

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 19, 2007

File Number: 4561-3-1127

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 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 of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Prior to commencement of construction the proponent must obtain a Watercourse and Wetland Alteration Permit. As part of the application for this permit, a Site Specific Environmental Protection Plan (Condition 12) must be submitted . Road design details are also required as part of the permit application.
5. A wetland compensation plan and an environmental effects monitoring plan must be completed by the proponent. The details of both plans must be submitted as part of the application for the required Watercourse and Wetlands Alteration Permit (Condition 4). The permit will not be issued until the aforementioned plans are reviewed and approved by the Department of Environment. Note that there will be additional compensation requirements in addition to the proposed 4538m2 restored area.
6. Prior to the commencement of construction, the proponent must prepare a supplementary information report containing the results of the field surveys described in Section 6.9 of the Registration document (Fish Population Survey and Fish Habitat Assessment) , and must submit this report to the Director, Project Assessment and Approvals Branch for review and approval along with any required mitigation measures.
7. Prior to the commencement of construction the proponent must submit detailed plans (length, width, area impacted) of the proposed watercourse crossing along with the results of the fish population survey and fish habitat assessment to DFO to allow them determine the potential impact on fish and fish habitat. If required by DFO, the new culvert at the stream crossing must be designed and installed in a manner that provides fish passage. For further information please contact Fernand Savoie, Habitat Assessment Biologist, Fisheries and

Oceans Canada at (506) 851-2365.

8. Inorganic and microbiological sampling for baseline water quality of all wells within 500m of the proposed realignment must be completed by the proponent prior to commencement of construction activities. All well data collected (information and water quality data) must be submitted to the Director of Sciences and Reporting Branch of the Department of Environment.
9. Any private water wells that are impacted as a result of construction or operational activities related to this project must be restored or replaced by the proponent. The required action may include but is not limited to the deepening of a well or the drilling of a new well. If an existing private well becomes unusable, the proponent must make provision for a temporary water supply until the well is repaired or replaced.
10. Prior to commencement of construction, a description of the use and availability of habitat for Monarch butterflies within the project location, must be submitted to the Department of Environment for review and approval, along with a description of the potential effects of project-related activities on Monarchs and their habitat, and any proposed mitigation and monitoring measures.
11. Prior to the commencement of any excavation, grubbing, grading or fill placement the proponent must retain a licensed archaeologist to conduct an archaeological assessment of all the areas to be disturbed, to the satisfaction of the Archaeological Services Section, Department of Wellness, Culture and Sport.
12. Prior to commencement of construction the proponent must prepare and submit for approval a site-specific environmental protection plan for the project to supplement the existing NBDOT Environmental Field Guide and Environmental Protection Plan. As part of this plan, mitigation measures must be incorporated that will prevent further impacts on the wetland. Examples include erosion and sediment controls, minimization of footprint width and work areas, and contingency plans for spills, weather, etc. Required mitigation will include placement of culverts to ensure that existing site hydrology is maintained.
13. Should the project require the excavation, or disturbance of 500 cubic metres or more of rock that is suspected of having the potential to be acid generating, the rock must be sampled analysed and identified, and the proponent must contact the following parties to discuss appropriate measures: Rodger Albright, Environment Canada at (902)-426-4480 and Don Fox, NB Department of Environment at(506) 457-7257.