

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
March 30, 2023 - File Number: 4561-3-1583 - SR: 030009**

- 1 In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
- 3 The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated May 13, 2022 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, EIA Branch, Department of Environment and Local Government (DELG) every six 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 to be no longer required.
- 4 In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
- 5 A project-specific Environmental Protection Plan (EPP) must be submitted to the Director, EIA Branch, DELG, for review and approval prior to project commencement. The EPP must identify all relevant environmental, archaeological, and socio-economic constraints that could be impacted by the project and describe associated mitigation. It must also include contingency plans for incidents that could occur during the life of the project (e.g. spills). The EPP is intended to compliment the *Environmental Management Program for Land-*

Based Finfish Aquaculture in New Brunswick Version 2.0, which the project must adhere to. The EPP can be submitted in phases corresponding to chronological phases of the project (e.g. site preparation, construction, operation), as long as each EPP is approved prior to commencement of the applicable phase.

- 6 Baseline sampling of the residential well on PID 15103518 (just south of the proposed facility) must be completed after the project is Determined but prior to facility construction. Baseline samples shall be collected for general chemistry, trace metals, and microbiology. A post-construction sample shall also be completed to ensure there were no impacts to the water well.
- 7 Pre-blast surveys must be conducted following the methodology in the *Blasting Code Approval Regulation – Municipalities Act*. Please submit a summary of results to the Director, EIA Branch, DELG.
- 8 No petroleum products, chemicals, or hazardous material should be stored within 30 m of any onsite water well, unless they are within an enclosed building and/or have adequate containment. The chemical storage area(s) must have 110% secondary containment.
- 9 The proponent shall submit an application to the Authorizations Branch, DELG for an Approval at least 90 days prior to the construction, modification, or operation of a source, wastewater works or waterworks.
- 10 Alterations that are in or within 30 metres of a watercourse or wetland that meet the definition as per the *Watercourse and Wetland Alteration Regulation – Clean Water Act* will require a Watercourse and Wetland Alteration (WAWA) Permit prior to conducting any work/alteration. Where an *Approval to Construct or Operate* is also required, a separate WAWA permit is not required as long as the activities included are covered under the Approval. The conditions of the WAWA permit will be included in the Approval and shall be strictly followed. All activities within 30 metres of a watercourse or wetland that are not included on the Approval will require a separate WAWA permit. The WAWA application for the required permit should refer to the EIA file number (4651-3-1583).
- 11 A Wetland Monitoring Plan (WMP) must be submitted within 6 months of the date of this Determination to the Director, EIA Branch, DELG for review and approval. The WMP must describe the planned methodology for monitoring of potential residual impacts to the wetlands and their functions. The Wetland Ecosystem Services Protocol for Atlantic Canada (WESP-AC) is the required wetland functional assessment methodology. In general, wetland monitoring programs are intended to: establish baseline conditions through an initial delineation and functional assessment (i.e. WESP-AC); monitor wetland boundaries and functions that may have been affected over time since the commencement of the project (i.e. residual effects); and adaptively manage potential residual effects by proposing mitigation measures to address any changes.

- 12 Wetland Monitoring Reports (WMRs) summarizing methods and results must be submitted to the Director, EIA Branch, DELG following years 1, 3, and 5 from the date of the onset of initial construction. The WMRs should also provide a recommendation for next steps in the monitoring program. It should be noted that the wetland monitoring program is intended to be an adaptive management approach; therefore, monitoring plans, restoration, mitigation, compensation, etc. may need to be adjusted, depending on monitoring results, at the discretion of the EIA Branch Director. Reports must be in PDF format with accompanying geospatial data and associated attributes of the wetland boundaries.
- 13 This project will take place in a coastal zone and shall therefore be in compliance with the [Coastal Area Protection Policy](#).
- 14 A baseline noise assessment to characterize potential impacts of the project on nearby receptors must be completed prior to construction. The proposed methodology must be first submitted for review and approval to the Director, EIA Branch, DELG. The results of the assessment must be submitted to the EIA Branch and based on the results, a noise mitigation plan or additional noise monitoring may be required during construction or operation of the facility, at the discretion of the Director, EIA Branch, DELG.
- 15 The proponent must obtain a Quarry Permit should the project involve removing or taking a quarriable substance from a designated shore area under the *Quarriable Substances Act* (QSA). The proponent is advised to contact the Resource Tenure Section, Department of Natural Resources and Energy Development (NRED) at (506) 444-5806 or wayne.osborne@gnb.ca with any questions on the application process.
- 16 To mitigate potential impacts to known and unknown archaeological resources within the project development area, no ground disturbance will be undertaken within the BgDs-43 archaeological site buffer identified in the 2022 *Archaeological Impact Assessment* Report.
- 17 An *Archaeological Site Alteration Permit*, issued under the authority of the *Heritage Conservation Act*, must be obtained if ground disturbance is planned within the BgDs-43 archaeological site buffer.
- 18 All outstanding archaeological assessments (e.g. sub-surface testing on the main project site, along the pipeline route adjacent to Champlain No. 3 Road, the shoreline, and water intake/effluent structures) must be completed and approved by the Department of Tourism, Heritage and Culture prior to commencement of construction in the respective area. All future archaeological assessment and mitigation work must adhere to the *Guidelines and Procedures for Conducting Professional Archaeological Impact Assessments in New Brunswick*.
- 19 If it is suspected that remains of archaeological significance are found during construction, as per the *Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2738.

- 20 The proponent must submit a monitoring plan to verify that the Effluent Discharge Objectives (EDO) developed for the Bayside Post-Smolt Facility have achieved the site-specific Water Quality Objectives (WQO) in the receiving environment once the facility is operational. The plan must be submitted to the Director, EIA Branch, for review and approval prior to commencement of operations. The plan shall include regular water quality monitoring by a third party for nutrient parameters, at the edge of the established mixing zone, for a minimum of 12 months after the facility has reached full operational capacity. Further mitigation or monitoring may be required should the monitoring indicate that WQO thresholds have been exceeded.
- 21 Construction of the rock in-fill structure must not occur between June 15th and July 15th to partially avoid the upstream migration of Atlantic salmon, alewife, and shad in the Saint Croix River.
- 22 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.
- 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, EIA Branch, DELG.

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