

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

September 30, 2009

File Number: 4561-3-1188

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 shall 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 2nd, 2008, and subsequent addenda, 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 (DENV) every 6 months from the date of this Determination until such a time as all Conditions have been met.
4. The final detailed design and implementation of the project shall ensure minimal disruption and/or destruction of wetlands within the project Right-of-Way (RoW). This shall be done by including Best Management Practices and mitigative measures to ensure a reduced footprint, minimization of erosion/sedimentation, maintenance of hydrological connectivity between wetlands, and timing of construction activities, etc.
5. The proponent shall conduct water quality sampling and undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the sampling and well assessment shall be submitted for review and receive approval from the Manager, Project Assessment Section, prior to the commencement of blasting/construction activities. The proponent shall be responsible for the repair and/or replacement of any wells found to have been permanently damaged or adversely affected by the proposed project.
6. Prior to the onset of construction, the spring 2009 Rare Plant Survey shall be submitted for review and receive approval from the Manager, Project Assessment Section. Please note that additional mitigative measures may be required as part of the Environmental Management Plan (EMP), based on the results of this survey.
7. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DENV for any activities conducted within 30m of a watercourse or wetland, prior to the commencement of clearing activities. The proponent shall apply for and obtain a separate WAWA Permit prior to the commencement of any site preparation work (i.e. ground breaking / construction) beyond that of clearing activities, which will occur within 30 m of a watercourse or wetland. For additional information, please contact the Manager of the WAWA Program, DENV, at (506) 457-4850. The Department of Fisheries and Oceans (DFO) will be consulted as part of the WAWA review process, and any Harmful Alteration, Destruction or Disruption (HADD) of fish habitat will require a HADD permit from DFO. A HADD permit may also trigger a federal Canadian Environmental Assessment Act (CEAA) review.

8. Prior to the onset of construction, an Environmental Management Plan (EMP) shall be submitted for review and receive approval from the Manager, Project Assessment Section, and which shall include the following:
 - a. Mitigative measures for the construction and operation of the project designed to minimize impacts to wetlands and watercourses;
 - b. Site-specific Environmental Protection Plans (SSEPP's) for each specific wetland and watercourse crossing;
 - c. A Wetland Monitoring Plan which will monitor water quality and wetland function at 1, 3 and 5 year intervals from the date of the onset of initial construction. These results will be compared with baseline data taken prior to the onset of construction. Further compensation may be required in the future, if monitoring indicates a loss of wetland function beyond the initial development area;
 - d. A Wetland Compensation Plan, due to the loss of wetland function, subject to the requirements of the *2005 DNR Draft Wetland Mitigation Guidelines*, and in consultation with DENV, Environment Canada (EC), and Department of Natural Resources (DNR). This Plan shall be submitted for review and receive approval from the Manager, Project Assessment Section, within 6 months of the date of this Determination. Furthermore, the compensation work must be completed within 18 months of the onset of construction.

The EMP may be submitted for review and receive approval in phases, to allow work to begin on the project, provided all deadlines above are met.

9. The proponent shall implement measures to help ensure that all future development of the area adjacent to the project footprint complies with the *NB Wetland Conservation Policy*. This shall include submitting for review and receiving approval for all tentative subdivision plans, development plans, and rezoning applications to the Manager, Project Assessment Section, prior to municipal approval of any such development. This measure, which falls within the normal regulatory function of the Town's planning authority, shall ensure protection of the function of these wetlands for the Town, namely natural purification of water and stormwater retention for flood control.
10. The stormwater management design for the project shall be submitted for review and receive approval from the Manager, Project Assessment Section, prior to the onset of construction, and shall include design specifications incorporating the potential for future development, and potential impacts to wetlands, on the parcels of land adjacent to the RoW.
11. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. If the proponent suspects that he has come upon remains of archaeological significance, all excavation must cease and the Archaeological Services Unit, Heritage Branch (WC&S) should be contacted immediately at 453-3014.
12. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.