

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 9, 2010

File Number: 4561-3-1248

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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated January 2010, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. A weekly construction schedule including identification of daily hours of construction operation as well as a weekly progress report must be provided to the DENV Bathurst Regional Office as well as to the Manager, Environmental Assessment. All Copies of the initial construction schedule must be submitted a minimum of fourteen (14) calendar days prior to the commencement of construction.
5. Prior to the commencement of construction of Project Phase 2 of this undertaking, assessments showing the potential interactions between the project development (construction and operation) and all environmental features must be conducted, reviewed and approved by the Manager, Environmental Assessment Section, DENV.
6. An Environmental Management Plan (EMP) for Phase 1 of the project shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, DENV, prior to the onset of construction. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
 - a. An erosion and sedimentation prevention and control strategy;
 - b. An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of DENV and Fisheries and Oceans Canada, and any downstream water users in the event of overflow or other environmental emergencies, details of appropriate spill response equipment on site, etc);
 - c. Refueling and maintenance of equipment; and

- d. An Environmental Effects Monitoring Plan, including but not limited to:
 - i. Wood Turtle monitoring, mitigation, and reporting;
 - ii. Migratory Bird monitoring and mitigation;
 - iii. Surface Water Quality and Effluent monitoring and mitigation;
 - iv. Pesticide Monitoring plan;
 - v. Well Water Quality monitoring program for residential and onsite monitoring wells; and
 - vi. All other mitigation and monitoring commitments included in the EIA Registration document and any subsequent communications during the review.
7. In the event that any neighbouring well is impacted by the implementation of the project, the proponent shall remediate or if necessary replace that well. The proponent shall also provide an alternate source of water to affected residents until such time as water quality is restored or replaced.
8. In accordance with the objectives of the New Brunswick Wetland Conservation Policy (NB DNR/NB ENV 2002), a plan to identify, restore and/or rehabilitate previously impacted wetlands within the development (lease) area, developed in consultation with NB ENV, must be implemented as part of this project. The plan must be submitted to the Manager of the Environmental Assessment Section, NB ENV for review and approval within 6 months from the date of this Determination. The plan must detail what activities will be carried out to identify appropriate rehabilitation and restoration projects, including milestones for the identification and completion of the projects. The approved restoration and or rehabilitation plan implementation must be completed prior to the commencement of construction of any cranberry beds associated with Project Phase two (2).
9. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit* from DENV. If additional information is required, please contact the Manager of the Watercourse and Wetlands Alteration Program, DENV at (506) 444-5149.
10. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Section, NB Department of Wellness, Culture and Sport, shall be contacted at (506) 453-2756 for further direction.
11. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water bodies and potable water supply wells, 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).
12. At the end of the Project life (permanent closure of operations), the proponent must decommission the facility in accordance with all applicable acts and regulations, including the restoration of areas of wetland loss due to infill back to functional wetland.