

# DOCUMENT "A"

## MINISTER'S DETERMINATION

### CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 22, 2007

File Number: 4561-3-1072

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. This undertaking must be commenced 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 March 27, 2006, 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 Project Assessment Branch of the Department of the Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The water withdrawal rate from existing well PW-05-01 must not exceed 1.3 litres per second. No other wells have been approved as part of this project. Should the proponent wish to utilize wells PW-06-01 and/or PW-06-02 as described in Comprehensive Water Supply Source Assessment for PID 00216374 by Fundy Engineering (April, 2007), and/or install any additional wells the proponent must complete a hydrogeological assessment in accordance with the Department of Environment's Guidelines to the Water Supply Source Assessment Process (2004) to the satisfaction of the Manager, Water Sciences Section, Sciences and Reporting Branch. For additional details, contact Mallory Gilliss at (506) 453-3624.
5. Well PW-05-01 must not be used as a source of potable water until a treatment and sampling program has established that the coliforms identified during the pump testing and described in Comprehensive Water Supply Source Assessment for PID 00216374 by Fundy Engineering (April, 2007) have been eliminated. For additional details please contact Mr. Michael Allanach, Department of Health at (506)-658-2251.
6. Prior to construction of the intake and outfall pipes, the proponent shall apply for and obtain the required authorization from the Department of Natural Resources, Crown Lands Branch. For further information please contact the Crown Lands Branch - Land Use Application Service Centre at 1-888-312-5600.
7. Prior to commencement of any construction activities, the proponent shall obtain an Approval to Construct from the Department of the Environment and shall obtain an Approval to Operate prior to commencement of facility operations. For additional information, please contact the Department of the Environment's Aquaculture Unit at (506) 453-6633.

8. The proponent shall ensure that the measures described in the letter of advice dated August 22, 2006 from the Department of Fisheries and Oceans to the NB Department of Environment are adhered to in order to protect fish and fish habitat.
9. All solid and liquid waste generated by the processing of fish must be disposed of off-site at an approved facility.
10. The proponent must install a backflow prevention system to prevent contamination of the well(s) and aquifer connected to the hatchery.
11. Prior to commencement of construction the proponent shall prepare a contingency plan which outlines basic response measures and key contacts, as well as identifying the location of and how to quickly access spill response equipment and resources, particularly after-hours. As part of this plan, during construction, basic spill clean-up materials, such as absorbent pads and a containment boom, should be kept on site. Refuelling and maintenance of equipment should take place in designated areas with measures in place to prevent petroleum products and other hazardous materials from entering water bodies. As part of the plan All spills or leaks should be promptly contained, cleaned up and reported to the local Department of Environment Office at (506) 658-2558 during business hours or to the 24-hour environmental emergencies reporting system (1-800-565-1633) after hours.
12. A site specific Environmental Protection Plan (EPP) must be prepared and submitted for review and approval prior to commencement of construction activities. The issues addressed by the EPP must include but are not limited to: a) a plan showing the location of all proposed erosion and sediment control measures; (note that additional measures beyond those described in the registration document will be required in order to ensure that silt does not reach the St. John River or other surface water); b) a statement to the effect that all sediment and erosion control structures will be monitored weekly, and will be maintained / repaired until work sites are completely stabilized with rip-rap, or uniformly vegetated (at least 90% of area)"; c) provisions for the management of hazardous materials (e.g. fuels, lubricants, cement, wet cement, concrete additives and agents, asphalt, preservatives, solvents, paints, etc.) and wastes (e.g. waste oil) should be identified and implemented so as to ensure the risk of chronic and accidental releases is minimized. As an example, there is to be no storage of petroleum, oil, lubricants or other hazardous chemicals refuelling of vehicles within 30 m of a private well or the St. John River.
13. The proponent shall contact Mr. Alan Kerr, District Transportation Engineer in Saint John at (506) 643-7463 and shall apply for a road access permit before construction begins. The proponent shall ensure that construction activities are carried out in accordance with the Department of Transportation's Work Area Control Manual, and shall ensure that the hours of hauling equipment and supplies to the site during construction activities are limited to 7 a.m. to 7 p.m.
14. Prior to construction of the on-site sewage disposal system for domestic wastewater, the proponent shall apply for and obtain the required approval from the Department of Health and Wellness. For further information please contact Mr. Michael Allanach of the Department of Health and Wellness at (506) 658-2251.

15. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756.