

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
December 18, 2023 File Number: 4561-3-1582 – SR: 030006**

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 March 28, 2022, 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. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
6. An Environmental Management Plan (EMP) must be prepared and submitted for review and must receive approval from the Director, EIA Branch, DELG prior to the commencement of any project related activities. The EMP must include but is not limited to, project specific mitigation as well as, emergency response plans, including spill response plans, site specific re-fueling plans, and a sediment control plan. The EMP must address safety and environmental protection measures committed to during the review.
7. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
8. The proponent must ensure that all project activities are conducted in compliance with the federal and provincial *Species at Risk Act* and associated Regulations.
9. The proponent must obtain a *License of Occupation* from the Department of Natural Resources and Energy Development prior to the disturbance of submerged Crown Land.
10. The proponent must apply for and obtain an *Approval to Operate* from DELG's Authorizations Branch before the commencement of any dredge material disposal on land related to the project. A separate *Approval to Operate* must be obtained to dispose of any temporarily contained dredge material that must be moved to a different location.
11. A Watercourse and Wetland Alteration (WAWA) Permit must be obtained prior to conducting any alterations in or within 30 metres of a watercourse or wetland that meets DELG's definitions (which are available online here: <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Wetlands-TerreHumides/WatercourseAndWetlandIdentification.pdf>).
12. Wetland compensation at a 2:1 ratio must be provided for any areas of wetland that will be permanently impacted. A Wetland Compensation Plan must be submitted to and approved by the Director, EIA Branch, DELG or arrangements can be made through a Wetland Compensation Consultant who may be able to provide compensation on your behalf. Note that a WAWA Permit application will be placed on hold until either a compensation plan or confirmation of payment to a Wetland Compensation Consultant is provided.
13. This project will take place in a coastal zone and must comply with the *Coastal Areas Protection Policy* (which is available online here: <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/CoastalAreasProtectionPolicy.pdf>).

14. A Wetland Monitoring Plan (WMP) must be submitted within six months of the date of this Determination for review and must receive approval from the Director, EIA Branch, DELG. The WMP must describe the planned methodology for monitoring of potential residual impacts to the wetlands and their functions. The Wetland Ecosystem Services Protocol for Atlantic Canada (WESP-AC) is the recommended wetland functional assessment methodology. In general, wetland monitoring programs are intended to: establish baseline conditions through an initial delineation and functional assessment (i.e., WESP-AC); monitor wetland boundaries and functions that may have been affected over time since the commencement of the project (i.e., residual effects); and adaptively manage potential residual effects by proposing mitigation measures to address any changes if applicable.
15. Wetland Monitoring Reports (WMRs) will be required to be submitted to the Director, EIA Branch, DELG at monitoring years 1, 3 and 5 (from the date of the onset of initial construction, for each phase) to summarize methods and results. The WMRs should also provide recommendations for next steps in the monitoring report. It should be noted that the wetland monitoring program is intended to be an adaptive management approach; therefore, monitoring plans, restoration, mitigation, compensation, etc. may be required to be adjusted, subject to the approval of the Director, EIA Branch, DELG, pending the results of the monitoring reports. Digital copies of the report must be submitted with accompanying GPS data and associated metadata/attribute data of the wetland boundaries.
16. A Surface Water Monitoring Program must be submitted for review and receive approval from the Director, EIA Branch, DELG prior to the start of dredging activities. The program must include monitoring for fecal indicator bacteria, turbidity, nutrients, metals, and hydrocarbons prior to dredging, during dredging activities, and post dredging until it has been deemed by the Director, EIA Branch, DELG to be no longer necessary. The program must also include a contingency plan should the baseline parameter results be exceeded prior to the start of swim season of each year.
17. The Stormwater Treatment System must be installed and operating prior to commencement of any dredging activities.
18. Dredging of the tidal inlet, lagoons and channel shall occur between October 1st and March 31st. Should dredging outside of this timeframe be necessary, additional mitigation, further review by the Technical Review Committee, and approval of the Director, EIA Branch, DELG will be required.

19. A Groundwater Monitoring Plan must be submitted for review and must receive approval from the Director, EIA Branch, DELG prior to the start of dredging activities. The plan must include baseline water quality sampling of potable wells surrounding the project area and follow up sampling throughout the project (with property owner approval). The plan must also include the sampling schedule (sampling frequency and parameters) and reporting schedule for groundwater monitoring reports. Groundwater monitoring reports must include all data collected, data analysis and interpretation, an evaluation on if the project is negatively impacting the groundwater environment, and any recommended changes to the monitoring or required mitigation, subject to approval from the Director, EIA Branch, DELG.
20. An erosion monitoring plan, to monitor erosion of private properties along dredging sites must be submitted for review and receive approval from the Director, EIA Branch, DELG prior to the start of dredging activities. A contingency plan must be included in the event it is determined that dredging activities have negatively impacted neighbouring properties
21. 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.
22. 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.
23. The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.