

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act  
18 February 2013  
File Number: 4561-3-1344

- 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) Hereinafter, "proponent" shall refer to Breviro Caviar Inc. and/or Brunswick Aquaculture Ltd. (acting either together or independently), which shall be jointly and severally responsible for the following Conditions;
- 4) The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated August 30<sup>th</sup>, 2012 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 and Local Government (DELG) upon meeting all Conditions herein;
- 5) Existing water supply wells on PID 15160708:
  - a) **PW-2-00**: The proponent is no longer permitted to use production well **PW-2-00**; however, it may be kept as an emergency/back up water supply. The proponent shall contact the Department to establish a maximum pumping rate and pumping duration, prior to bringing the well on-line.
  - b) **PW-2-00** shall be decommissioned according to the NB *Water Well Regulation* in the event it no longer becomes an emergency supply;
  - c) Pumping from well **PW-1-00** is limited to a maximum of 50 m<sup>3</sup>/day unless the well is evaluated through a Water Supply Source Assessment (WSSA);
  - d) **PW-1-00** shall be decommissioned according to the NB *Water Well Regulation* in the event it no longer is used as a water supply;
- 6) Well **Breviro-PW** (well ID 0044408) shall have a maximum water withdrawal not exceeding the free flow rate of the well (average flow rate of 127.6igpm or 9.67 L/s). If the free flow rate drops and can no longer meet the water supply requirements the proponent must

contact the Department before any modifications are made to the well (i.e. pump installed) as further hydrogeological testing may be required;

- 7) Water levels in **Breviro-PW** and the monitoring well **MW1** must be measured weekly and the data recorded and submitted in the annual report, for a minimum 12-month period from the date that **Breviro-PW** is commissioned, as per the requirements of the Approval to Operate;
- 8) The elevations of wells **Breviro-PW**, **Seeley-PW**, **MW1** and **MW2** shall be determined relative to mean sea level in the area within 6 months from the date of this Determination, and the information submitted to the Project Manager, Environmental Assessment Section;
- 9) Well **Breviro-PW** shall be completed so that artesian flow is contained according to measures outlined in the report by Fundy Engineering 'Water Supply Source Assessment for EIA Registration #4561-03-1344' dated January 2012, Section 6.1;
- 10) The raw water from well **Breviro-PW** must be sampled a minimum of twice annually for general chemistry, trace metals and microbiology and the data included in the annual report submitted to the Department. Any water used for potable purposes must meet the Canadian Drinking Water Quality Guidelines;
- 11) Breviro Caviar Inc. shall obtain an updated *Approval to Operate* for the groundwater supply well **Breviro-PW** located on PID 01218189 and associated pipeline. In addition, the proponent shall provide a written ownership and/or operation/maintenance agreement for well **Breviro-PW** with the landowner of said property. For more information, please contact the Manager, Industrial Process Section;
- 12) Breviro Caviar Inc. shall obtain an *Approval to Construct and Operate* for the construction and operation of the surface water supply (**stream culvert sump**) located on PID 15160708. Please contact the Manager, Industrial Process Section, at 453-7945 for more information;
- 13) The maximum withdrawal rate from the surface water supply located on PID 15160708 (**stream culvert sump**) shall not exceed 55 igpm or the maximum amount that can be withdrawn while maintaining a downstream base flow which does not negatively impact downstream aquatic habitat. A flowmeter shall be installed on the surface water supply to measure withdrawal, and shall be monitored and recorded in the annual report, as per the requirements of the Approval to Operate;
- 14) If the water quantity or quality in a private well is found to be persistently/permanently adversely affected by the operation of well **Breviro-PW**, it shall be the proponent's responsibility to remedy the situation to the satisfaction of all parties. This may include, but is not limited to, modifying the water withdrawal from well **Breviro-PW**, providing temporary water (i.e. bottled water) or replacing or modifying the construction of the affected well(s);
- 15) A flowmeter shall be installed at a location which monitors only the water allocation for Brunswick Aquaculture Ltd. During the time periods when Brunswick Aquaculture is not operating, Breviro Caviar Inc.'s allocation may be expanded to include Brunswick's allocated volume of water, subject to the water allocation agreement between Breviro Caviar Inc. and Brunswick Aquaculture Ltd.;

- 16) A flowmeter shall be installed at a location which monitors only the water allocation for Breviro Caviar Inc;
- 17) The maximum water withdrawal rate for well **Breviro-PW** shall be monitored by adding the withdrawal data from each flowmeter – Brunswick and Breviro Caviar's, as noted in Conditions 15 and 16 above;
- 18) The proponent shall obtain landowner permission, in the form of easements, for each property the pipeline will cross;
- 19) The pipeline stream crossings at geo-reference points 45° 6.522'N, 66° 45.409'W and 45° 6.767'N, 66° 45.481'W shall be constructed subject to the following Conditions:
  - a) Excess backfill material shall be disposed of such that it cannot be washed into the watercourse by floodwaters;
  - b) All excavated materials shall be stored away from the water and contained to prevent re-entry into the water;
  - c) That grubbing upstream and downstream of the center line of the conduit within 30 metres of the watercourse be limited to the width of equipment required to carry out the project;
  - d) All reasonable measures consistent with safety shall be taken to complete the crossing in an uninterrupted manner as quickly as possible;
  - e) In-stream work shall not begin until all required resources (e.g. material, equipment and labour) are on site;
  - f) The crossing shall be installed during low flow conditions and on days when precipitation is not expected;
  - g) The top layer (substrate) of the in-stream area to be excavated shall be removed and stockpiled. The rest of the excavated material shall be stockpiled separately;
  - h) The in-stream trench shall be backfilled with clean granular material free of fine particulates and capped with the stockpiled native substrate;
  - i) All work shall be done in accordance with the appropriate New Brunswick *Watercourse Alterations Technical Guideline*;
  - j) Sediment and erosion control measures shall be implemented prior to work and maintained during the work phase, to prevent entry of sediment to the water.
  - k) All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or upgraded as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion control problem is addressed;  
**\*\*PLEASE NOTE\*\* Normal sediment and erosion control measures, i.e. hay mulch and straw check dams, are not effective in protecting the watercourse from silt laden surface water during extreme rain events and over-wintering of exposed soils; therefore the exposed surfaces within 30 meters of the watercourse, including road surfaces, foreslopes, ditches, and backslopes, shall be either capped and stabilized with a suitable non-erodible material, such as rock or an N1 erosion control fabric prior to the end of each work day;**
  - l) Remediation/re-vegetation of all hardened soils within 30m of the watercourse shall commence on June 1st of the following construction season;
  - m) All disturbed sediment on the work area shall be stabilized as soon as possible after project completion;
  - n) Sediment and erosion control measures shall be left in place until all disturbed sediment on the work area have been stabilized;
  - o) All other disturbed areas shall be stabilized and re-vegetated as required upon

- completion of work;
- p) All materials and equipment used for the purpose of site preparation and project completion shall be operated and stored in a manner that prevents any deleterious substance (e.g. petroleum products, silt, etc.) from entering the water;
  - q) Any stockpiled materials shall be stored and stabilized away from the water;
  - r) Vehicle and equipment re-fuelling and maintenance shall be conducted at a minimum 30 metres from the normal high water mark of each watercourse;
  - s) Any part of equipment entering the water shall be free of fluid leaks and externally cleansed/degreased to prevent any deleterious substance from entering the water, and
  - t) Only clean material free of fine particulate matter shall be placed in the water.
- 20) The proponent shall contract a qualified archaeological consultant to monitor the excavation of the pipeline and identify any archaeological resources uncovered by the project. Should any archaeological resources be discovered during the course of the excavation, all work shall immediately cease and the Archaeological Services Unit shall be contacted at 453-2909;
- 21) The proponent shall ensure that the Migratory Birds Convention Act is adhered to at all times during the construction of the pipeline;
- 22) The proposed addition of any additional water users to the groundwater supply **Breviro-PW**, shall be submitted to the Manager, Environmental Assessment Section, for additional environmental review and approval prior to commissioning;
- 23) 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
- 24) The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.