

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION**

#### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 31, 2008

File Number: 4561-3-1115

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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 January 31, 2007, 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 and Approvals Branch every 6 months from the date of this Determination until such a time that all the Conditions have been met.
4. The proponent shall be responsible for providing a temporary water supply to any residences in the area that experience adverse groundwater quality or quantity due to construction activities and to repair or replace any wells that are permanently damaged or adversely affected by the proposed project.
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 and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756.
6. 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 of Environment’s “Clean Fill Guidelines” as clean fill, and by disposing of debris that meets the Department of Environment’s definition of “C&D Debris” at an approved C&D disposal site.
7. The contractor(s) will be responsible for contacting the Harbour Authority and coordinating activities at the wharf during the project so as to avoid unnecessary interference with local fishers.

8. A comprehensive Environmental Management Plan (EMP) shall be developed for the project to supplement the existing NBDOT Environmental Field Guide and Environmental Protection Plan. In particular, the EMP shall include a detailed Total Suspended Solids (TSS) monitoring program that will include contingency plans in the event that TSS levels exceed threshold values. This will require monitoring in order to establish baseline conditions, particularly in proximity to active herring weirs, the water intake facility, lobster cars, and lobster spawning/rearing areas. The plan shall be submitted to the Manager of the Project Assessment Section for review, and must receive approval prior to the commencement of any construction activities, including dredging.