

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

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

February 10, 2021

File Number: 4561-3-1532

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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 Climate Change.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "Environmental Impact Assessment Registration Document for 138 kV Reliability for Fredericton South, dated November 1, 2019". 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 Branch (EIA) of the Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time that all the Conditions have been met.
 4. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act (2010)*, all activity shall be stopped within 30 meters of the find and the Manager of the Archaeological Regulatory Unit (506) 453-2738 shall be contacted for direction.
 5. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service of Environment and Climate Change Canada be consulted for advice by contacting their main office in Sackville, New Brunswick at (506) 364-5044. The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
 6. The proponent shall ensure that all loss of wetland habitat mapped on GeoNB prior to January 1st, 2020 requires Wetland Compensation at a 2:1 ratio. A Wetland Compensation Plan shall be submitted within 6 months of the Determination for those wetland areas that will be permanently impacted by the project. The Wetland Compensation Plan must be submitted to the Director of the EIA Branch, DELG, for review and approval.
 7. The proponent shall ensure that a groundwater monitoring program be developed for water wells within 200 meters of a transmission pole that requires rock hammering to install it. The groundwater monitoring program must be reviewed and approved by the Director of the EIA Branch prior to implementation.

In the event a complaint is made that the construction or operation of this project has negatively impacted the quality or quantity of a water well, the proponent must investigate the complaint and notify DELG. If it is determined that the proponent is responsible for any such 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.

8. The proponent shall ensure that an Environmental Management Plan (EMP) is prepared for project activities. The EMP must be reviewed and approved by the Director of the EIA Branch, DELG, prior to the commencement of the project.
9. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director of the 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 of DELG's EIA Branch.
11. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.