

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

May 6, 2020

File Number: 4561-3-1497

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 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 of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
4. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
5. Prior to commencing any project activities, the proponent must obtain an Approval from Transport Canada under the *Navigation Protection Act*.
6. The proponent must apply for and obtain land tenure from the Applications and Information Section of the Department of Natural Resources and Energy Development (NRED) prior to beginning any project related activities. For more information please contact NRED’s Applications and Information Section at (506) 444-4487.
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 NRED’s Resource Tenure Section at (506) 444-5806.

8. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated regulations.
9. 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.
10. A baseline water quality sampling program must be completed (with homeowner permission) for any well located within 500 m of any locations where blasting is needed prior to the commencement of blasting activities. Samples must be collected for general chemistry, trace metals and microbiology. As this area is not serviced, it should be assumed that every building has a water supply well. Homeowners must be given a copy of their own water quality results and copies of all results must be submitted to the EIA Branch of DELG.
11. In the event of a complaint by a neighbouring water user that the construction or operation of this project has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG. If it is determined that the proponent is responsible for any negative impacts, the proponent will be required to provide a temporary water supply for short term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
12. 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.
13. Monitoring of all wetlands directly or indirectly impacted by project activities must be conducted to assess wetland function following the completion of construction activities, with monitoring commencing 1 year following the completion of construction. A Wetland Monitoring Plan must be prepared and submitted for review and must be approved by the Director of the EIA Branch of DELG prior to conducting year 1 post construction wetland monitoring. Wetland Monitoring Reports must be submitted to the Director of the EIA Branch of DELG for review and approval following each monitoring event. The requirement for year 3 and 5 monitoring will be assessed following the initial year 1 monitoring report. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function.
14. A Wetland Compensation Plan must be prepared to offset loss of wetland habitat and must be consistent with both the *New Brunswick Wetlands Conservation Policy* and the *Federal Policy on Wetland Conservation*. The compensation plan must be submitted to the Director, EIA Branch, DELG for review and must be approved prior to the start of any construction activities within wetland habitat.

15. A description of the final disposal plan and location for any material excavated from the wetted portion of the river bed during project activities must be submitted to the Director, EIA Branch, DELG for review and must be approved prior to its disposal. The sampling results must be submitted with the description.
16. A *Fisheries Act Authorization* must be obtained from the Department of Fisheries and Oceans Canada (DFO) prior to beginning any project activities.
17. The proponent must fulfill all their commitments to First Nations and must continue to engage and support the consultation process with First Nations for the lifetime of the project in an effort to understand the potential impacts on Aboriginal and treaty rights and avoid or mitigate these impacts where possible. Every six months from the date of this Determination the proponent must submit a summary to the EIA Branch of DELG and to the Department of Aboriginal Affairs (DAA) detailing the status of each commitment until such a time as all commitments have been met or until it is deemed) to be no longer necessary by the Director of the EIA Branch, DELG.
18. The proponent must continue to engage with the fisher who identified that their current fishing location would be affected by this project and take steps as appropriate to address issues that may arise during project implementation.
19. The proponent must prepare and submit a final version of the Environmental Management Plan (EMP) to the Director, EIA Branch, DELG for review and approval prior to commencing any project related activities.
20. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
21. 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 the EIA Branch of DELG.
22. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements and the measures outlined in the Environmental Management Plan (EMP) developed for the project.