

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 17, 2008

File Number: 4561-3-1140

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 December 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. 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. The mitigation measures outlined in Section 6.2.9 of the EIA Registration Document must also be implemented.
5. All private water wells located within 500 m of the pipeline RoW or new access roads must be sampled for baseline water quality (inorganic and microbiological) prior to any clearing or construction activities taking place. These results, including maps showing the locations of the wells and associated Parcel Identifiers (PID's), must be submitted to the Department of Environment, by December 31st, 2008. The proponent must also indicate when each well was sampled since some wells will have been sampled at different times for other projects.
6. If blasting of bedrock is required for pipeline construction, a pre-blast survey must be completed for any private wells located within 500 m of blasting locations. This would include the collection of well construction details such as depth, casing length, photos, screened interval, well yield, static water level measurement etc. for each well.
7. The proponent will be responsible for any negative impacts to private water wells due to construction activities as part of the proposed project, and will be required to provide a temporary water supply in the short term, or replace any impacted well, which might include, but is not limited to, deepening a well or drilling a new well.

8. All agricultural ground crossed during construction activities shall be clearly marked by signage in accordance with CSA Z662 and the NB Pipeline Act and Regulations. Pipeline crossings of existing farm roads or reasonably expected future farm roads shall be designed in accordance with the requirements of CSA Z662 for road crossings.
9. The proponent must apply for a *Highway Usage Permit* before construction begins where any infrastructure is to be placed within NBDOT right-of-way. This can be done by writing to Mr. Terrance Gamble, Property Manager, Planning and Land Management, PO Box 6000, Fredericton, NB, E3B 5H1.
10. Prior to the commencement of the construction activities, the proponent shall apply for and obtain a *Watercourse and Wetland Alteration Permit* from the Department of Environment should any activities be carried out within 30 meters of any watercourse or wetland. It is recommended that submission of this application occur at least 90 days prior to the commencement of any construction activity. Please contact the Regional Director responsible for the Watercourse Alteration and Wetlands program at (506) 457-4850 for further information.
11. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project are aware of the boundaries of the 1:20 and 1:100 year flood plains within the project area. Should it be determined that any portion of the proposed pipeline will be located within a flood plain, contractors responsible for pipeline installation must employ proper mitigation techniques to address issues associated with the construction and operation of a pipeline within a flood plain.
12. Water used for hydrostatic testing must come from the Town of Sussex municipal water system, and must be disposed of in the Town of Sussex wastewater treatment plant following testing.
13. Should the crossing of any watercourses and/or wetlands be required, horizontal directional drilling (HDD) must be carried out for the crossing 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) 457-4850 for additional information.
14. No chemical spraying will be permitted along the pipeline RoW.
15. The proponent must follow the most recent version of their Environmental Management Plan (EMP) – Revision 6, dated August 2007.