

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

23 July 2012

File Number: 4561-3-1337

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 April 2012 and subsequent addendums, 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 Manager of the Environmental Assessment Section of the Department of Environment and Local Government upon meeting all Conditions herein;
4. The proponent shall obtain a Harmful Alteration, Disruption and Destruction (HADD) authorization as required from the Department of Fisheries and Oceans;
5. The proponent shall obtain a Navigable Waters Protection Program (NWPP) permit as required by Transport Canada;
6. The proponent shall employ all necessary mitigation measures to avoid impacting Environmentally Significant Areas # 005 (Dalhousie Mill and Harbour) and 011 (Restigouche River Estuary);
7. All mitigation measures, including but not limited to those outlined in the Environment Canada guidance document “*Environmental Assessment of Coastal Infrastructure Projects in the Atlantic Provinces (February 2011)*” and the

Environment Canada letter of advice (dated 17 May 2012) shall be employed to minimize impacts to migratory birds and species at risk in the vicinity of the project area;

8. The mitigation measures, including site-specific sediment and erosion control management and those included in Conditions 6 and 7 above, shall be included in the contractor's Environmental Management Plan detailed in the Registration Document, and shall be submitted for review, and be approved by, the Manager, Environmental Assessment Section, prior to the onset of construction;
9. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
10. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.