

## DOCUMENT “A”

### MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*  
February 10, 2020  
File Number: 4561-3-1526

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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 Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, “Violet Solar Farm Environmental Impact Assessment, Brunswick Mills, New Brunswick, July 2019”, 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. From the date of issuance of this Certificate, the proponent has approval to proceed with Phase 1 as described in “Violet Solar Farm Environmental Impact Assessment, Brunswick Mills, New Brunswick, July 2019”. Approval to proceed with Phase 1 does not guarantee approval of future phases. The proponent will be required to submit additional information well in advance (minimum of three months) of requesting permission to initiate future phases. The additional information will be reviewed by the EIA Technical Review Committee (TRC) before a decision is made, and any phase beyond Phase 1 cannot be initiated without the written approval of the Director of the EIA Branch, DELG. It is possible that additional Conditions will be imposed if future phases are approved.
5. If it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of the proposed development, as per the New Brunswick *Heritage Conservation Act (2010)*, all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-3014 for further direction.
6. The proponent must ensure that if a nest or chick of a migratory bird is detected during project construction or operation, work in the area shall be halted and Canadian Wildlife Service shall be consulted for advice at 1-800-565-1633. The proponent must ensure that all project-related activities comply with the *Migratory Birds Convention Act*.

7. A *Watercourse and Wetland Alteration Permit* must be obtained from DELG prior to conducting any project-related activities within 30 m of a regulated watercourse or wetland. The application for any required permit should make reference to the EIA file number (4561-3-1526).
8. The proponent must complete an *Aeronautical Assessment Form* for any towers associated with the project, including the MET tower and a transmission tower. Once complete, it must be sent to Transport Canada at aviation.atl@tc.gc.ca and reference ATS-19-20-00033793.
9. Prior to the commencement of project-related construction activities on Crown Land, the proponent must obtain and fulfill the terms and conditions of a *License of Occupation* for construction and any other relevant authorizations required by the Department of Natural Resources and Energy Development.
10. Prior to conducting any construction activities, a stormwater management plan must be submitted to and receive approval from the Director of DELG's EIA Branch. The plan must include a map showing elevation contours, and calculations of pre- and post-development stormwater flows anticipated for this project, assuming a 100-year return rain event + 20% more precipitation to account for climate change. The Department of Transportation and Infrastructure (DTI) requires that there is zero net increase in flow to the receiving watercourse(s) which flow through DTI infrastructure downstream of the development. If the calculated post- development flow is greater than the pre-development flow, a flow attenuation/retention pond will be required, and the volume of the pond as well as the design drawings of the pond must be provided in the plan.
11. The proponent must obtain a *Special Permit* for any transport on DTI designated roads that does not comply with *Regulation 2001-67* under the *NB Motor Vehicle Act*.
12. The proponent must continue to meaningfully engage interested First Nation communities in ongoing planning, development, and delivery of project activities and environmental monitoring. The proponent must also adhere to agreements and commitments made during the course of the EIA review, such as providing capacity funding, exploring economic opportunities and providing appropriate measures to prevent negative impacts on Aboriginal and treaty rights.
13. Decommissioning of the solar panels shall be undertaken within one year of the permanent cessation of operation of the solar panels. A decommissioning plan, including site reclamation, shall be reviewed and approved by the Director of DELG's EIA Branch prior to completing any decommissioning activities. During decommissioning, the project area will be restored as close to pre-project conditions as possible, in consultation with DELG and DNRED.
14. The proponent must prepare and submit for approval an Environmental Management Plan (EMP) to address environmental issues pertaining to facility construction and operation. As part of this EMP, specific commitments to mitigation must be made based on site-specific environmental constraints including impacts to migratory birds. The EMP must include a spill response contingency plan. The portions of the EMP for specific phases (e.g. construction, operation, decommissioning, etc.) can be submitted for review to the Director of DELG's EIA Branch. The EMP must approved by the Director of DELG's EIA Branch prior to the commencement of any activities related to those phases.
15. In the event of the sale, lease, or any other conveyance or change of control of the project, 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.

16. 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.
17. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.