

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

6 September 2011

File Number: 4561-3-1301

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations;
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation (87-83)* – Clean Environment Act again, unless otherwise stated by the Minister of Environment;
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated April 2011, and subsequent addendums, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met;
4. The design and operation of the facility shall adhere to the requirements of the *New Brunswick Rainbow Trout Policy (2002)*. Prior to beginning the culture of rainbow trout at this facility, the proponent shall obtain a *Commercial Aquaculture License* from the New Brunswick Department of Agriculture, Aquaculture and Fisheries;
5. The sediment pond currently in place shall be converted to a wetland specifically designed for treatment of dissolved phosphorus, construction to begin within 1 year of the date of this Determination. The wetland shall be composed of native wetland vegetation species, multiple channelling to slow absorption time, and shall be regularly maintained as per an approved Wetland Maintenance Plan. The wetland design and Maintenance Plan shall be submitted to the Manager, Environmental Assessment Section, for review and approval within 6 months of the date of this Determination;
6. The existing sediment pond shall be cleaned of organic matter that has accumulated on the bottom due to the previous operation, prior to the onset of construction of the wetland;
7. A *Certificate of Approval to Construct and Operate* the facility is required from the New Brunswick Department of the Environment prior to the commencement of construction. Please contact the Manager of Industrial Processes Section at (506) 453-7945 for further information;

8. The proponent shall contact the Department of Fisheries and Oceans (DFO) Habitat Management Biologist at (902) 426-9832 at least 10 days before the onset of construction. A copy of the DFO letter of advice dated June 16, 2011 shall be kept on-site at all times and all Conditions therein adhered to;
9. Future phases of this project, including but not limited to the addition or construction of a processing facility, the drilling of a potable on-site well with a capacity greater than 50 cubic metres per day, etc, shall be submitted to the Manager of the Environmental Assessment Section, for review and approval, prior to the implementation of said future phases;
10. All water intake structures shall be screened as per the requirements of DFO's "Freshwater Intake End-of-Pipe Fish Screen Guidelines (March 1995)";
11. Please provide final, updated versions of the project registration document and the public consultation report to the Project Manager within 3 months of the date of this Determination;
12. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
13. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.