

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

14 September 2005

File Number: 4561-3-913

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, and commitments, monitoring and mitigation measures presented in the EIA registration document (dated May 2, 2005), as well as to those identified in all 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 of the Project Assessment Branch, NB Department of the Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as the construction is complete.
4. The footprint of the project is limited to the terrestrial boundary of the site (i.e., no infilling of the wetland), and the final design of the facility must avoid or minimize any intrusion into the 30 m wetland buffer. No equipment or staging areas shall be located in the wetland. In addition, a compensation plan for any lost or altered wetland habitat must be developed and submitted to the attention of the Director, Project Assessment Branch for review and approval. The compensation plan must take into consideration any altered wetland habitat including impacts due to shading from any structures (e.g., overhang, if part of the final design), and any opportunities for the potential restoration of habitat in proximity to the project area and the surrounding region. Further, wetland interpretive material to be used during operation shall be submitted to the attention of the Director, Project Assessment Branch for review and approval.
5. The final project design must take into consideration the potential for sea-level rise due to climate change, and the final modelling results being conducted for the EIA study assessing proposed modifications to the Petitcodiac causeway (e.g., possible changes to the wetland, ice regime, and flood risk from each of the causeway options). Once available, the final project design must be submitted to the Director, Project Assessment Branch along with the project EMP (see Condition 6 below) for review and approval. In addition, The Province of New Brunswick will not be held responsible/liable for any flood damage resulting from construction of the proposed project.

6. A site-specific Environmental Management Plan (EMP) must be submitted to the Director Project Assessment Branch for review/approval prior to the start of construction. The EMP must include a site layout or schematic linking mitigation to locations, a monitoring plan and contingency plans. In addition, the EMP should outline best management practices for the use of road salt as applicable.
7. Once collected as part of geotechnical sampling, core samples must be examined by a licensable archaeologist and the results submitted to the Archaeological Services Unit of the Culture & Sport Secretariat (ASU). In addition, in the event that archaeological resources are discovered during construction, all construction activity must stop, and the ASU must be contacted immediately at 453-2756.
8. Once available, detailed design information (e.g., site-specific engineering plans) must be submitted for review to ensure consistency with the *Coastal Areas Protection Policy*. For additional information, please contact the Director, Sustainable Planning Branch at (506) 453-2862. Please note that additional requirements may be identified as part of the review of detailed design information (e.g., specific requirements for erosion control measures).
9. All waste generated during project construction/operation must be removed immediately from the project area for recycling, reuse, or disposal at an approved facility (e.g., landfill). Any on-site disposal of materials must meet the Department's *Clean Fill Guidelines*. Please contact the Stewardship Branch for additional details at 444-6728.
10. Construction activities must be undertaken in a short-time frame to minimize the period when the project area is disturbed. Site drainage and dust generated from construction activities must be controlled. Erosion and sedimentation control measures must be put in place prior to the start of construction activities. Refuelling and maintenance of equipment will take place in designated areas, on level terrain, a minimum of 30 m from any surface water/wetland, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. An Emergency Response Plan must be developed in consideration of CAN/CSA-Z731-95 (*Emergency Planning for Industry*), for response to any accidental spill/release of hazardous materials, including sediment. Appropriate spill response equipment (boom, absorbent pads, barrels) must be maintained in a readily accessible location during construction. All spills and releases should be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633), and to the DELG regional office (506-856-2374).
11. A *Watercourse and Wetland Alteration Permit* will be required for any ground disturbing activities conducted within 30 m of any watercourse including wetlands. Please note that final detailed project design information must be submitted with the permit application. Please contact the Manager of the Watercourse and Wetland Alteration Program, DELG at (506) 457-4850 for additional information.
12. As Crown lands are involved with the proposed project, authorization or tenure is required from DNR. Please contact the Crown Lands Branch at (506) 453-2437 for additional information.
13. A *Building Permit* will be required for any structures to be constructed on site. Please contact the Greater Moncton Planning Commission at (506) 857-0511 for additional information.

14. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.
15. For future development planning, the Town of Riverview must explicitly consider wetland habitat as a constraint.