

## **DOCUMENT “A”**

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

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

December 21, 2018

File Number: 4561-3-1503

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 document titled, “Project Effects Determination Report, Pointe-Sapin Containment Cell Expansion & Basin Dredging” 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 Director of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time that all the Conditions have been met.
4. Prior to commencing the project, the proponent must obtain a *Fisheries Act Authorization* from the Fisheries Protection Program of Fisheries and Oceans Canada (DFO). For more information, please contact the Fisheries Protection Program at 506-851-3365.
5. Prior to commencing the project, the proponent must obtain an Approval from Transport Canada under the *Navigation Protection Act*. For more information, please contact the Atlantic Region Office of Transport Canada at 506-851-3113.
6. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
7. The proponent must ensure that all project activities are conducted in compliance with the federal *Species at Risk Act* and the provincial *Species at Risk Act* and associated Regulations.
8. If it is suspected that objects or features of archaeological significance are found during construction, work shall stop immediately near the find and Archaeological Services, Department of Tourism, Heritage and Culture (THC) shall be contacted immediately at 506-453-2738.

9. Prior to removing a quarriable substance from within an area designated as a shore area, the proponent must obtain a *Quarry Permit* under the *Quarriable Substances Act*. For more information, please contact the Resource Tenure Section of the Department of Energy & Resource Development at (506) 444-5806.
10. Appropriate spill response equipment must be maintained in a readily accessible location during project construction. All spills and releases shall be promptly contained, cleaned up and the DELG Moncton Regional Office (506-856-2374) should be contacted during regular business hours while the 24-Hour Environmental Emergencies Report System should be contacted outside of regular business hours (1-800-565-1633).
11. 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.
12. The proponent shall ensure that any proposed project modifications are submitted for review and approval to the Director of DELG's EIA Branch prior to implementing the changes.
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.