

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 30, 2009

File Number: 4561-3-1184

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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 October 15, 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 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. During any construction related excavation activities, a licensed archaeologist must be on site to visually monitor the excavation. If it is suspected that objects or features of archaeological significance are found during the excavation or construction of the project, work shall stop immediately in the vicinity of the find (minimum 5 m x 5 m block), and Archaeological Services, Heritage Branch, Department of Wellness, Culture and Sport, shall be contacted immediately at (506) 453-3014. If additional archaeological mitigation is required then the proponent will bare the financial responsibility.
5. The proponent shall obtain an *Approval to Construct* and an *Approval to Operate* from the Stewardship Branch of the New Brunswick Department of Environment. The *Approval to Construct* shall be obtained prior to the commencement of any construction activities. An application for a *Watercourse and Wetland Alteration Permit* shall also be submitted in conjunction with the *Approval to Construct/Operate* application. Please contact the Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
6. The Proponent must ensure that upgrades are located above predicted future flood elevations, and develop a flood contingency plan in the event flooding does occur.

7. An Environmental Management Plan (EMP) must be prepared illustrating mitigation measures to be put in place for the construction, operation and maintenance phases of the project. The EMP shall consider erosion and sedimentation control in general and for any aspect of the project that has potential to deposit sediment into the Saint John River, spill prevention, hazardous materials management (fuels, lubricants, hydraulic oil, waste oil etc.) and clean up. The plan shall also include emergency response plans to be put in place in the event of an accident or facility malfunction. The plan must be submitted to the Manager of the Project Assessment Section, Department of Environment for review and must be approved prior to the commencement of all construction associated with the project. Contractors working on the project shall be made aware of the contents of the EMP, and copies shall be made available at the site.