

## **DOCUMENT "A"**

### **MINISTER'S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

**August 15, 2005**

File Number: 4561-3-1041

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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 EIA registration document (dated May 19, 2004), as well as all those identified in subsequent correspondence during the determination 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 of the New Brunswick Department of the Environment and Local Government (NB DELG) every 3 months from the date of this Determination until such a time as construction is complete.
4. A New Brunswick *Watercourse and Wetlands Alteration Permit* will be required from the New Brunswick Department of the Environment and Local Government prior to the commencement of construction.
5. Prior to the commencement of construction, a licensable archaeologist must evaluate the potential for heritage resources in the areas that would be affected by the project as well as the potential for impacts to any such resources and identify any required mitigation. If it is suspected that remains of archaeological significance are discovered during the evaluation or during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at 453-2756. A report prepared by the licensable archaeologist summarizing the results of the archaeological resources evaluation shall be submitted to the Director of the project Assessment Branch of the NB DELG within thirty days of this Determination.
6. The proponent shall establish a stage discharge relationship for the estimation of the Millstream River flow based on water depth measurements and install a staff gauge that will allow direct

measurement of the river water level.

7. Irrigation shall not be commenced until a report demonstrating the stage discharge relationship and staff gauge installation procedure are submitted for review and approval to the Director of the Project Assessment Branch of the NB DELG.
8. For the first year of operation, daily staff gauge measurements shall be recorded and reported to the Director of the Project Assessment Branch of the NB DELG on a monthly basis. The monthly reports shall clearly demonstrate the water flows corresponding to the staff gauge measurements.
9. During operation, should the water level in the Millstream River drop below the established staff gauge corresponding to the minimum maintenance flow of 0.534 m<sup>3</sup>/s the proponent shall cease to extract water from the Millstream River until such time that the flow exceeds the minimum maintenance flow. The proponent shall record all such events and make the information available to the NB DELG upon request.
10. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
11. The proponent shall develop an environmental management plan (EMP) that includes, but is not limited to, the mitigative, monitoring and contingency measures identified during the project determination review. The EMP shall be submitted to the Director of the Project Assessment Branch of the NB DELG for review and approval prior to commencement of construction activities.
12. The proponent shall ensure that all contractors and operators associated with the construction and operation of this facility comply with the above requirements and as well as the appropriate EMP requirements.