

## Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act  
July 26, 2022 - File Number: 4561-3-1572**

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1. In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
3. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated December 2021 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 to be no longer required.
5. A *Watercourse and Wetland Alteration (WAWA) Permit* is required prior to commencing any activities in or within 30 metres of watercourses and wetlands.

6. A Project-Specific Environmental Management Plan (PSEMP) is required to be submitted to, and approved by, the Director, EIA Branch, DELG prior to the commencement of any activities related to each phase of the project. The PSEMP will ensure all commitments and mitigation proposed throughout the EIA process and the EIA Conditions of Approval are captured and incorporated into the work methodologies including, but not limited to, items such as: greenhouse gas emissions reduction; waste management; contingency measures; heavy equipment operations and maintenance; an emergency response/reporting plan with processes for accidental spills, emergencies, incidents or storm events; spill response training; detailed monitoring and/or control plans for erosion, flooding, sediments, pollution, well(s) and water; fish habitat monitoring; permitted hours of work; lighting requirements to minimize the extent of attraction for birds; etc.
7. Prior to each phase of the project, final designs must be reviewed by the Department of Fisheries and Oceans Canada's Fish and Fish Habitat Protection Program (DFO-FFHPP) to determine if the proposed work, undertaking or activity would result in Death of Fish (DoF) or Harmful Alteration, Disruption, or Destruction (HADD) of fish habitat in accordance with s. 34.4(1) and s. 35(1) of the *Fisheries Act* (FA), respectively. In the case where DFO determines there is DoF or HADD, the proponent must submit an application for a s. 34.4(2) and 35(2) FA Authorization, including proposed offsetting (compensation) measures, to DFO for review. All information must also be sent to the Director, EIA Branch, DELG.
8. A Working Group on Fish and Fish Habitat including but not limited to New Brunswick Power Corporation, DFO, Indigenous partners, the Nepisiguit Salmon Association, the Atlantic Salmon Federation, and the New Brunswick Salmon Council must be established for engagement and consultation regarding fish and fish habitat impacts downstream of the Project proposed works. In the event that any of the named parties do not wish to participate in the Working Group, NB Power must notify the Director, EIA Branch, DELG to determine an appropriate course of action.
9. A Quarry Permit is required if the rockfill and gravel used to construct the cofferdams is sourced from Crown Lands.
10. The proponent must contact the local District Engineer, Daniel Leblanc, well in advance of beginning the project, to ensure that all of the Department of Transportation and Infrastructure concerns are addressed. The proponent must disclose any concerns regarding additional transportation issues that they are aware of to the District Engineer.
11. 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.

12. 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.
13. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.