

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

August 21, 2018

File Number: 4561-3-1479

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 September 26, 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 of the Environmental Impact Assessment (EIA) Branch, Department of Environment & Local Government (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, EIA Branch, DELG to be no longer necessary.
4. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DELG prior to commencing any activities within 30 meters of a watercourse or wetland.
5. Prior to commencing the project, the proponent must obtain an Approval from Transport Canada under the *Navigation Protection Act*. For more information, please contact the Atlantic Region Office of Transport Canada at (506) 851-3113.
6. The proponent must apply for and obtain a *Licence of Occupation (LOO)* from the Approvals Section of the Crown Lands Branch, Department of Energy and Resource Development. For more information please contact the Approvals Section of the Crown Lands Branch, New Brunswick Department of Energy and Resource Development, at (506) 444-3645.
7. Prior to removing a quarriable substance from within an area designated as a shore area, the proponent must obtain a *Quarry Permit* under the *Quarriable Substances Act*. For more information, please contact the Resource Tenure Section of the Department of Energy & Resource Development at (506) 444-5806.

8. Prior to commencing the project, the proponent must obtain a *Fisheries Act* authorization from the Fisheries Protection Program of Fisheries and Oceans Canada (DFO). For more information, please contact the Fisheries Protection Program at (506) 851-6501.
9. Additional sub-surface archaeological testing is required prior to any project-related activities in Area 11E165B (as defined in Stantec's Archaeological Assessment, dated February 9, 2018). The results of this testing will have to be submitted for review to the Director, EIA Branch, DELG, who may impose additional mitigative measures based on the results. Approval from the Director, EIA Branch, DELG must be obtained prior to the commencement of any project-related activities in Area 11E165B. Furthermore, if it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of any part of the proposed development, as per the New Brunswick *Heritage Conservation Act*, all activity shall be stopped within 30 metres of the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2738 for further direction.
10. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
11. The proponent must ensure that all project activities are conducted in compliance with the federal *Species at Risk Act* and the provincial *Species at Risk Act* and associated Regulations.
12. The proponent must prepare and submit an Environmental Management Plan (EMP) for project implementation to the Director, EIA Branch, DELG for review and it must receive approval prior to commencing construction activities.
13. The proponent must ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to their implementation.
14. In the event of the sale, lease, or any other conveyance or change of control of the property, 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 of DELG's EIA Branch.
15. The proponent must ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements and the measures outlined in the Environmental Management Plan that was developed for the project.