

COR/2021/01538

Reg. #1975

15 JUL 2021

Mr. Alan Cook  
Managing Director  
Northern Harvest Smolt Ltd.  
P.O. Box 460  
St. Alban's, NL A0H 2E0  
alan.cook@mowi.com

Dear Mr. Cook:

**RE: Indian Head Hatchery Expansion Project – Registration 1975**

Further to the letter from my predecessor of September 4, 2018, releasing the above undertaking from environmental assessment, and in consideration of the Court of Appeal decision of May 4, 2021, outlining that the undertaking was improperly scoped in the environmental assessment, please be advised that an **environmental preview report (EPR) is required**, in accordance with the *Environmental Protection Act, SNL 2002, cE-14.2*. Your letter of September 4, 2018, from the Minister of the former Department of Environment and Conservation, now Department of Environment and Climate Change, is rescinded.

The EPR is necessary to provide information concerning the potential effects of the undertaking on the surrounding environment, including the potential environmental effects of the marine transport of additional smolts from the hatchery to the sea cages, and the potential environmental effects of transferring, rearing and harvesting those additional smolts in the sea cages. Additional smolts refers to the number of smolts, in addition to the four and a half million salmon smolts per year that were described, reviewed and released from environmental assessment on January 27, 2011, as EA Registration #1544, the Stephenville Indian Head Salmon Hatchery Revised Project.

An environmental assessment committee (EAC) will be appointed for the purpose of providing you with technical and scientific advice regarding the preparation of an EPR. As per the legislative requirements, within 60 days of the date of this letter you will be issued guidelines for the completion of the EPR. Please be reminded that, in accordance with the Environmental Protection Act, project activities may not proceed until the proposal is released from the environmental assessment process. It is my understanding that the April 15, 2020, Court of Appeal's Order on the stay of Justice Boone's Order of March 17, 2020, which dealt with the construction of re-circulating aquaculture system (RAS) hatchery units 1 and 2, was not altered by the Court of Appeal in its May 4, 2021 disposition of the appeal.

Therefore, the construction of RAS units 1 and 2 can continue to the extent necessary to preserve existing stock. However, the construction of RAS units 3 and 4 shall not proceed until the undertaking has been released from further environmental assessment.

Once submitted, the EPR will be subject to a 35-day review by the EAC and the public, and I will provide you with a decision on the EPR within 45 days of the commencement of the EPR review. You have three years from the date of today's EPR decision letter to submit an EPR that complies with the Environmental Protection Act and the EPR guidelines. If you have not submitted an acceptable EPR within the three-year period, my decision will be void and you will have to register the project again for environmental assessment, if you wish to proceed. You may request up to three 1-year extensions to the three-year period for the submission of an acceptable EPR.

The options available to me under the Act in making a decision on an EPR are as follows:

- find the EPR deficient and require an amendment to the EPR, or a revised EPR;
- find the EPR acceptable and require an environmental impact statement(EIS), or release the undertaking from environmental assessment.

Please note that a proponent is not required to provide an EPR where the proponent elects to proceed directly with the preparation of an EIS. In determining whether to proceed directly to an EIS, I encourage you to review section 25 of the Environmental Assessment Regulations, and in particular the factors a minister contemplates when making an EIS determination, which are:

- an unacceptable environmental effect; or
- significant public concern.

If you elect to proceed directly with the preparation of an EIS, please contact Joanne Sweeney, Director (A) of the Environmental Assessment Division, at (709) 729-0673 or email [joannesweeney@gov.nl.ca](mailto:joannesweeney@gov.nl.ca).

If you have any questions about the environmental assessment process, please contact Joanne Sweeney at the above coordinates.

Sincerely,



**HON. BERNARD DAVIS, MHA**  
District of Virginia Waters – Pleasantville  
Minister

c. Tony Wakeham, MHA Stephenville- Port au Port