1142m

**Approximate Coordinates of Application:**

Datum used: NAD 83

Centre coordinates (approx.) Lat. 43° 47' 16.86"  
Long. -65° 54' 34.91"

Corner #1	Lat. 43° 47' 31.00" Long. -65° 54' 50.48"	Corner #2	Lat. 43° 47' 33.86" Long. -65° 54' 43.46"
Corner #3	Lat. 43° 46' 59.86" Long. -65° 54' 26.36"	Corner #4	Lat. 43° 47' 02.72" Long. -65° 54' 19.34"

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



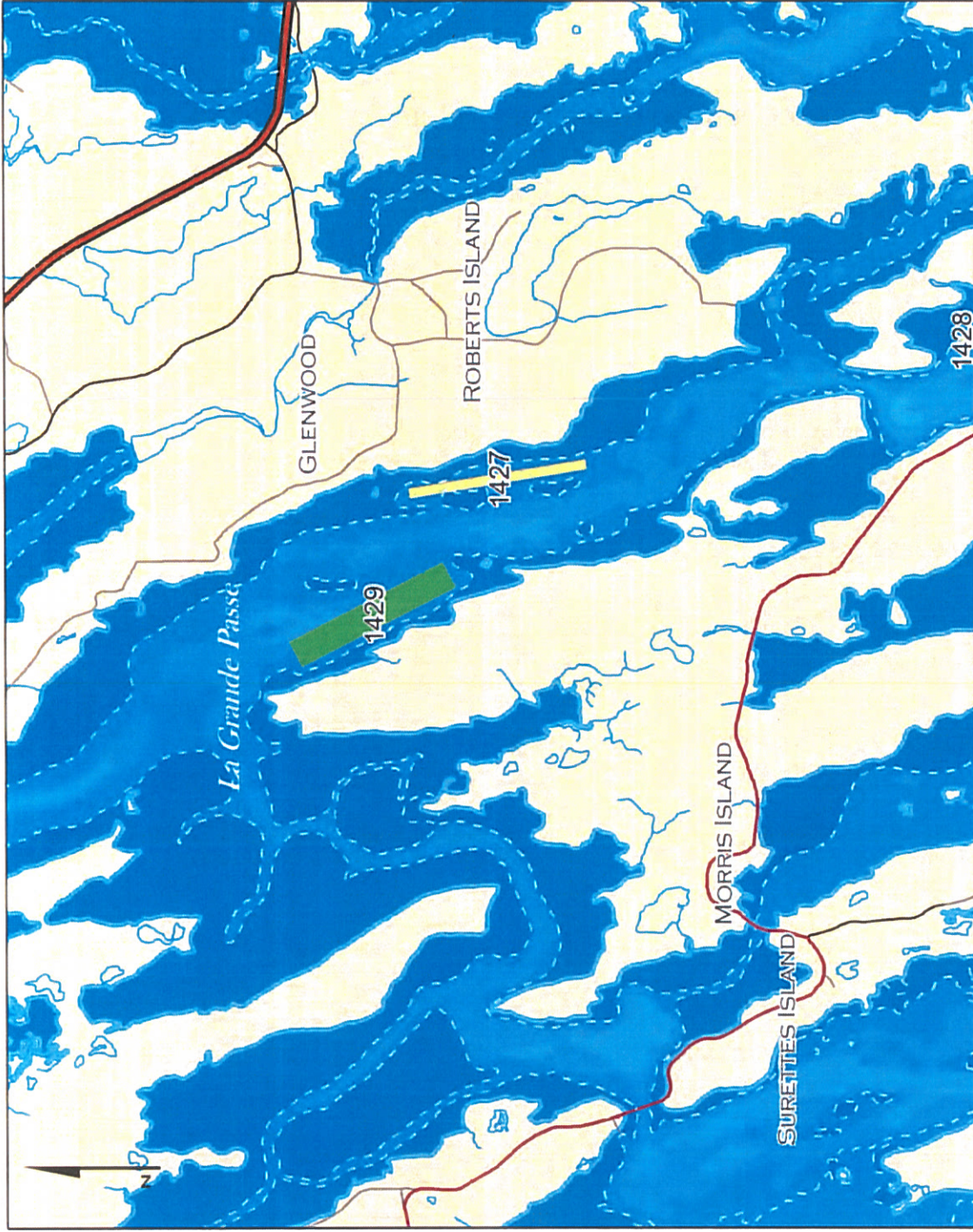
**Aquaculture Site**

**1429**

Centre  
 Lat 43° 47' 16.86" Long -65° 54' 34.91"  
 Corner 1  
 Lat 43° 47' 31.00" Long -65° 54' 50.48"  
 Corner 2  
 Lat 43° 47' 33.86" Long -65° 54' 43.46"  
 Corner 3  
 Lat 43° 46' 59.86" Long -65° 54' 26.36"  
 Corner 4  
 Lat 43° 47' 02.72" Long -65° 54' 19.34"

DATUM NAD 83

The above coordinates  
 are not from a legal survey



**Application Information**

Proponents : Grand Pass Oyster Ltd.  
 Site Location : La Grand Passe  
 Dimensions : Approx. 180m x 102m x 1102m  
 Area : Approx. 19.85 ha

- Proposed Application
- Other Issued Lease
- Other Proposed Lease

- OMHW Mark
- Low Water Mark

Species: American Oyster

Chart No.  
**4244**

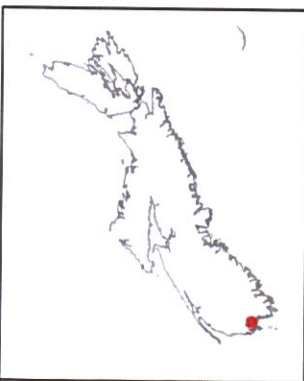


**Disclaimer**

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MK-1429-MAR-2019





<b>Aquaculture Site</b> <b>1429</b>	<p>Centre          Lat 43° 47' 16.86" Long -65° 54' 34.91"          Corner 1          Lat 43° 47' 31.00" Long -65° 54' 50.48"          Corner 2          Lat 43° 47' 33.86" Long -65° 54' 43.46"          Corner 3          Lat 43° 46' 59.86" Long -65° 54' 26.36"          Corner 4          Lat 43° 47' 02.72" Long -65° 54' 19.34"</p> <p>DATUM NAD 83          The above coordinates          are not from a legal survey</p>
--	--

<b>Application Information</b>	
Proponents :	Grand Pass Oyster Ltd.
Site Location :	La Grand Passe
Dimensions :	Approx. 180m x 1102m x 180m x 1102m
Area :	Approx. 19.85 ha


Proposed Application Other Issued Lease Other Proposed Lease	OMHW Mark Low Water Mark
Species: American Oyster	

Chart No.	<b>4244</b>

<b>Disclaimer</b>	
This map should not be used for navigation or legal purposes. It is intended for general reference use only.	
MK-1429-MAR-2019	

**TAB 3**

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "3" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October 2<sup>nd</sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia



Kwilmu'kw Maw-klusuaqn Negotiation Office  
**Mi'kmaq Rights Initiative**

**Our Rights. Our Future.**

75 Treaty Trail  
Truro, NS B6L 1W3

**Tel** (902) 843 3880 **Fax** (902) 843 3882

**Toll Free** 1 888 803 3880

**Email** [info@mikmaqrights.com](mailto:info@mikmaqrights.com)

**www.mikmaqrights.com**

August 14, 2019

Brennan Goreham  
Aquaculture Administrator,  
Fisheries and Aquaculture  
1575 Lake Road  
Shelburne, NS B0T 1W0  
[Brennan.Goreham@novascotia.ca](mailto:Brennan.Goreham@novascotia.ca)

**Re: Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

Mr. Brennan,

I write to acknowledge your letter dated July 12, 2019 requesting consultation on the above noted.

At this time, we wish to proceed with consultation and request a copy of any reports pertaining to these applications. KMKNO wishes to conduct an internal analysis on subject to determine any potential impacts to Mi'kmaq Right and Title, as well as, any other concerns pertinent to the Mi'kmaq of Nova Scotia.

It is requested that all information and correspondence be forwarded to KMKNO to facilitate the flow of the process and communication. I will be the contact person for KMKNO and accordingly I will coordinate further consultation with regards to this project.

We look forward to consulting with you on this matter.

Yours in Recognition of Mi'kmaq Rights and Title,

Twila Gaudet, BA, LL. B.,  
Director of Consultation,  
Kwilmu'kw Maw-Klusuaqn Negotiation Office

cc: Claire Rillie, Consultation Advisor  
Nova Scotia Office of Aboriginal Affairs

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada

**TAB 4**

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "4" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October <sup>end</sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

November 7, 2019

Kwilmu'kw Maw-klusuasn Negotiation Office  
Attention: Twila Gaudet  
75 Treaty Trail  
Truro, NS  
B6L 1W3

Dear Ms. Gaudet;

**RE: Continuing Consultation on the Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County**

The purpose of this letter is to continue consultation on three applications submitted by Grand Pass Oysters Limited in Lobster Bay, Yarmouth County with the Mi'kmaq of Nova Scotia under the August 31, 2010 Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference, and to provide information about:

1. Regulatory requirements;
2. Consultation with the Mi'kmaq of Nova Scotia

Regulatory Requirements

Below is an update on the status of all the anticipated provincial and federal authorizations.

A copy of the development plan has been provided to the following federal and provincial agencies: Canadian Food Inspection Agency, Environment and Climate Change Canada, Nova Scotia Environment, Department of Fisheries and Oceans, Nova Scotia Department of Agriculture, Nova Scotia Communities, Culture and Heritage, Transport Canada and Nova Scotia Lands and Forestry. All agencies have responded, except for Transport Canada. The Notice of Works has not been issued.

Consultation with the Mi'kmaq of Nova Scotia

As a follow-up to your letter of August 14, 2019, you can view the development plan online at: [https://novascotia.ca/fish/aquaculture/AQ\\_1427\\_1428\\_1429\\_Web\\_Copy.pdf](https://novascotia.ca/fish/aquaculture/AQ_1427_1428_1429_Web_Copy.pdf)

Nova Scotia Department of Fisheries and Aquaculture will continue to lead aboriginal consultation at the provincial level and coordinate the process with any departments (provincial or federal) that will be involved. While OAA coordinates the overall consultation process, the department responsible for aboriginal consultation may change based on the authorization being considered, in which case the Mi'kmaq will be kept informed.

As part of the continuing consultation, we would like to hear from the Mi'kmaq of Nova Scotia about any concerns you may have, including the details of any asserted Aboriginal or Treaty rights that could be adversely impacted by this project. Please provide a response by December 9, 2019.

AQ#1427/1428/1429

November 7, 2019

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Ceschiutti". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert Ceschiutti

Manager of Licensing and Leasing

Encl.

Cc.

Tamara Young, Jr. Consultation Researcher  
Kwilmu'kw Maw-klusuasn Negotiation Office

Claire Rillie, Nova Scotia Office of Aboriginal Affairs

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

Ed Parker, Senior Advisor  
Department of Fisheries and Oceans



# TAB 5

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "5" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October 2<sup>nd</sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

January 10, 2020

Kwilmu'kw Maw-klusuasn Negotiation Office  
Attention: Twila Gaudet  
75 Treaty Trail  
Truro, NS  
B6L 1W3

Dear Ms. Gaudet;

**RE: Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County  
Offer to Consult with the Assembly of Nova Scotia Mi'kmaq Chiefs**

I write further to my letter dated November 7, 2019, regarding the above referenced project.

We requested a response outlining the details of adverse impacts to Aboriginal and Treaty rights of the Mi'kmaq of Nova Scotia associated with the project by December 9, 2019.

To date we have not received any response. If we do not receive any correspondence regarding the project by February 10, 2020, we will conclude you do not intend to respond and will proceed with the proposed Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County.

Sincerely,



Robert Ceschiutti  
Manager of Licensing and Leasing

cc. Claire Rillie, Nova Scotia Office of Aboriginal Affairs

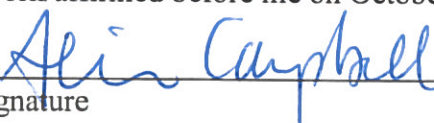
Tamara Young, Jr. Consultation Researcher, Kwilmu'kw Maw-klusuasn Negotiation Office

Linda Babineau-LeBlanc, Aboriginal Consultation Advisor, Transport Canada

Ed Parker, Senior Advisor, Department of Fisheries and Oceans

# TAB 6

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "6" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October 2<sup>nd</sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

**From:** [Rillie, Claire Z](#)  
**To:** [Twila Gaudet](#); [Tamara Young](#)  
**Cc:** [Ceschiutti, Robert](#); [Greenwood, Megan N](#)  
**Subject:** AQ#5001 & AQ#1427, 1428, 1429  
**Date:** February 11, 2020 4:10:07 PM  
**Attachments:** [2019-11-09 NSDFA to KMKNO AQ#1427 1428 1429.pdf](#)  
[2019-10-31 NSDFA to KMKNO Continuing Consultation-AQ#5001.pdf](#)

---

Hi Twila and Tamara,

Please note that NSDFA has granted an additional two-week extension on responses to the attached letters. They require a response by **February 25, 2020** to both letters. If no response is received by that date, they will proceed with the application process.

Thanks,  
Claire

*Claire Rillie*

*Consultation Advisor*

*Nova Scotia Office of Aboriginal Affairs*

*5<sup>th</sup> Floor, Duke Tower, Scotia Square*

*5251 Duke Street, Halifax, NS, B3J 2Y3*

*Tel: 902-456-3807*

**TAB 7**

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "7" referred to  
in the Affidavit of Robert Ceschiutti  
~~sworn~~/affirmed before me on October <sup>2<sup>nd</sup></sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia





Kwilmu'kw Maw-klusuaqn Negotiation Office  
**Mi'kmaq Rights Initiative**

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**Toll Free** 1 888 803 3880

**Email** info@mikmaqrighs.com

**www.mikmaqrighs.com**

February 14, 2020  
Robert Ceschiutti  
Manager, Licensing and Leasing,  
Fisheries and Aquaculture  
1575 Lake Road  
Shelburne, NS  
BOT 1W0

Email: Robert.Ceschiutti@novascotia.ca

**Re: Aquaculture License and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay,  
Yarmouth County**

Mr. Robert Ceschiutti,

I write to acknowledge your letter dated January 10, 2020, on the above noted, and to advise there are many recorded archaeological sites inland of and around Lobster Bay. It is imperative that Mi'kmaq access to fish for food, social and ceremonial purposes is not impeded, as well as treaty-based fisheries, including the ability to fish for a moderate livelihood.

It is requested that all information and correspondence be forwarded to KMKNO to facilitate the flow of the process and communication.

Yours in Recognition of Mi'kmaq Rights and Title.

Twila Gaudet, BA, LL. B., Director of Consultation  
Kwilmu'kw Maw-Klusuaqn Negotiation Office

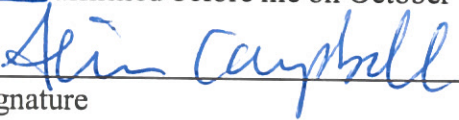
cc: Claire Rillie, Consultation Advisor  
Nova Scotia Office of Aboriginal Affairs

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

Ed Parker, Senior Advisor  
Department of Fisheries and Oceans

# TAB 8

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "8" referred to  
in the Affidavit of Robert Ceschiutti  
sworn/affirmed before me on October 2<sup>nd</sup>, 2020

  
Signature

**ALISON CAMPBELL**  
A Commissioner of the Supreme  
Court of Nova Scotia

May 8, 2020

Kwilmu'kw Maw-klusuaqn Negotiation Office  
Attention: Twila Gaudet  
75 Treaty Trail  
Truro, NS  
B6L 1W3

Dear Ms. Gaudet:

**RE: Continuing Consultation with the Assembly of Nova Scotia Mi'kmaq Chiefs on Aquaculture Licence and Lease Application Nos. AQ#1427, AQ#1428, AQ#1429.**

Thank you for your response dated February 14, 2020 in which you address the above-noted proposed aquaculture licences and leases. The Nova Scotia Department of Fisheries and Aquaculture (NSDFA) appreciates the time and effort you have invested regarding these projects.

Current status of the application:

*Summary:*

Grand Pass Oyster Ltd. is applying for new Aquaculture licences and leases for the suspended cultivation with gear of American oyster. A copy of the applications and related documentation can be found online at the Nova Scotia Aquaculture website, under "Aquaculture News" (<https://novascotia.ca/fish/aquaculture/>).

*Status:*

The applications are nearing completion of a thorough and detailed review by our department with advice from relevant network partners. Once complete, the applications and a report on our assessment of the applications will be submitted to the Nova Scotia Aquaculture Review Board for their review and decision. We wish to have our consultations administratively concluded with the Mi'kmaq before the applications are submitted to the Aquaculture Review Board.

Continuing Consultation with the Mi'kmaq of Nova Scotia

In reference to your previous letter advising that "there are many recorded archaeological sites inland of and around Lobster Bay":

Thank you for the additional information. The NSDFA will communicate this to the applicant.

May 8, 2020  
AQ#1427/1428/1429

In reference to your previous letter stating *"It is imperative that Mi'kmaq access to fish for food, social and ceremonial purposes is not impeded, as well as treaty-based fisheries, including the ability to fish for a moderate livelihood"*:

During the Network Review process and ongoing consultation process, NSDFA has been provided with no information to suggest that the proposed licenses and leases would impact any specific FSC or treaty-based fisheries.

As part of the Network partner review of this application, the Federal Department of Transport Canada (TC) was contacted to identify any issues or concerns in their field of expertise. TC identified that all three proposed Aquaculture sites will require approvals under the Canadian Navigable Waters Act, for the placement of works in the water column. In the event that the Aquaculture Review Board approves the application(s), Grand Pass Oyster Ltd. will be required to comply with the Canadian Navigable Waters Act. The Act protects the public right to navigate on all Canadian navigable waters.

The Department anticipates that it will soon be sending the application review package to the Minister of Fisheries and Aquaculture, for referral to the Aquaculture Review Board and subsequent Adjudicative Hearing per the current *Nova Scotia Aquaculture Licence and Lease Regulations*, Section 17.

If this response to your letter does not satisfy your concerns, NSDFA requests that you please provide more specific information on how this proposed project would adversely impact the Mi'kmaq rights you identified. We would appreciate a response concerning this project/initiative by June 8, 2020. If your capacity to respond is impacted by the unanticipated COVID-19 pandemic, please contact me at your earliest convenience at 902-875-7430.

Sincerely,



Robert Ceschiutti  
Manager, Licensing & Leasing

Cc:

Chiefs and Councils of the Assembly of Nova Scotia Mi'kmaq Chiefs

Tamara Young, Jr. Consultation Researcher, Kwilmu'kw Maw-klusuaqn Negotiation Office

Claire Rillie, Consultation Advisor, Nova Scotia Office of Aboriginal Affairs

Linda Babineau-LeBlanc, Aboriginal Consultation Officer, Transport Canada

Edward Parker, Senior Advisor, Aquaculture Management, Fisheries and Oceans Canada

# TAB 9

2020 AQ Nos 1427, 1428, 1429  
This is Exhibit "9" referred to  
in the Affidavit of Robert Ceschiutti  
~~sworn~~/affirmed before me on October <sup>2nd</sup>, 2020

Ain Campbell  
Signature



Kwilmu'kw Maw-klusuaqn Negotiation Office  
**Mi'kmaq Rights Initiative**

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Toll Free 1 888 803 3880  
Email [info@mikmaqrightrights.com](mailto:info@mikmaqrightrights.com)  
[www.mikmaqrightrights.com](http://www.mikmaqrightrights.com)

June 10<sup>th</sup>, 2020

Robert Ceschiutti  
Manager, Licensing and Leasing  
Fisheries and Aquaculture  
1575 Lake Road  
Shelburne, NS BOT 1W0

Email: [Robert.Ceschiutti@novascotia.ca](mailto:Robert.Ceschiutti@novascotia.ca)

**Re: Continuing Consultation on Aquaculture Licence and Lease Application Nos. 1427, 1428, 1429 located in Lobster Bay, Yarmouth County.**

Mr. Robert Ceschiutti,

I write to acknowledge receipt of your letter dated May 8, 2020.

We trust that NSDFA will notify our office should the applications be approved.

Yours in Recognition of Mi'kmaq Rights and Title,

Twila Gaudet, BA, LL. B.,  
Director of Consultation,  
Kwilmu'kw Maw-Klusuaqn Negotiation Office

cc: Claire Rillie, Consultation Advisor  
Nova Scotia Office of Aboriginal Affairs

Linda Babineau-LeBlanc, Aboriginal Consultation Officer  
Transport Canada

Tammy Rose-Quinn, Senior Aquaculture Advisor  
Fisheries and Oceans Canada