

## **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

May 29, 2007

File Number: 4561-3-1081

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 (i.e., Application to the National Energy Board, dated May 23, 2006), National Energy Board Environmental Assessment Report (dated April, 2007), as well as to those from all subsequent correspondence and reports 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 (i.e., May 29, 2007) until such a time as the construction is complete and the Department of Environment is satisfied that all the conditions have been addressed.
4. The proponent shall submit all deliverables recommended in Section 9.0 of the National Energy Board Environmental Assessment Report (dated April, 2007) to the Director, Project Assessment Branch for review, and receive approval prior to the start of construction and/or operation as appropriate.
5. Once finalized, the 30 m pipeline Right-of-Way (RoW) and supporting field information must be submitted to the Director, Project Assessment Branch for review, and receive approval prior to the start of construction. Please note that additional environmental protection measures/conditions may be identified at that time as conditions of approval for the final pipeline RoW.
6. Associated work proposed outside the finalized pipeline RoW (e.g., temporary workroom areas, marshalling yards, laydown areas, etc.) must be submitted to the Director, Project Assessment Branch for review, and receive approval prior to the start of ground-disturbing activities.
7. *Watercourse/Wetland Alteration Permits* will be required for any activities conducted within 30 m of a watercourse or wetland. Please contact the Manager of the Watercourse/Wetland Alteration Program, at (506) 444-5149 for additional information.
8. A compensation plan for any unavoidable loss or alteration of wetland habitat due to the project 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, and any opportunities for the potential restoration of habitat in proximity to the project area. Compensation will be required for any wetland area that is shown to have residual impacts as

indicated by the wetland follow-up program (i.e. environmental effects monitoring (EEM) program) outlined in Section 5.5 of the *EIA Report*, dated May, 2006.

9. To ensure protection of the Town of St Stephen and City of Saint John water supply watersheds (i.e. Dennis Stream and Spruce Lake watersheds), the proponent must implement a water monitoring program as part of the overall project Environmental Management Plan (EMP – please refer to condition 20). A contingency plan must also be developed and included in the EMP to respond in the event that any municipal water supply is compromised/adversely affected by the construction or operation of the pipeline. Additionally, all water monitoring results must be submitted to the Director, Sciences and Reporting Branch for review/approval.
10. At a minimum, measures identified in Section 5.2 of the *EIA Report* (dated May, 2006) to protect groundwater resources must be properly implemented, including baseline groundwater monitoring for potentially affected wells. Should a private well be affected by the construction or operation of the pipeline, the proponent will be responsible for repair or replacement of the impacted well, including but not limited to deepening the well or drilling a new well. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration. Additionally, all groundwater monitoring results must be submitted to the Director, Sciences and Reporting Branch for review/approval.
11. Emera must implement an ongoing public safety information program to ensure that members of the public are aware of the proposed pipeline project, are able to contact the proponent to obtain additional information, and are aware of the contingency plans in place to deal with potential accidents and malfunctions. Additionally, the local public must be notified of the finalized project construction schedule, prior to the commencement of construction activities.
12. To minimize the spread of invasive plant species such as purple loosestrife, machinery must be cleaned of mud and vegetation prior to entering and leaving construction areas in proximity to wetland habitat.
13. Authorization or tenure is required from DNR where the finalized pipeline RoW interacts with Crown Land. Please contact the Crown Lands Branch at (506) 453-2437 for additional information.
14. Emera must implement an environmental awareness training program for project personnel and environmental inspectors to familiarize them with all environmental protection commitments and requirements, and to ensure that environmental protection measures are properly implemented in the field.
15. Measures must be implemented to deter unauthorized travel by all-terrain vehicles (ATV) and other off-road vehicles along the RoW. Additionally, the proponent must monitor the success of these measures and should mitigation not be successful in preventing unauthorized use of the RoW, additional measures must be implemented. All mitigation and monitoring measures must be included as part of the overall project Environmental Management Plan (EMP – please refer to condition 20)
16. Measures must be implemented to ensure that the penstock that supplies water to the Musquash hydro-electric facility is not adversely affected/damaged.

17. All Species at Risk field data results must be provided to the AC CDC for inclusion in the Species at Risk Database within 1 year following the start of operation of the pipeline.
18. In the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, etc), the Director of the NB Department of Environment regional office must be notified at (506) 658-2558, as outlined in the finalized EMP (please refer to Condition 20).
19. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Unit, Heritage Branch (NBDWC&S) shall be contacted at (506) 453-2756.
20. The Proponent must develop an Environmental Management Plan (EMP) and submit it to the Director, Project Assessment Branch for review, and receive approval prior to the start of construction and/or operation as appropriate. The EMP must include an Environmental Protection Plan (linking mitigation measures to a location), project contingency plans (e.g., emergency response, etc.), and monitoring plans (e.g., wetland monitoring and/or any follow-up programs). Emergency prevention and response plans must be included as part of the EMP and must be consistent with the Canadian Standards Association (CSA) publication CAN/CSA-Z731-03 *Emergency Preparedness and Response* (CSA-Z731-03) and the 2004 *Emergency Response Guidebook*.
21. Emera Brunswick Pipeline Company Ltd. (Emera) shall fund a position for environmental monitoring and compliance for the period of construction and commissioning of the pipeline. The position will be established by the Department of Environment and will be located at the Saint John Regional office. The duties of the Environmental Monitoring and Compliance Officer include, but are not limited to, monitoring compliance of commitments made, coordinating reviews of plans/permits among different levels of government and ensuring the public is adequately informed.
22. A decommissioning plan must be submitted to the Director, Project Assessment Branch for review, and receive approval prior to decommissioning/abandonment of the pipeline.
23. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.