



# **THE NEWFOUNDLAND AND LABRADOR GAZETTE EXTRAORDINARY**

## **PART II**

**PUBLISHED BY AUTHORITY**

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**ST. JOHN'S, FRIDAY, SEPTEMBER 7, 2018**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION**

**NLR 78/18**





**NEWFOUNDLAND AND LABRADOR  
REGULATION 78/18**

*Placentia Bay Atlantic Salmon Aquaculture Undertaking  
Release Order*  
under the  
*Environmental Protection Act*  
(O.C. 2018-182)

*(Filed September 7, 2018)*

Under the authority of paragraph 67(3)(a) of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, September 7, 2018.

Ann Marie Hann  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                                          |                                    |
|------------------------------------------|------------------------------------|
| 1. Short title                           | 4. Terms and conditions of release |
| 2. Definitions                           |                                    |
| 3. Release from environmental assessment |                                    |

Short title

**1.** This Order may be cited as the *Placentia Bay Atlantic Salmon Aquaculture Undertaking Release Order*.

Definitions

**2.** In this Order

- (a) "department" means the Department of Municipal Affairs and Environment;
- (b) "Grieg" means Grieg NL Nurseries Ltd. and Grieg NL Seafarms Ltd.;
- (c) "minister" means the minister of Municipal Affairs and Environment; and
- (d) "undertaking" means Placentia Bay Atlantic Salmon Aquaculture Undertaking developed and operated by Grieg.

Release from  
environmental  
assessment  
Terms and  
conditions of  
release

**3.** The undertaking is released from environmental assessment.

**4.** The release of the undertaking from environmental assessment under section 3 is subject to the following terms and conditions:

- (a) Grieg shall adhere to all mitigation, monitoring and commitments stated in the Environmental Impact Statement submitted to the department on May 22, 2018;
- (b) Grieg shall prepare environmental effects monitoring plans, in consultation with the appropriate government departments, to monitor effects as a result of the undertaking and to ensure that effects are documented and mitigated;
- (c) the environmental effects monitoring plans referred to in paragraph (b) shall cover the following components of the undertaking:
  - (i) the performance of sea cages,
  - (ii) genetic and ecological interactions of escaped farmed salmon on wild salmon,
  - (iii) genetic and ecological interactions of escaped farmed lumpfish on lumpfish,
  - (iv) the performance of European-strain triploid fish,
  - (v) fish, marine mammals and seabirds,
  - (vi) benthic habitat health,

- (vii) groundwater quantity and quality at the hatchery, and
- (viii) climate and weather;
- (d) Grieg shall submit the environmental effects monitoring plans referred to in paragraph (b) to the minister for approval before the start of hatchery operations;
- (e) Grieg shall prepare an annual report of the results of the environmental effects monitoring plans obtained at all monitoring sites and make the report available publicly;
- (f) Grieg shall prepare an environmental protection plan for all applicable hatchery construction and operations activities and submit the environmental protection plan to the minister for approval before the start of hatchery construction;
- (g) the environmental protection plan referred to in paragraph (f) shall describe the environmental protection and mitigation measures that will be applied throughout the life of the hatchery construction and operation activities to avoid or minimize potential negative effects on the environment associated with the undertaking;
- (h) Grieg shall prepare an environmental protection plan for all applicable sea cage construction and operations activities and submit the environmental protection plan to the minister for approval before the start of sea cage construction;
- (i) the environmental protection plan referred to in paragraph (h) shall describe the environmental protection and mitigation measures that will be applied throughout the life of the sea cage construction and operation activities to avoid or minimize potential negative effects on the environment associated with the undertaking;
- (j) where the use of pesticides is required Grieg shall
  - (i) confirm with the Pesticide Management Regulatory Agency before the administration of a pesticide that the pesticide is currently approved for use in Canada for the specific use intended by Grieg, and

- (ii) ensure that pesticides are applied by a licensed pesticide applicator with the appropriate category of licence and applied in accordance with label directions;
- (k) Grieg shall publicly release all reports of
  - (i) disease and escapes within 24 hours, and
  - (ii) use of pesticides and chemotherapeutants, including antibiotics, vaccinations and anaesthetics annually;
- (l) Grieg shall, before the commencement of hatchery operations, provide documentation to demonstrate to the satisfaction of the department that the waste from the hatchery will be managed in accordance with waste management requirements in the province;
- (m) Grieg shall, before the commencement of hatchery operations, submit the following documents to the department for approval:
  - (i) a proposed back-up water supply and anticipated water use numbers,
  - (ii) a well-head protection and water-quality monitoring plan, both ambient and real-time, and
  - (iii) a contingency plan for the hatchery water supply in the event of catastrophic failure either with the well or the pump;
- (n) Grieg shall enter into a memorandum of agreement with the department for the installation of a real time water quality and quantity monitoring network to monitor impacts on flow and water quality in and around the proposed hatchery site;
- (o) the memorandum of agreement referred to in paragraph (n) shall be signed and the network installed before the start of site operation activities and all costs shall be borne by Grieg;
- (p) the undertaking shall be subject to the approval of Transport Canada under the *Navigation Protection Act* (Canada) which approval should include terms and conditions relating to

measures for the mitigation of any direct effects of the undertaking on navigation;

- (q) Grieg shall have an emergency recapture licence in place before the commencement of operations of the sea cage sites to prevent delays in initiating recapture efforts in the event an escape incident arises;
- (r) an emergency recapture licence referred to in paragraph (q) should include standard conditions approved by the Department of Fisheries and Oceans (Canada) but recapture efforts shall not commence without authorization from Department of Fisheries and Oceans (Canada);
- (s) Grieg shall be required to mark all imported and grown in province Atlantic salmon smolt for ease in recapture using a methodology approved by the minister and the Minister of Fisheries and Land Resources;
- (t) Grieg shall be required to conduct testing for triploidy when smolt are in the hatchery, at a sample size and frequency to be determined in consultation with Fisheries and Oceans (Canada) and the Department of Fisheries and Land Resources;
- (u) an onsite environmental monitor shall be recruited by the department to monitor the entire undertaking and provide reports to the department and all costs for the onsite environmental monitor shall be borne by Grieg;
- (v) the onsite environmental monitor referred to in paragraph (u) shall be hired for the first 10 years of the undertaking operations to confirm outcomes at peak production; and
- (w) Grieg shall conduct inspections of the portion of sea cages that extend below the water's surface every 30 days during the months of June, July, August, and September, and every 90 days during the remainder of each year of operations.

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## Extraordinary Gazette Index

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
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### Environmental Protection Act

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