

**DOCUMENT “A”  
MINISTER’S DETERMINATION  
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act  
September 6, 2019  
File Number: 4561-3-1493

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 registered with the Department of Environment and Local Government (DELG) on April 16, 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, DELG every six (6) months from the date of this Determination until such a time as the Director determines it is no longer required.
4. The proponent must receive a Navigation Protection Act Approval prior to commencement of the project.
5. The proponent must receive a Fisheries Act Authorization prior to commencement of the project.
6. The proponent must obtain the necessary Canadian Environmental Protection Act Disposal at Sea Permits prior to commencing disposal activities at Disposal Site 1 (DS 1), Disposal Site 2 (DS 2), and Disposal Site 3 (DS 3).
7. The proponent must obtain an Approval to Operate should the project involve plans to dispose of dredged material on land, excluding federally owned land, above the normal highwater mark. The dredged material must meet the requirements of the “Guideline for Siting and Operation of a Dredging Material Disposal Site on Land.” The proponent is advised to contact the Coordinator, Authorizations Branch, DELG at (506) 444-3145 or [Marilyne.Mallet@gnb.ca](mailto:Marilyne.Mallet@gnb.ca) with any questions.
8. The proponent must apply for and receive an Archaeological Site Alteration Permit prior to initiating any construction activities within 100 m of any designated archaeological site.
9. Should the project require work on provincial Crown Land outside of the areas already transferred to the proponent through a Transfer of Administration and Control (TAC), a Licence of Occupation or TAC will be required. The proponent is advised to contact the Approvals Section, Department of Energy and Resource Development (ERD) at (506) 444- 3645 or [james.dickie@gnb.ca](mailto:james.dickie@gnb.ca) with any questions on the application process.
10. As the project includes excavation work within an area designated as “shore area” under the Quarriable Substances Act (QSA), the proponent must apply for a Quarry Permit under the QSA and obtain a permit prior to the commencement of the project. Questions regarding the permit and application process can be provided to the Resource Tenure Section, ERD at (506) 444-5806 or [wayne.osborne@gnb.ca](mailto:wayne.osborne@gnb.ca).
11. The proponent must obtain a Watercourse and Wetland Alteration (WAWA) Permit prior to conducting any activities/alterations in or within 30 meters of any watercourse or mapped wetland.
12. The proponent must conduct a preconstruction condition assessment of Chiasson Road, submit the findings to the Department of Transportation and Infrastructure, and acquire all resulting necessary roadway permits and permissions prior to commencing the project.

13. The proponent must prepare a Wetland Compensation Plan to offset direct loss of regulated and unmapped wetland as well as to address impacts to wetland functions. The plan must demonstrate a 2:1 compensation ratio of restored wetland to impacted wetland and outline the steps that will be undertaken to achieve wetland compensation commitments. The plan must provide a general understanding of the current project site, include maps and descriptions of impacted wetlands and functions, as well as identify the proposed locations of new/restored wetlands. Note that impacted Eelgrass wetland habitat may be addressed separately through the Fisheries Act Authorization process and the Federal Policy on Wetland Conservation in Canada. The plan must be submitted to the Director, EIA Branch, DELG for review and must receive approval within six (6) months of the date of this Determination.
14. The proponent must implement a monitoring program for the wetland areas impacted by the project, including wetland areas restored as compensation, to measure whether wetland function and/or area has changed over time. Note that impacted Eelgrass wetland habitat may be addressed separately through the Fisheries Act Authorization process and the Federal Policy on Wetland Conservation in Canada. Baseline monitoring must be conducted to establish baseline conditions prior to project implementation, followed by monitoring in years 1, 3, 5, and 10 following the completion of project construction and/or the completion of wetland restoration efforts. Monitoring reports (including drone photos, onsite photos, site maps, etc.) must be submitted to the Director, EIA Branch, DELG after each monitoring period. The monitoring program must be developed in consultation with DELG, ERD, and Environment and Climate Change Canada (ECCC), and be submitted to the Director, EIA Branch, DELG for review and must receive approval within six (6) months of the date of this Determination. Compensation, Conservation Allowances, or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a net loss of wetland function and/or area.
15. 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) as well as the federal Species at Risk Act (SARA). Migratory birds and their eggs and nests are protected under the MBCA, and Piping Plover are provided additional protections under SARA. The construction blackout period, with no planned activities for the project, is defined as May 1 to July 31 to avoid the most critical part of the Piping Plover nesting season; however, there is potential for Piping Plover and other migratory birds to nest outside of the blackout period. To avoid potential impacts on migratory birds nesting outside of the blackout period (including species at risk), the proponent must: a) conduct daily site monitoring if work is scheduled between August 1 and September 30 or between April 15 and April 30; b) establish a 300 m buffer around Piping Plover nests found during surveys (to remain in place until the young have naturally left); and, c) report all sightings of migratory bird individuals and/or nests to ECCC's Canadian Wildlife Service.
16. The proponent must submit an Offsetting Implementation and Monitoring Plan to mitigate impacts on Piping Plover critical habitat that is consistent with the 2012 and the draft pending 2019 "Piping Plover Recovery Strategy" as well as ECCC's "Operational Framework for Use of Conservation Allowances". The plan should include a baseline assessment and postconstruction monitoring of both onsite and offsite offsets at years 1, 3, 5, and 10. A draft Offsetting Implementation and Monitoring Plan must be submitted to the Director, EIA Branch, DELG for review prior to commencement of construction. The final plan must be submitted to the Director, EIA Branch, DELG for review and must receive approval within six (6) months of the date of this Determination.
17. The proponent must submit an adaptive Site Management Plan for Chiasson Office Barrier Beach, as well as any Offset Sites located offsite (see Condition 16), to the Director, EIA Branch, DELG for review and must receive approval within six (6) months of the date of this Determination.
18. The proponent must submit a follow-up Monitoring Plan to measure the effectiveness of mitigation measures intended to minimize or eliminate adverse impacts on Piping Plover (as outlined in the adaptive Site Management Plan (see Condition 17) and the project's Environmental Management Plan (see Condition 20)) as well as to verify the accuracy of environmental assessment predictions of direct, indirect, and residual project impacts. The plan must be submitted to the Director, EIA Branch,

DELG for review and must receive approval prior to commencement of the project. Based on the findings of the monitoring program, the Director, EIA Branch, DELG may require additional mitigation measures (e.g. adaptive management measures, Conservation Allowances).

19. The proponent must remove and/or regrade the road west of the project's causeway following the completion of all project activities (i.e. dredging and disposal of Phase B dredge materials). Details on the planned road removal (e.g. finished grade, use/disposal of granular construction materials, etc.) and site restoration activities must be included within the project's Offsetting Implementation and Monitoring Plan, Site Management Plan, and/or Follow-up Monitoring Plan.
20. The proponent must submit an Environmental Management Plan (EMP) outlining environmental protection commitments for the proponent and their contractor(s) during project construction and operation to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. The EMP must be submitted to the Director, EIA Branch, DELG for review and receive approval prior to commencement of the project.
21. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements.
22. 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.