

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

26 November 2012

File Number: 4561-3-1343

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. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated 3 August 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 upon meeting all Conditions herein;
4. The proponent shall obtain a Crown Lands Lease for the site as required by the Department of Natural Resources. It is understood that this will also require amending the current rockweed harvesting agreement between the Departments of Natural Resources (DNR) and Agriculture, Aquaculture and Fisheries (DAAF);
5. The proponent shall obtain a Navigable Waters Protection Program (NWPP) permit as required by Transport Canada;
6. The proponent shall obtain a Harmful Alteration, Disruption or Destruction (HADD) Authorization, as required from the Department of Fisheries and Oceans;
7. The proponent shall obtain a Disposal at Sea Permit pursuant to the Canadian Environmental Protection Act (CEPA 1999) as required. Please contact the Marine Disposal Program Officer at (902) 426-3649 for more information;
8. The proponent shall obtain a Harmful Alteration or Disruption or the Destruction (HADD) of fish habitat Authorization, as required from the Department of Fisheries and Oceans. Please note that the Department of Fisheries and Oceans will require further assessment and additional information with regards to the proposed disposal at sea which should be submitted along with the HADD authorization application.

9. All mitigation measures, including but not limited to those outlined in the Environment Canada guidance document "*Environmental Assessment of Coastal Infrastructure Projects in the Atlantic Provinces (February 2011)*" and the Environment Canada letter of advice (dated 4 September 2012) shall be employed (and included in the Contingency Plan(s)) to minimize impacts to migratory birds and species at risk in the vicinity of the project area;
10. The proponent shall take all precautions necessary to avoid negatively impacting the Environmentally Significant Areas 864 and 870;
11. 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
12. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.