# DOCUMENT "A"

**MINISTER'S DETERMINATION**
CONDITIONS OF APPROVAL
Pursuant to Regulation 87-83 under the *Clean Environment Act*
January 31, 2019
File Number: 4561-3-1504

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 dated September 2018, 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 EIA Branch, Department of Environment and 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. If it is suspected that remains of archaeological significance are discovered, as per the New Brunswick *Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, must be contacted immediately at (506) 453-2738 for further direction.

5. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.

6. 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.

7. Vegetation clearing and any other project related activity that could potentially destroy bird nests must occur outside the bird breeding season. The bird breeding season for the area is April 8th to August 28th. In the event that an active bird nest is encountered, all disturbance work should temporarily stop and a buffer should be placed around the nest. Please consult with Environment and Climate Change Canada's Canadian Wildlife Service or the New Brunswick Department of Energy and Resource Development's Species At Risk Section at (506) 453-5873, to determine the size of the buffer. The nest should not be disturbed until the chicks have fledged. It should be noted that bird nests should never be marked using flagging tape or other similar material as this increases the risk of nest predation.

8. A description of the final disposal plan and location for the sludge and water must be submitted to the Director, EIA Branch, DELG for review and approval prior to its disposal. The results of the water and sludge sampling must be submitted with the description.

9. The proponent shall prepare and submit an Environmental Management Plan (EMP) for project implementation to the Director, EIA Branch, DELG for review and approval prior to commencing project activities.

10. The proponent shall ensure that any proposed project modifications are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.

11. 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.

12. 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 EMP that was developed for the project.