

# **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

February 28, 2007

File Number: 4561-3-1042

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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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated May 16, 2005, 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 of the Project Assessment Branch every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall conduct a groundwater quality and well assessment at each residence located within 100 m of construction activities. The results of this assessment shall be submitted to the Director, Project Assessment Branch, prior to the commencement of construction. The proponent shall be responsible for the repair and/or replacement of any wells found to have been permanently damaged or adversely affected by the proposed project. In the event that blasting is required, the assessment shall be extended to all residences within 500 m of construction activities.
5. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756, and the procedures described in Section 7.6 and 8.3 of the NBDOT EPP and Item 948 of NBDOT Standard Specifications (2006) must be followed. The proponent may be required to undertake a heritage assessment for which it would bare the financial responsibility.
6. If the construction or development of ancillary elements is planned for areas that have not been surveyed by a professional archaeologist, then a pre-construction survey must be conducted to ensure that any archaeological/heritage resources are identified.
7. The proposed relocation of the Sentier NB Trail (SNBT) shall be constructed to SNBT standards, with appropriate trail signage installed on the relocated section of the trail. The section of trail that is to be discontinued must remain accessible until an acceptable alternative route is completed. Please contact Mr. Paul Jorgenson, General Manager of the NB Trails Council at (506) 459-1931 for additional information.
8. All solid waste generated from this project shall be disposed of in an appropriate manner. All

measures to divert waste from landfills should also be undertaken, such as using material that meets the department's "Clean Fill Guidelines" as clean fill, and by disposing of debris that meets the departments' definition of "C&D Debris" at an approved C&D disposal site.

9. The proponent shall apply for and obtain a separate Watercourse and Wetland Alteration Permit from the Department of Environment, prior to the commencement of any site preparation (i.e. ground breaking) work other than clearing activities. An expanded application shall be submitted for this WAWA Permit which must include a discussion of design alternatives based on the results of the hydrological investigation. As a minimum, the application must incorporate a design approach which optimizes the locations of culverts and/or the use of alternative design methods in order to maintain the exchange of surface/ground water through the RoW. The study will also be used to validate NBDOT's assumptions of the connectivity of surface and groundwater within the wetland complex.
10. A more detailed wetlands Follow-up Monitoring Plan shall be submitted as part of the WAWA permitting process. This plan will expand on the information contained in Section 4.5.6 (Monitoring and Follow-up) of the Registration Document to include a more quantitative approach of evaluating the impacts to the wetland as a result of the project.
11. An Environmental Management Plan (EMP) shall be developed for the project to supplement the existing NBDOT Environmental Field Guide and Environmental Protection Plan. The EMP shall include, but not limited to, the specific items outlined in Section 2.8 (Environmental Management) of the EIA Registration Document. The EMP must be submitted as part of the WAWA permit application process for the site preparation work.