

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to the *Environment Impact Assessment Regulation – Clean Environment Act*
July 26, 2022
File Number: 4561-3-1555

1. In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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 – 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 – 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 December, 2020 version of the Environmental Management Plan (EMP) for this project must be revised to incorporate mitigation measures for fauna and flora, details on compliance monitoring, effects monitoring and contingency plans in relation to potential impacts to wetlands and watercourses, appropriate beneficial management practices and measures to protect migratory birds, and include a commitment to conduct a bird survey before the beginning of the project, and identification of bird nests at regular intervals throughout the project to determine appropriate setbacks. The EMP will also include contingency plans that reflect a consideration of potential

accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association publication, *Emergency Preparedness and Response* (CAN/CSA-Z731-03, reaffirmed 2014), must be used as a reference. All spills or leaks, such as those from machinery or storage tanks, must be promptly contained and cleaned up (sorbents and booms should be available for quick containment and recovery), and reported to the 24-hour environmental emergencies reporting system (Maritime Provinces 1-800-565-1633). The revised version of the EMP must be submitted for review and must receive approval from the Director, EIA Branch, DELG before the start of any project-related construction activities.

6. Should any work be required within the 200 metres legislated protective buffer of archeological site CbDc2, the proponent must submit an Archaeological Impact Assessment completed by an Archaeologist with a valid Archaeological Field Research Permit to the Director of the EIA Branch, DELG for review and approval prior to any ground disturbance (including directional drilling) being undertaken within that buffer.
7. The proponent must apply for an *Archaeological Site Alteration Permit* issued by the Minister of Tourism, Heritage and Culture prior to ground disturbing activities within the buffer.
8. The proponent must apply for and obtain a *License of Occupation* (LOO) from the Crown Lands Branch, Department of Natural Resources and Energy Development (DNRED) to proceed with the project. Applications for a LOO may be obtained from DNRED's Applications and Information Section either by phone at 1- 888-312-5600 or via email at CL_TCWeb@gnb.ca.
9. Any alterations that are in and/or within 30 metres of a watercourse or wetland, based on definitions as per the *Clean Water Act*, will require a *Watercourse and Wetland Alteration Permit*.
10. The proponent shall ensure that the project complies with the *Coastal Areas Protection Policy* and associated mitigation measures.
11. The Wetland Monitoring Plan must include all frac-out locations, any sedimentation events in the coastal marsh, as well as the outfall locations. The Wetland Monitoring Plan shall monitor wetland function at 1, 3- and 5-year intervals from the date of the onset of initial construction and the reports shall be submitted to the Director, EIA Branch, DELG for review and approval. Compensation or additional mitigation may be required depending on the results of the final monitoring report.
12. Loss of wetland in New Brunswick must be compensated at a ratio of 2:1 through the restoration, creation or enhancement of wetland habitat. Should the monitoring plan demonstrate that wetland area and/or function was impacted as a result of the project, a Wetland Compensation Plan will be required to be submitted to the Director, EIA Branch, DELG for review and approval. The Wetland Compensation Plan should

address specific functions that were lost as demonstrated by the functional assessment that was conducted.

13. The proponent must apply for and obtain an *Approval to Construct* before commencement of the proposed work. For more information, please contact the regional Senior Approval Engineer for the Shediac region, DELG at (506) 476-6436
14. The proponent must complete baseline sampling of private wells (with homeowner permission) located within 200m of the site before any construction begins. In addition, the proponent must include well photos as part of the well questionnaire and analyze the sampled water for general chemistry, trace metals, and microbiology (or an equivalent potable water laboratory analysis package). The baseline sampling results and well questionnaires must be submitted to Director, EIA Branch, DELG for the file.
15. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
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.
17. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.