

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

October 9, 2020

File Number: 4561-3-1515

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 Climate Change.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated February 1, 2019, 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, 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 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. The proponent must maintain Acamac Backland Road and the Crane Mountain Road in a state that is acceptable to the Department of Transportation and Infrastructure (DTI), and passable for public users. DTI will not be changing their level of service on these roads beyond what they have done historically. Damage to the road as a result of the proponent’s hauling operations must be addressed in a timely fashion to the satisfaction of the DTI District Engineer. The proponent must also maintain Yellow Gate Road and ensure it is passable for users.
6. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
7. The proponent must ensure that all project activities are conducted in compliance with the federal and provincial *Species at Risk Act* and associated Regulations.

8. All loss of regulated wetland habitat requires Wetland Compensation at a 2:1 ratio. A Wetland Compensation Plan must be prepared and submitted within six months of the date of this Determination to the Director, EIA Branch, DELG for review and approval. The Wetland Compensation Plan must demonstrate that all efforts are made to locate all wetland compensation in proximity to the project site.
9. A Wetland Monitoring Plan must be submitted within six months of the date of this Determination for review and approval by the Director, EIA Branch, DELG. At a minimum, the Wetland Monitoring Plan must a) monitor wetland function at 2-year intervals from the date of the onset of project commencement and throughout the lifetime of the project; and b) monitor wetland function at 1, 3, and 5-year intervals following the completion of the final reclamation phase (i.e. closure) or until it is deemed by the Director, EIA Branch, DELG to be no longer necessary. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function.
10. A Reclamation Plan for the operational phase of the project must be submitted to the Director, EIA Branch, DELG for review and approval prior to beginning any activities associated with the operational phase. After each clay extraction phase reclamation of the clay pit must be conducted prior to commencing the next phase of clay extraction.
11. A Decommissioning and Closure Plan must be prepared and submitted to the Director, EIA Branch, DELG for review and approval prior to commencing any activities relating to the final reclamation phase. The final reclamation phase must be initiated within one year of the cessation of project operation.
12. Excavated clay and aggregate material from the project site must only be used by the proponent for their operations and must not be used for sale (commercial or private). Clay and aggregate extraction must cease following the closure of the Crane Mountain Landfill.
13. An *Approval to Construct* must be obtained prior to commencing any construction related activities. For more information, please contact the Authorizations Branch, DELG at (506) 453-7945.
14. An *Approval to Operate* must be obtained prior to the commencement of any operational activities. For more information, please contact the Authorizations Branch, DELG at (506) 453-7945.
15. A *Watercourse and Wetland Alteration Permit* must be obtained from the Source and Surface Water Management Branch, DELG prior to the commencement of any project related activities within 30 m of a watercourse or regulated wetland with the exception of when an *Approval to Construct* and *Approval to Operate* are required, in which case conditions applicable under the *Watercourse and Wetland Alteration Regulation* will be stipulated in the *Approval to Construct* and *Approval to Operate* and must be strictly followed.
16. An updated Surface Water and Groundwater Monitoring Plan must be submitted to the Director, EIA Branch, DELG, for review and approval prior to the commencement of all project related activities. The most recent version of the Surface Water and Groundwater Monitoring Plan must be followed for all surface water and groundwater monitoring and reporting requirements.

17. An updated Pre-Blast Survey and Monitoring Plan must be submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of any blasting activities. The plan must include blast notification procedures. The proponent must notify area landowners a minimum of 30 days prior to undertaking any blasting activities.
18. In the event of a complaint by a neighbouring water user that the 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.
19. The proponent must prepare and submit an Environmental Management Plan (EMP) to the Director, EIA Branch, DELG for review and approval prior to the commencement of any project related activities. The EMP must include, but is not limited to, a water management plan, project specific mitigation, contingency and emergency response plans, and an extraction schedule (clay and aggregate). The water management plan must include details regarding the sedimentation pond, runoff management and mitigation, anticipated stormwater flows and considerations to downstream infrastructure. Please note that additional mitigation measures including, but not limited to, additional water management infrastructure, may be requested following the review of the water management plan. The EMP may be submitted in phases (i.e. construction, operation, final reclamation) upon request to the Director, EIA Branch, DELG.
20. Throughout the lifetime of the project, the proponent must communicate with and inform the existing Community Environmental Monitoring Committee (which was established to fulfil a condition of the EIA approval for the proponent's landfill at Crane Mountain, EIA 4561-3-333) regarding the project. Should issues arise that can not be resolved the Director, EIA Branch, DELG may require a terms of reference to clarify communication between the proponent and the committee.
21. The proponent shall ensure that any proposed project modifications or future expansions of the project are submitted to the Director, EIA Branch, DELG for review and approval prior to implementing the changes.
22. 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.
23. The proponent shall 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 (EMP) developed for the project.