

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 18, 2008

File Number: 4561-3-1155

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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 April 29, 2008), 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 Manager of the Project Assessment Section every 6 months from the date of this Determination until such a time as the construction is complete.
4. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
5. All waste generated during project construction/operation shall be removed immediately from the project area for reuse, recycling, or disposal at an approved facility, however priority should be given to reusing or recycling wherever possible.
6. A detailed Environmental Protection Plan that addresses, but not limited to, the issues listed below must be submitted to the Director of the Project Assessment and Approvals Branch and must be reviewed and approved by the Director prior to commencement of construction:
  - A contingency/spill response plan that details what steps will be taken to ensure any potential impacts related to accidental spills of hazardous materials, accidents, and malfunctions would be minimized or prevented.
  - An erosion and sedimentation control plan with a map or diagram linking the mitigation to location.
  - Provisions for the management of hazardous materials (e.g. fuels, lubricants, cement, wet cement, concrete additives and agents, preservatives, solvents, paints, etc.) and wastes (e.g. waste oil).
  - A harlequin duck monitoring plan.

7. During overlapping project construction phases and periods of harlequin duck migration, monitoring for harlequin duck must be carried out. Should any harlequin duck be observed, work shall be ceased until such a time the harlequin duck have left the area.
8. Prior to the commencement of operation, the proponent must obtain an Approval to Operate from the New Brunswick Department of Environment. Please contact Mr. Jeffery Porter at (506) 453-4334 for additional information.
9. No material other than dredge waste from the Dalhousie Harbour Basin is permitted to be disposed of within the Confined Disposal Facilities.