

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

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

April 27, 2018

File Number: 4561-3-1488

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 the Department of Environment & Local Government (DELG).
3. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated December 2017 as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director, EIA Branch, DELG every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Petroleum spill kits, which must accompany each piece of heavy equipment/machinery, will contain adequate supplies to address the worst case scenario in which a spill could occur on the ground, in surface water, or in groundwater. All spills or leaks, such as those from machinery or storage tanks, must be promptly contained, cleaned up, and reported to DELG’s Moncton Regional Office at (506) 856-2374. If a spill occurs after regular business hours, the Canadian Coast Guard’s 24-hour environmental emergencies reporting system must be contacted at 1-800-565-1633.
5. The proponent must ensure that all contractors working at the site are familiar with, and comply with, the requirements of the *Migratory Birds Convention Act (MBCA)* and associated Regulations.
6. Structures for the proposed project must be designed and built to optimize avoidance of avian electrocution (e.g., conductors will have a vertical spacing of 3 m between them).
7. Full cut-off temporary lighting (i.e., lighting with shielding to prevent light from shining upwards) must be used during construction to prevent project activities from attracting birds. The project must not introduce lighting (number, intensity) in addition to that which existed in the project area prior to project implementation.

8. An Environmental Management Plan (EMP) for construction activities must be developed by the proponent outlining environmental protection commitments and mitigation measures. This plan must be submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of construction activities.
9. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements and are made aware of, and abide by, the EMP for the project.
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, EIA Branch, DELG at P.O. Box 6000, Fredericton, NB, E3B 5H1.