

## **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

February 16, 2018.

File Number: 4561-3-1469

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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* (EIA) (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 July 26, 2017; 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 Director of the EIA Branch, Department of Environment and Local Government (DELG) every 6 months from the date of this *Determination* until such a time that it is determined by DELG to be no longer necessary.
  4. If it is suspected that objects or features of archaeological significance are found during construction, work shall stop immediately in the vicinity of the find and the Manager – Regulatory Unit, Archaeological Services Branch of the NB Department of Tourism, Heritage and Culture shall be contacted immediately at (506) 238-3512. Additionally, the proponent will ensure that all field personnel adhere to the Mitigation for Heritage Resources as described in the EIA registration document.
  5. A project specific Environmental Management Plan (EMP) for project activities shall be developed by the proponent that outlines environmental protection commitments for the proponent and their contractor(s) during project implementation and to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. The plan must be submitted to the Director of the EIA Branch, DELG for review and approval prior to the commencement of construction activities. The EMP may be submitted for approval in phases.
  6. The proponent shall fund an Environmental Monitoring and Compliance Officer position for (a minimum of) the construction and commissioning phases of the project to work out of the DELG office in Fredericton. Duties of the Officer shall include, but not be limited to, reviewing

reports, ensuring compliance with permit *Conditions* and commitments made, including those from the National Energy Board, and reporting on the status of the project as necessary. Specific Terms of Reference shall be developed in consultation with DELG. Funding may be required beyond project commissioning as determined by the Director of the EIA Branch based on follow up and compliance requirements.

7. The proponent must obtain a permit under the *Watercourse and Wetland Alteration Regulation* for any activities to be conducted in or within 30 metres of any watercourse or regulated wetland. Please contact the Watercourse and Wetland Alteration program at (506) 457-4850 for further information.
8. The proponent must ensure that all contractors working at the sites are familiar and will comply with the requirements of the Migratory Birds Convention Act (MBCA) and associated Regulations.
9. Project activities, as applicable, must be in compliance with any requirements under the Fisheries Act.
10. The proponent shall ensure that any future proposed project modifications including discontinued use or decommissioning are submitted for review and approval prior to implementation by the Director of the EIA Branch, DELG.
11. 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 Director of the EIA Branch, DELG for review and approval.
12. The proponent shall implement a monitoring program to assess pre-construction and post-construction changes in conditions in the Project Development Area (PDA) for Wetland Function (directly or indirectly impacted by project activities); Butternut; Monarch butterfly (occurrence of instar larvae on milkweed and the post-construction survivability of milkweed in the PDA); and Landbird Species at Risk (to assess if the project resulted in loss of habitat function for Landbird Species at Risk). Baseline monitoring will be required prior to construction and again in years 1, 3, and 5 following construction. The monitoring program will be reviewed after year 3 to determine if continuance in year 5 is warranted.

The monitoring program shall be developed in consultation with DELG, Environment and Climate Change Canada (ECCC), and the Department of Energy and Resource Development (DERD) and be submitted to DELG for review and approval prior to the onset of construction.

If monitoring indicates an additional reduction in the assessed value or function beyond what was identified during the EIA review, the proponent will initiate discussions with DELG, ECCC and DERD to identify appropriate mitigation, compensation, or conservation allowances.

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