

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
July 23, 2018
File Number: 4561-3-1489

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 Environmental Impact Assessment (EIA) registration document dated January 15, 2018 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, Department of Environment and Local Government (DELG) every six (6) months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that objects or features of archaeological significance are found during construction, work must stop immediately in the vicinity of the find and the Manager, Regulatory Unit, Archaeological Services Branch, Department of Tourism, Heritage and Culture must be contacted immediately at (506) 238-3512.
5. The proponent must obtain a valid Watercourse and Wetland Alteration (WAWA) permit prior to the commencement of any work in or within 30 m of a regulated wetland or watercourse. For more information, please contact the Director, Source and Surface Water Management Branch, DELG at (506) 457-4850.
6. The proponent must prepare a Wetland Compensation Plan to offset direct loss of regulated wetland habitat. The plan must demonstrate a 2:1 compensation of restored wetland to impacted wetland. The compensation plan must be submitted to the Director, EIA Branch, DELG for review and approved within 1 year of the date of this Determination.
7. The proponent must advise the Director, EIA Branch, DELG of any activities with anticipated impacts to Environmentally Significant Areas (ESAs) prior to these activities taking place. Should project activities result in negative impacts to an ESA, the proponent must propose mitigation measures to the Director, EIA Branch, DELG for review and approval.

8. The proponent must contact the NB Federation of Snowmobile Clubs (NBFSC) and NB All-Terrain Vehicle Federation (NBATVF) a minimum of two weeks prior to commencing work that may impact the authorized managed trails of these agencies, as well as maintain ongoing communication, as needed, with these agencies regarding project activities. The contacts for the motorized federations are below.
 - Kyle Good, NBFSC Trail Manager
Phone: (506) 292-1185
Email: kyle.good@nbfsc.com
 - Vance Johnson, NBATVF Trail Coordinator
Phone: (506) 476-0905
Email: vance.johnson@nbatving.com
9. The proponent must conduct pre-construction water well survey(s) for wells located within 200 m of dewatering and rock hammering activities, and must provide the Director, EIA Branch, DELG a water sampling plan for the wells included in the survey(s), containing relevant information (e.g., well number and location), prior to initiating these activities. The proponent may select a representative number of wells for the survey(s). The plan must be approved by DELG prior to implementation.
10. In the event of a complaint from a property owner that the project negatively impacted the quantity or quality of their private water supply, the proponent must investigate the complaint and notify DELG. If it is determined that the proponent is responsible for negative impacts, they will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s). Remediation could include, but is not limited to, deepening a well or drilling a new well.
11. The proponent must ensure that all contractors working at the site are familiar with, and will comply with, the requirements of the *Migratory Birds Convention Act* (MBCA) and associated Regulations.
12. Project activities, as applicable, must be in compliance with any requirements under the *Fisheries Act*.
13. The proponent must implement a monitoring program to assess pre-construction and post-construction changes in conditions in the project development area (PDA) for the following species listed under the *Species at Risk Act* (SARA) and/or designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC): Common Nighthawk, Chimney Swift, Olive-sided Flycatcher, Eastern Wood-Pewee, Barn Swallow, Wood Thrush, Canada Warbler, Bobolink, Rusty Blackbird, Evening Grosbeak, and Wood Turtle. The list is not all inclusive and other species that may be impacted should be added. Baseline monitoring must be conducted prior to construction and again in years 1, 3, and 5 following construction. Following year 3 of the monitoring program, the proponent may apply to the Director, EIA Branch, DELG to determine if continuance in year 5 is warranted. The monitoring program must 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 approval prior to the onset of construction. Adverse project impacts on SAR and/or COSEWIC species will be discussed with DELG, ECCC, and DERD along with appropriate mitigation, compensation, or conservation allowances.

14. An Environmental Management Plan (EMP) for construction activities must be developed by the proponent outlining environmental protection commitments for the proponent and their contractor(s) during project implementation to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. This plan must be submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of construction activities.
15. 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.
16. 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.