

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

April 28, 2021

File Number: 4561-3-1549

- 
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 (EIA) (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 EIA registration document submitted on September 25, 2020, and to all those identified in correspondence during the 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, Department of Environment and Local Government (ELG) every 6 months from the date of this Determination until such a time that the Director determines that it is no longer necessary.
  4. This Determination pertains to the scope of the project as proposed in the EIA registration documents submitted on September 25, 2020, i.e. one treatment to Miramichi Lake, Lake Brook, East Branch Lake Brook and a section of the Southwest Miramichi River, followed by one additional treatment to the Brooks and the River. Please note subsequent phases or modifications to the project must be submitted for review and may not proceed prior to approval from the Director of ELG’s EIA Branch. Additional Conditions may be imposed if subsequent phases/modifications are approved.
  5. The proponent may not proceed with project activities prior to obtaining a section 19 (3) *Aquatic Invasive Species Regulations* Authorization from Fisheries and Oceans Canada (DFO) for the deposition of a deleterious substance.
  6. The proponent must obtain all necessary approvals for the project to proceed including but not limited to: *Pesticide Use Permit*, Authorizations Branch *Approval for Dead Fish Disposal*, and a *Watercourse and Wetland Alteration Permit* prior to initiating the project.
  7. Please be advised that a *Licence of Occupation (LOO)* will be required for structures on provincial Crown Land. Applications for a LOO may be obtained from the Department of Natural Resources and Energy Development (NRED) Applications and Information Section by contacting the Applications and Information Coordinator, either by phone at (506) 444-4487 or via email [ally.leach@gnb.ca](mailto:ally.leach@gnb.ca)

8. The proponent must collect and appropriately preserve any non-target mortalities (mussels, turtles), excluding fish after the treatment, for possible toxicological studies. Please contact the NRED Species at Risk Section at 506-453-5873 for further instruction.
9. Prior to project implementation, the proponent must confirm, in writing, that the necessary resources are in place to complete the project including all proposed mitigative measures and follow up monitoring. The written confirmation must be forwarded to the Director of ELG's EIA Branch.
10. If the shallow drinking water well, located approximately 30 m from the shore of Miramichi Lake and shared by two cottages is not replaced, a revised water quality monitoring program for the well must be submitted to the Director of ELG's EIA Branch for review and approval in advance of project implementation.
11. The proponent must carry out a mussel survey prior to implementation of the project to be compared to a post-treatment survey. The survey must be designed to provide information that will give an accurate depiction of the variety of species present. As well, a distribution survey should be completed as many areas in previous studies were inaccessible. The post-treatment survey details must be discussed with the Director of ELG's EIA Branch prior to implementation.
12. Education and awareness programs for the public, recreational anglers and area fishing lodges shall be developed and implemented by the proponent as a mitigation strategy to ensure local awareness of the project and to minimize the potential for future smallmouth bass introductions. Proposed programs must be submitted for review and the proponent must receive approval from the Director of ELG's EIA Branch before implementing the programs.
13. The proponent must ensure that receptors, including all cottage owners and local employees of J.D. Irving that could be adversely impacted by the proposed project are identified prior to the treatment event and notified of treatment area restrictions and public safety requirements. The proponent must also ensure that members of the public who may access the area and all landowners within the reach of the treatment area are made aware if monitoring results indicate that treatment area restrictions must be modified/extended.
14. To prevent potentially unsafe exposure and confirm the breakdown of rotenone, the proponent must ensure that rotenone levels in recreational waters that will be affected by the treatment have become undetectable following the treatment.
15. The proponent must develop a mortality collection program to be implemented following the treatment event that will reduce the accumulation of dead fish in Miramichi Lake. The program must be submitted for review and receive approval from the Director of ELG's EIA Branch prior to project implementation.
16. An Environmental Management Plan (EMP) must be developed for the project. The EMP shall include but not be limited to: environmental protection measures associated with project activities; training requirements for project participants; environmental inspections; monitoring plans with schedules, and contingency plans to deal with spills, mishaps, unplanned events or unexpected monitoring results. The EMP must be submitted for review and receive approval from the Director of ELG's EIA Branch prior to project implementation.

17. A revised water quality monitoring plan must be included in the EMP. The monitoring plan must have a clearly defined schedule and sampling stations and include baseline sampling events. Additional water quality parameters to be collected for the lake stations are to be added to the plan including, but not limited to: dissolved oxygen, phytoplankton (including cyano-bacteria), Chlorophyll A and nutrients. The water quality monitoring plan must be submitted for review to the Director of ELG's EIA Branch within two months of the date of this Determination.
18. The proponent will ensure that access to Miramichi Lake is monitored by a public safety officer for the duration of the treatment and 3 days post treatment to inform any visitors of the treatment area restrictions. In addition, the proponent will ensure that any boat access points to Lake Brook will have signage that clearly indicates restrictions. The proponent must ensure that signage is placed at all known launch points for the affected stretch of the SW Miramichi River.
19. The proponent must collaborate with the Healthy Environments Branch (ELG) concerning signage wording. Please contact the Director of ELG's EIA Branch for further details.
20. The proponent must ensure that all crews working at the sites are familiar with and will comply with the requirements of the *Migratory Birds Convention Act* (MBCA) and associated Regulations.
21. The proponent must maintain communication with the cottage owners throughout the life of the project and share project information including, but not limited to, any changes to the proposed treatment and monitoring results . A communication plan must be submitted for review and receive approval from the Director of ELG's EIA Branch within two months of the date of this Determination.
22. The proponent must ensure that there is a safety officer on site during project implementation who will be responsible for providing safety training; issuing personal protective equipment, monitoring crew safety and training for on-site contingency procedures such as spill response. The safety officer must also provide security oversight at the lake and river staging areas where the treatment reagents will be stored and will monitor continuously for spills.
23. A valid *Watercourse and Wetland Alteration Permit* must be obtained prior to conducting any alterations in or within 30 metres of a wetland or watercourse.
24. The proponent shall ensure that all project crews, developers, contractors and operators associated with the project comply with the above requirements.