

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
February 14, 2019
File Number: 4561-3-1502

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 Environmental Impact Assessment (EIA) registration document provided to the Department of Environment and Local Government (DELG) on September 4, 2018 as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director, EIA Branch, DELG every six (6) months from the date of this Determination until such a time as the Director determines it is no longer required.
4. All marine vessels involved in the project, including floating barges, must be compliant with the *Canada Shipping Act* and have procedures in place to safeguard against marine pollution.
5. Project activities, as applicable, must be in compliance with any requirements under the *Fisheries Act* (e.g., the project must not result in changes to flows and/or fish passage/attraction as a result of infilling, relocation, gradient changes, etc.).
6. The proponent must ensure that all contractors working at the site are familiar with, and will comply with, the requirements of the *Migratory Birds Convention Act* (MBCA) and associated Regulations.
7. The proponent must acquire a *Demolition Permit* from the Southwest New Brunswick Service Commission for the project. The proponent can find a permit application form at www.snbsc.ca/Planning.
8. Prior to the commencement of decommissioning activities, the proponent must inform the following of the project and its timeline: MLAs for ridings within the project area, including the Fundy-The Isles-Saint John West, Electoral District 35 MLA Hon. Andrea Anderson-Mason (Andrea.AndersonMason@gnb.ca) and Saint Croix, Electoral District 36 MLA Hon. Gregory Thompson (Gregory.F.Thompson@gnb.ca); Acadian Seaplants Ltd. (Rob Marvin, (506) 755-2004 or ram@acadian.ca); Island Shellfish Ltd. (Dana Richardson, (506) 747-2369 or

danri@xplornet.ca); and, Young's Lobster Company Ltd. (Tabatha and Sheena Young, (506) 672-6419).

9. The well located on the Curry Cove project site must be properly decommissioned as per DELG's *Guidelines for Decommissioning of Water Wells*. Following the decommissioning of the well, the proponent must provide to DELG the date of decommissioning as well as the licensed water well contractor who conducted the work.
10. Following wharf removal at each project site, the proponent must carry out environmental site assessment (ESA) work to ensure that concentrations of chemicals of concern are within applicable human health and ecological guidelines. The results of the assessment work must be provided to the Director, EIA Branch, DELG. Prior to the divestment of a property within the project area, the proponent must demonstrate to the EIA Technical Review Committee that any contamination identified in the ESAs has been remediated to the appropriate guideline criteria at that time, or that a plan with specific deadlines and commitments is in place to address the outstanding contaminant concerns.
11. A permitted archaeologist must be present to monitor all project activities with the potential to impact non-inundated soils. If any ground disturbance (e.g., access road) is planned for non-inundated soils within 80 meters of the shoreline or another waterbody, an Archaeological Impact Assessment must be completed by a permitted archaeologist prior to development. A Certified Indigenous Archaeological Technician must be onsite for all archaeological work conducted as part of the project.
12. If it is suspected that objects or features of archaeological significance are found during wharf decommissioning activities, work must stop immediately in the vicinity of the find, and the Archaeological Services Branch, Department of Tourism, Heritage and Culture must be contacted immediately at (506) 453-2738.
13. The proponent must keep emergency spill clean-up equipment onsite that is adequate to address the worst-case scenario (e.g., sorbents and booms should be available for quick containment and recovery). All spills or leaks should be promptly contained and cleaned up, and reported to the DELG Saint John Regional Office during regular business hours at 506-658-2558 or the 24-Hour Environmental Emergencies Report System outside of regular business hours at 1-800-565-1633.
14. An Environmental Management Plan (EMP) for decommissioning activities must be developed by the proponent outlining environmental protection commitments for the proponent and their contractor(s) during project implementation to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. The EMP must address potential accidents and malfunctions as well as site-specific conditions and sensitivities. This plan must be submitted to the Director, EIA Branch, DELG for review and must receive approval prior to the commencement of decommissioning activities.
15. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements and are made aware of, and abide by, the EMP for the project.
16. 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, EIA Branch, DELG at P.O. Box 6000, Fredericton, NB, E3B 5H1.