

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
February 20, 2023 - File Number: 4561-3-1481 (SR 060003)**

- 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 Should none of the production wells be used for water supply purposes within 5 years of the date of this determination, additional assessment or information may be required at the discretion of the Director, EIA Branch, Department of Environment and Local Government (DELG).
- 3 The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated September 2017 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, 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 This Determination constitutes approval of the water supply for the Bayside Post-Smolt Facility including production wells 1a, 3, 5, and 9; wells 1, 1B, 1C, 2, 2A, 4, 8, 10, 11, 12, 13S, and 13D are approved to be maintained as observation wells. Before any other existing or future wells in the project development area can be used or drilled, a Water Supply Source Assessment (WSSA) Initial Application must be submitted for review and approval, followed by hydrogeological testing as per the DELG WSSA Guidelines. WSSA Initial Applications must be submitted to the Director, EIA Branch, DELG, for review and approval.

- 5 On PID 15166184, only Wells 1a (well tag 64116, salt water), 3 (well tag 54618, freshwater), and 5 (well tag 54617, freshwater) are approved for use as production wells at this time. The maximum allowable pumping rate for Well 1a is 94.5 igpm (25.8 m³/hr or 619 m³/day), for Well 3 is 6.6 igpm (1.8 m³/hr or 43 m³/day), and for Well 5 is 18 igpm (4.9 m³/hr or 118 m³/day). A flowmeter must be installed on each of the wells and the water usage data recorded daily (minimum 5 days/week).
- 6 On PID 01235522, only Well 9 (well tag 59030, freshwater) is approved for use as a production well at this time. The maximum allowable pumping rate for Well 9 is 46.5 igpm (12.7 m³/hr or 305 m³/day). A flowmeter must be installed on the well and the water usage data recorded daily (minimum 5 days/week).
- 7 In the event of a complaint by a neighbouring water user that the construction or operation of the salt water or freshwater supplies 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 appropriately mitigate the impact. This may include providing a temporary water supply for short-term impacts; to repair, remediate, or replace any permanently impacted well(s); or connecting the affected property to a freshwater supply system.
- 8 If at any time the proponent wants to increase the approved maximum allowable pumping rate of any of the production wells (1a, 3, 5, and 9), or requires a new water supply production well, then the DELG must be contacted as further hydrogeological testing and other information may be required.
- 9 Water levels in production Wells 3, 5, and 9 must be monitored continuously (i.e., regular intervals), and the data must be included in the annual report submitted to DELG.
- 10 A low water level shut-off must be installed in Well 3 at a depth of 57.7 m below top of casing (btoc), in Well 5 at a depth of 57.7 m btoc, and in Well 9 at a depth of 59.2 m btoc. The depth of the low water level shut-off may be altered in future by DELG if there is a negative impact with a production well or a neighbouring private water well.



- 11 Within six months of this Determination, the proponent must submit a long-term Groundwater Monitoring Plan, for review and approval by the Director, EIA Branch, DELG. The plan must include the production and observation wells on PID 15166184, along with the production and observation wells on PID 01235522, and any neighbouring private wells that will be monitored. The plan must also include a reporting schedule, and the requirement for water quantity and quality data analysis, interpretation, and any recommendations. The plan must include continuous water level monitoring from each freshwater production well via probe or some other automated system. Based on the results of groundwater monitoring, the monitoring requirements may be altered in the future by the DELG.
- 12 The groundwater monitoring report for all groundwater quality and quantity monitoring for January to December in any given year must be submitted no later than March 1st of the following year to the Director, EIA Branch, DELG.
- 13 The wellhead protection measures identified in the EIA Registration document and subsequent correspondence must be implemented for the production well(s) and any observation wells.
- 14 Within six months of the date of this Determination, the proponent must submit a Water Well Decommissioning Plan to the Director, EIA Branch, DELG, including timelines, for any wells that will not be used for production or monitoring purposes. All applicable wells must be decommissioned as per the current version of the DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells and Boreholes*.
- 15 Prior to the use of any production wells, the proponent must apply for and obtain an Approval to Operate from the Authorizations Branch of DELG, pursuant to the *Water Quality Regulation – Clean Environment Act*.
- 16 If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
- 17 In the event of the sale, lease, or any other conveyance or change of control of the properties, 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. Further, should the proposed aquaculture facility not be constructed, any alternative uses for any of the wells must be reviewed and approved by the Director, EIA Branch, DELG, or the wells must be decommissioned by the proponent according to Condition 14.

- 18 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.
- 19 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.