

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*

January 24, 2022

File Number: 4561-3-1561

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 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 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 document entitled, “Preliminary Environmental Impact Assessment for the Development of a Renewable Energy Electrical Generation Facility at 5th Canadian Division Support Base Gagetown” dated March 31, 2021, as well as all those identified in subsequent correspondence during the registration review for the project on the following property identification number (PID) 60058690. 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 6 months from the date of this Determination until such a time that all the Conditions have been met.
5. The proponent shall adhere to agreements and commitments made during their consultations with the Wolastoqey Nation.
6. Appropriate spill response equipment must be maintained in a readily accessible location on site during construction and operation. All spills and releases must be promptly contained, cleaned up and the DELG Fredericton Regional Office should be contacted at (506) 444-5149 during regular business hours while the 24-Hour Environmental Emergencies Report System should be contacted outside of regular business hours (1-800-565-1633). Any spill that could impact human health through soil, air or water must be reported to the Health Protection Branch of the Department of Health at (506) 453-2830.
7. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act*, all activity shall be stopped within 30 meters of the find and the Manager of the

Archaeological Regulatory Unit, Department of Tourism, Heritage and Culture (506) 453-2738 shall be contacted for direction.

8. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service of Environment and Climate Change Canada shall be consulted for advice by contacting their main office in Sackville, New Brunswick at (506) 364-5044. The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
9. The proponent shall ensure that no alterations shall take place in or within 30 metres of a watercourse or wetland which meets DELG's definitions.
10. 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*.
11. The proponent must ensure that light reflection from the solar panels will not impact motorists travelling on public roads.
12. 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.
13. The proponent shall contact the local DTI District Engineer at (506) 453-2611, well in advance of beginning the project, to ensure that all of DTI's concerns are addressed.
14. The proponent must prepare an Environmental Management Plan (EMP) to address environmental issues pertaining to facility construction and operation. The EMP must include a spill response contingency plan and specific commitments to mitigate potential impact pathways based on site-specific environmental constraints including but not limited to potential impacts to migratory birds. An EMP can be submitted for each phase of work (e.g. construction, operation, decommissioning, etc.). EMPs must be submitted to and approved by the Director of DELG's EIA Branch prior to the commencement of any activities related to each phase of work.
15. 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 of the EIA Branch, DELG.
16. The proponent shall ensure that any proposed project modifications or future expansions are submitted for review and approval to the Director of the EIA Branch, DELG, prior to implementing the changes.
17. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.