

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

July 5, 2019

File Number: 4561-3-1514

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) Registration Document (dated December 11, 2018), 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 Director of the EIA Branch, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed (by the Director, EIA Branch, DELG) to be no longer necessary.
4. Prior to commencing any project activities, the proponent must obtain all necessary development and building approvals. Please contact the Southwest New Brunswick Service Commission at (506) 466-3141 for more information. The proponent must provide copies of the approvals/permits to the Director, EIA Branch, DELG prior to commencing any project related activities.
5. An *Approval to Construct* must be obtained prior to commencing any project related activities. For more information, please contact the Authorizations Branch, DELG at (506) 453-7945.
6. The project involves work within 30 m of a watercourse. All conditions related to watercourse protection and mitigation applicable to the project will be included in the *Approval to Construct* and must be strictly adhered to.
7. Prior to beginning operation of the expanded facility, the existing *Approval to Operate* must be updated to reflect the EIA Conditions and EIA review. Please contact the DELG Authorizations Branch at (506) 453-7945 for more information.
8. Prior to commencing any project activities, the proponent must obtain a new *Inland Commercial Aquaculture License* from the Department of Agriculture, Aquaculture and Fisheries (DAAF). For more information, please contact the St. George Regional Leasing and Licencing Coordinator by phone at (506) 755-4289 or email at [gail.smith@gnb.ca](mailto:gail.smith@gnb.ca).

9. The facility must continue to follow the most recent version of the *Environmental Management Program for Land Based Finfish Aquaculture in New Brunswick* (EMP) and/or additional directives from DELG.
10. The maximum allowable pumping rate for the production well (Well #1) is 200 igpm (54.5 m<sup>3</sup>/day). The maximum allowable pumping rate for Well #2 is 200 igpm (54.5 m<sup>3</sup>/day). Well #2 must only be used as a backup well for Well #1 in emergency situations and as an observation well for Well #1. Well #1 and Well #2 must not be operated at the same time.
11. The use of Well #3 and Well #5 as production wells is not permitted. Wells #3, #4 and #5 may be used as monitoring wells. Well #4 is approved for use for the residential building only at this time. Any unused wells must be decommissioned as per the DELG *Guidelines for the Decommissioning (abandonment) of Water Wells* (attached).
12. Within one month of the date of this Determination flowmeters must be installed at all water source withdrawals (groundwater wells and surface water extraction) and the data must be recorded daily (minimum of 5 days/week).
13. Within one month of the date of this Determination the proponent must submit an updated Groundwater Monitoring Plan for review and approval to the Director, EIA Branch, DELG. The most recent version of the Groundwater Monitoring Plan must be followed for all groundwater monitoring and reporting requirements. The Groundwater Monitoring Plan may be altered over time by DELG depending on the results of the monitoring data and any site-specific issues that may develop.
14. In the event of a complaint by a neighbouring water user that the operation of the water supply for this facility has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG (according to the manner stipulated in the *Approval to Operate*). If it is determined that the proponent is responsible for any negative impacts, the proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
15. If at any time, the proponent wishes to increase the capacity of the on-site water wells, operate Well #1 and Well #2 simultaneously, or add additional water wells, the proponent must first contact the Director, EIA Branch, DELG (prior to modifying an existing well or drilling a new well), to confirm any EIA requirements.
16. The flow rate in Mill Stream must be measured every two weeks for a minimum of one year from the date of this Determination and; after the first year, reduced to monthly measurements between June – November, with measurements being taken at the same time water quality samples are retrieved. Flow rate measurements must be determined at a point immediately upstream of the location where water for the facility is withdrawn from Mill Stream. Flow rate measurement results from the first year must be submitted to the Director, EIA Branch DELG and included within the annual report as part of the *Approval to Operate*, while post year one results must be included within the annual report only. Based on the results, additional measures may be required by DELG.

17. The rate of water withdrawal from Mill Stream must be such that a maintenance flow is maintained that will support the aquatic habitat downstream from where water is withdrawn; including, between the area where water is withdrawn to the area where water is returned (effluent outfall). Water withdrawal rates must be modified as required to ensure that the water level between the area of withdrawal and return is maintained at a depth that would permit fish passage through this area. The water being withdrawn from Mill Stream must not be used for production and only used for temperature control and returned directly to the stream.
18. Upon review of results from required sampling (groundwater, surface water, effluent, etc.) DELG may require additional monitoring and/or additional mitigation measures including, but not limited to, wastewater treatment upgrades, to meet required thresholds.
19. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
20. In the event that an active bird nest is encountered, all disturbance work must temporarily stop and a buffer must be placed around the nest. Please consult with Environment and Climate Change (Canada Canadian Wildlife Service), or the NB Department of Energy and Resource Development's Species At Risk Section at 506-453-5873, to determine the size of the buffer. The nest must not be disturbed until the chicks have fledged. Birds nests must never be marked using flagging tape or other similar material as this increases the risk of nest predation.
21. The proponent must ensure that all project activities are conducted in compliance with the federal *Species at Risk Act* and the provincial *Species at Risk Act* and associated Regulations.
22. If it is suspected that remains of archaeological significance are discovered, as per the New Brunswick *Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, must be contacted immediately at (506) 453-2738 for further direction.
23. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
24. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director of DELG's EIA Branch.
25. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements prepared for this project.