

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

September 15, 2009

File Number: 4561-3-1207

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 March 25, 2009 and to those in all 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 and the Department of Environment (ENV) is satisfied that all conditions have been addressed.
4. The proponent must obtain a *Watercourse and Wetland Alteration Permit* from the Regional Environmental Services Branch, ENV, for any activities that are carried out within 30 meters of a watercourse or wetland before any construction activities commence. It is recommended that submission of this application occur at least 90 days prior to the commencement of construction activity. Please contact Mr. Bernie Doucet, Manager, Watercourse Alteration and Wetlands Program (506) 444-5149 for further information.
5. A contingency plan to address archaeological finds shall be established whereby construction workers are informed about the type of material they should be conscious of during construction. If anything of archaeological importance is encountered during the construction, the area will be assessed by a professional archaeologist holding a current Archaeological Field Research License (AFRL) for this particular project. Work in the area shall cease in the event that any heritage resource is encountered during construction activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
6. Poles and other structures must be placed to avoid wetlands as much as possible. If work must proceed in wetlands, all contractors must first be made aware of mitigation measures to eliminate or reduce impacts to the wetlands. Where new structures are to be placed in wetlands, a copy of the plan and profile with structure locations must be provided to the Project Assessment Section prior to construction. During construction, permanent and temporary impacts to wetlands (ha) must be identified and tracked. Wetland compensation will be required where the placement of power poles/structures occur within a wetland and result in a permanent impact.

7. The proponent must prepare a wetland compensation plan to offset direct loss of wetland habitat. A follow-up monitoring plan and implementation schedule for compensation must be established in consultation with the Project Assessment Section, Department of Environment.
8. If any rock that could produce acid rock drainage is encountered during construction, the Project Assessment Section must be notified immediately.
9. If blasting is required, a pre-blast survey must be conducted for water wells located within 500 m of the right of way, including microbiological and inorganic sampling for water quality and construction details of the wells including, but not limited to, well depth, well age, casing length, estimated yield, and well photos; All well data collected must be submitted to the Director of Sciences and Reporting Branch of the Department of Environment.
10. Appropriate permission and permits from the NB Department of Natural Resources must be secured prior to undertaking construction activities on Crown lands or leases.
11. The Oceans and Habitat Area Chief, Mr. Marc Godin, DFO, Tracadie-Sheila, should be notified 48 hours prior to the commencement of any project works. Mr. Godin can be reached at (506) 395-7713.
12. As a requirement of the Indian Act, NB Power must apply for and receive a permit from Indian and Northern Affairs Canada (INAC) prior to commencement of any work within the Pabineau First Nation. A Band Council Resolution is a necessary part of this process. The issuance of a permit will trigger the Canadian Environmental Assessment Act with INAC as the Responsible Authority. For further information please contact Mr. Jerry Wolchuk at (902) 661-6325.
13. No in-stream work shall be permitted until the Navigability Inquiry Assessment (NIA) has been completed and requirements of the Navigable Waters Protection Program have been met.
14. All work must be carried out in accordance with the most current version of the Environmental Protection Plan for New Brunswick Power Corporation Transmission Facilities. Additional mitigation may be required by ENV.

