

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 26, 2007

File Number: 4561-3-1120

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 April 3, 2007), as well as to those from all subsequent correspondence and reports during the registration review, including the *Final Field Report* (dated June 25, 2007). 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 2 months from the date of this Determination (i.e., July 17, 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. Water used for hydrostatic testing must come from the Town of Sussex municipal water system, and following testing be disposed of in the Town of Sussex wastewater treatment plant.
5. All watercourses and wetlands must be crossed using horizontal directional drilling (HDD) except where technically not feasible. In addition, a *Watercourse and Wetland Alteration Permit* will be required for any activity to be carried out within 30 meters of a watercourse or wetland. Please contact the Director of the Watercourse and Wetland Alteration Program at (506) 444-5149 for additional information.
6. A wetland functional assessment is required to be completed and submitted to the Director, Project Assessment and Approvals Branch, prior to the start of construction/ground disturbance. In addition, A wetland environmental effects monitoring (EEM) program must be developed for any wetlands potentially affected by the expansion project (e.g., wetlands 30 & 31), the results of which will determine the need for compensation.
7. No chemical spraying is allowed along the pipeline RoW.
8. A pre-construction baseline water quality well survey must be conducted for all water wells within 500 meters of the centre line of the RoW, and a further well construction survey within 200 meters of blasting activity, or in any area where trench dewatering may have a negative impact. If any construction activities associated with this project result in any adverse effects on water supply

wells, affected landowners must be supplied with a new well, or improvements to the existing well so that an appropriate water supply is restored. In addition, the proponent must supply the affected landowners with water on a temporary basis until the water supply is restored. Please contact the Sustainable Planning Branch, Department of Environment for details regarding monitoring at (506) 457-4846.

9. Mapping must be provided to the NB Department of Agriculture & Aquaculture on or before November 1, 2007, indicating the location of the final pipeline RoW, and identifying areas of increased burial depth and/or heavy wall pipe installed beneath agricultural land.
10. An updated *Approval to Operate* incorporating the two new well pads will be required. For additional information, please contact the Project Assessment and Approvals Branch at (506) 444-5382.
11. 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 immediately at (506) 658-2558.
12. At a minimum, the recommendations outlined in Section 2.0 of the *Final Field Report* (dated June 25, 2007) to protect archaeological/heritage resources must be properly implemented. In addition, 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, shall be contacted at (506) 453-2756.
13. The Proponent must update the existing Environmental Management Plan (EMP – Revision 5, dated May 2007) specifically for this project, and submit it to the Director, Project Assessment and Approvals Branch for review, and receive approval prior to the start of construction. The EMP must include an Environmental Protection Plan (linking mitigation measures to a location), project contingency plans (e.g., emergency response, etc.), and any planned monitoring or follow-up initiatives.
14. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.