

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

November 10, 2020

File Number: 4561-3-1536

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 New Brunswick 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 January 2020 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 Environmental Impact Assessment (EIA) Branch (the Director), 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 to be no longer required.
4. Prior to commencing project activities, the proponent must submit to the Director of the EIA Branch, DELG, written confirmation that an agreement has been reached with the current landowner for the use of the land (e.g. a land use or lease agreement, and/or land transfer agreement).
5. A plan to assess marina use during the first year of operation must be prepared and submitted to the Director, EIA Branch, DELG for review and must receive approval prior to commencing operation of the marina. The plan must include a monitoring program for tracking boating use (e.g. volume, type of craft, rate of presence of craft with sewage tanks, any notations of observed sewage disposal), a sampling program to determine water quality (must include baseline water quality survey), and an operational schedule. A report detailing marina usage during the first year of operation, including the results of required sampling and monitoring, must be prepared and submitted to the Director, EIA Branch, DELG for review and must receive approval prior to commencing the second year of operation. The Director, EIA Branch, DELG may require additional monitoring and/or additional mitigation measures including, but not limited to: additional boat monitoring, additional water quality sampling, the addition of a pump-out station and/or additional septage management measures.
6. 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 wetland.

7. 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.
8. An Environmental Management Plan (EMP) must be prepared and submitted 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: project specific mitigation as well as contingency plans and emergency response plans, including spill response plans. The EMP must address safety and environmental protection measures committed to during the review and the appropriate measures to achieve these (e.g. signage, education).
9. 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.
10. 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.
11. 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 EMP developed for the project.