

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act  
July 13, 2016.  
File Number: 4561-3-1414

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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 EIA registration document dated June 30, 2015; all subsequent reports submitted and to all those in correspondence during the course of the review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time that it is determined to be no longer necessary.
4. The proponent must apply and receive approval for land tenure from the New Brunswick Department of Energy and Resource Development prior to the disturbance of submerged Crown Land. Applications for land tenure (Leases, Licenses of Occupation or Easements) or disposal may be obtained from the DERD's Applications and Information Section by contacting the Applications and Information Coordinator at: (506) 444-4487.  
(E-mail: [stella.chiasson@gnb.ca](mailto:stella.chiasson@gnb.ca))
5. The proponent must take measures to ensure that work associated with the project be carried out so as not to interfere with fishing activities in the vicinity of the project. Such measures would include: scheduling work to avoid sensitive periods; establishing and maintaining communication with groups active in the area including the Maritime Fisherman's Union; and adhering to a strict maintenance schedule following the facility upgrade to reduce the risk of malfunction and overflow.
6. Follow up and monitoring of all wetlands directly or indirectly impacted by project activities may be required to measure whether the wetland function has changed. Monitoring reports shall be submitted to the Manager of the Environmental Assessment

Section, DELG, after each monitoring period, typically following years 1, 3 and 5. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function.

7. If applicable, the proponent must prepare a wetland compensation plan to offset direct loss of regulated wetland habitat under the *Provincial Wetlands Conservation Policy*. The plan must be submitted for review and approval to the Manager of the Environmental Assessment Section, DELG within 6 months of wetland disturbance. The plan must demonstrate a minimum 2:1 compensation of restored wetland to affected wetland. An implementation schedule for compensation must be established in consultation with the Environmental Assessment Section, DELG.
8. The proponent shall meet the requirements of the *Federal Policy on Wetland Conservation*, where applicable, and shall submit a copy of any compensation plan(s) to the Manager, Environmental Assessment Section, DELG for review and approval.
9. The proponent must obtain a permit under the *Watercourse and Wetland Alteration Regulation* prior to any activities/alterations to be conducted in or within 30 meters of any regulated watercourse or wetland. Please contact the Manager, Surface Water Protection, DELG at (506) 457-4850 for additional information.
10. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
11. The proponent should discuss requirements for heritage fieldwork prior to the onset of construction with the Archaeological Services Unit at (506) 453-3014 (NB Department of Tourism, Heritage and Culture).
12. If any person discovers an archaeological object, burial object or human remains during project construction or implementation, they are required to report the discovery to the Minister, Tourism, Heritage and Culture as soon as practical at (506) 453-3014.
13. Decommissioning activities for the existing lagoon must follow all applicable acts, regulations and standards.
14. The proponent is responsible for ensuring that all contractors working at the sites are familiar with, and will comply with the requirements of the Migratory Birds Convention Act (MBCA) and associated Regulations.
15. The proponent is responsible for ensuring that all work is done according to the approved Environmental Management Plan and in accordance with agreements and commitments made during the EIA review.
16. The proponent is responsible for ensuring that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.