

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to *Regulation 87-83* under the *Clean Environment Act*
February 15, 2022
File Number: 4561-3-1553

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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. 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 Climate Change.
3. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, 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 Climate Change.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated December 2020 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, EIA Branch, Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met or until it is deemed by the Director to be no longer required.
5. The proponent will continue to provide project updates and information throughout the project phases as indicated in their document *Public and Stakeholder Consultation Summary Report (March 31, 2021)*, Section 6.0 Future Activities (Page 8) including, as examples, news releases, project updates on the Milltown Project web site, stakeholder meetings, Milltown Community Liaison Committee meetings, and continued response to questions, comments and concerns when necessary.

6. The proponent must fulfill all project related commitments to First Nations and must continue to engage and support the consultation process with First Nations during all project stages (i.e., pre-decommissioning, decommissioning, post-decommissioning and monitoring, etc.), as appropriate, in an effort to understand the potential impacts on Aboriginal and Treaty Rights and to avoid or mitigate these where possible.
7. Appropriate mitigation must be provided for all identified archaeological resources within the proposed project development area and all other areas with project components through direct consultation with First Nations and the Archaeology and Heritage Branch within the Department of Tourism, Heritage and Culture (THC). The proponent is responsible for all mitigation, including the following: archaeological monitoring by a permitted archaeological monitor is required for all ground disturbance undertaken within the project development area; Archaeological Site Alteration Permits, issued under the authority of the *Heritage Conservation Act*, must be obtained before any ground disturbance can occur within 200m of all registered archaeological resources; all future archaeological assessment and mitigation work must adhere to the *Guidelines and Procedures for Conducting Professional Archaeological Impact Assessments in New Brunswick* and the proponent is responsible for all costs; and, if it is suspected that remains of archaeological significance are found during construction, as per the *Heritage Conservation Act*, all activity will be stopped near the find and the Manager of the Regulatory Unit, Archaeology and Heritage Branch, THC will be contacted at (506) 453-2738.
8. Prior to commencing the project, detailed engineering designs must be provided to the Director, EIA Branch, DELG for review and approval, including erosion, sediment, pollution, and water control plans. Dewatering and drawdown activity will follow the approved water control plan, which will be required to comply with all applicable permits, laws and regulations. The final engineering design would include coffer dam location/construction, temporary roads, final riverbed and shoreline elevations and slopes, fill areas, etc. A project schedule is also required including the sequence of activities as engineering refinements are made and as related permitting processes are fulfilled.
9. A Project-Specific Environmental Management Plan (PSEMP) is required to be submitted to, and approved by, the Director, EIA Branch, DELG prior to the commencement of any activities related to each phase of work. The PSEMP will ensure all commitments and mitigation proposed throughout the EIA process and the EIA Conditions of Approval are captured and incorporated into the work methodologies including, but not limited to, items such as: waste management; contingency measures; heavy equipment operations and maintenance; an emergency response/reporting plan with processes for accidental spills, emergencies, incidents or storm events; spill response training; detailed erosion, sediment, pollution, and water control plans; fish passage monitoring; permitted hours of work; lighting requirements to minimize the extent of attraction for birds; etc.

10. The proponent must contact the District 4 Engineer, Department of Transportation and Infrastructure (DTI) well in advance of beginning the project to ensure that all of DTI's concerns are addressed. The proponent must disclose any concerns regarding additional transportation issues that they are aware of to the District Engineer.
11. A *Watercourse and Wetland Alteration (WAWA) Permit* will be required for any alteration(s) in, or within, 30 metres of a watercourse and/or wetland.
12. A Working Group on Fish Passage including New Brunswick Power Corporation, Department of Fisheries and Oceans Canada, Indigenous partners, other regulatory partners, and other interested stakeholders must be established for engagement and consultation regarding volitional fish passage as the project progresses.
13. The dewatering process will be carried out during low flow conditions and a fish stranding monitoring and rescue plan will be put in place. Final provisions for sequencing and control of water requirements will be confirmed during final detailed design to mitigate any potential for stranding of aquatic life. The fishway will remain in operation and monitored from early May to approximately mid-July 2022 during project activities to coincide with the upstream migration of gaspereau as they ascend the fishway and access spawning habitat upstream. Monitoring will continue during decommissioning to ensure that there is no stranding of fish.
14. Following removal of the station debris, a post-removal adaptive fish management plan (physical and biological) will be developed in conjunction with the Working Group on Fish Passage and a hydrological and fish passage evaluation will be carried out at Salmon Falls to determine if fish are able to ascend during key migration periods. The plan and evaluation results must be submitted for review and approval to the Director, EIA Branch, DELG. If the hydrological and fish passage evaluation indicates that fish passage for the target species cannot be reliably achieved, it is possible that some further intervention or modification of the riverbed and/or falls may be required.
15. Application to and approval from Transport Canada under the *Canadian Navigable Waters Act* is required prior to initiating the project.
16. Prior to decommissioning, relocation of the river gauge and water quality monitoring will be discussed with the International Joint Commission and other stakeholders, and outcomes will be incorporated into the long-term monitoring program following the completion of decommissioning, as appropriate.
17. The proponent will provide the summary report from the Phase II Environmental Site Assessment when available to the Director, EIA Branch, DELG for review and approval and to advise on potential presence/absence of contamination
18. A hazardous materials survey will be conducted prior to any decommissioning or demolition activities and a hazardous materials inventory will be developed (including areas where heavy mould could require short-term mitigation/remediation, if present), along with suitable recycling or disposal locations for each type of hazardous material identified. This inventory will be provided to the Director, EIA Branch, DELG for review

and approval.

19. Prior to initiating decommissioning activities, a survey of the buildings will be conducted to identify the presence of wildlife, birds, bats, or their nests. The proponent is responsible for ensuring that all activities comply with the requirements of the *Migratory Birds Convention Act*, the federal and provincial *Species at Risk Acts* and associated *Regulations*.
20. Once the two on-site water wells have been decommissioned in accordance with DELG's [Guidelines for the Decommissioning \(abandonment\) of Groundwater Wells and Boreholes \(May 2021\)](#), the well owner must notify DELG by email at WaterWellInformation2@gnb.ca and include the location of the well (civic address and PID), the well tag number, and the name of the licensed water well contractor that completed the decommissioning.
21. Monitoring of potable wells identified within a 2 km radius is required including completing a questionnaire with the property owner and, if desired by the owner, collecting a baseline representative sample for microbiology and chemistry testing prior to decommissioning activities. Subsequent samples and testing may be required, as necessary, until project completion.
22. Formal notification will be provided to DELG within 24 hours once the domestic wastewater treatment system is no longer in use as part of the demolition process.
23. The proponent shall ensure that any proposed project modifications are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
24. 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.
25. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.