

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

24 August 2012

File Number: 4561-3-1269

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 and Local Government;
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated 5 August 2010 and subsequent addendums, 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 Environmental Assessment Section of the Department of Environment and Local Government (DELG) upon meeting all Conditions herein;
4. An Environmental Management Plan (EMP) shall be developed for the project to outline environmental protection commitments of NBDTI and their contractor(s), and to ensure compliance with these commitments as set forth in the EIA. The EMP shall also ensure compliance with environmental legislation, policies and permitting requirements for those environmental issues anticipated during the Construction, Operation, and Maintenance phases of the project. The EMP must receive approval from the Manager of the Environmental Assessment Section, prior to the start of any construction activities.
5. The proponent shall obtain an Exemption to the *Wellfield Protected Area Designation Order* – Clean Water Act, for project activities within Zone A of the Town of Bouctouche well #2. For more information, please contact the Manager, Drinking Water Source Protection Section, at 457-4846. Please note that the *replacement* of Well #2 shall be the only mitigation required for this Exemption;

6. The proponent shall obtain an Exemption to the *Wellfield Protected Area Designation Order – Clean Water Act*, for project activities within Zone B of the Town of Bouctouche well #4. For more information, please contact the Manager, Drinking Water Source Protection Section, at 457-4846. Please note that appropriate mitigation measures shall be required as conditions of this Exemption;
7. The proponent shall be responsible for developing and connecting an alternative water supply that is acceptable to the Minister, which replaces the capacity of the Town of Bouctouche water well PW2, as defined in the agreement between the Town of Bouctouche and the proponent;
8. The proponent shall undertake a pre-construction (baseline) survey for all wells within 500 m of the RoW where blasting will take place, (including but not limited to general water chemistry, trace metal and bacteria analysis, homeowner well information, and photo or video evidence of the condition of the well) as described in the EIA registration document. The results of the survey(s) shall be submitted to the Manager, Environmental Assessment Section, prior to the commencement of blasting. 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;
9. The proponent shall obtain all necessary approvals from Archaeological Services, Department of Culture, Tourism and Healthy Living, for all project activities within the vicinity of identified archaeological resources for this project. For more information, contact the Project Executive – Archaeological Services, at 453-2738;
10. In the event of the discovery, or suspected discovery, of additional unrecorded archaeological resources (of historic and prehistoric significance) during construction, all excavation must cease and the Project Executive – Archaeological Services, Department of Culture, Tourism and Healthy Living shall be contacted immediately at 453-2738;
11. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DELG for any activities conducted within 30 m of a watercourse or regulated wetland, prior to the commencement of construction activities. For additional information, please contact the Manager of the Surface Water Protection Section, DENV, at (506) 457-4850;
12. The proponent shall provide compensation for loss of regulated *freshwater* wetland areas resulting from the project, through the general Department of Transportation and Infrastructure compensation tracking database;
13. The proponent shall provide compensation for loss of regulated *coastal* wetland areas resulting from the project. Compensation activities shall be located within the general vicinity of the project area, preferably relating to another coastal wetland(s),

and shall be subject to review, and must be approved by, the Manager, Environmental Assessment Section, DELG;

14. The proponent shall meet the requirements of the *Federal Policy on Wetland Conservation*, where applicable, and shall submit a copy of the compensation plan(s) to the Manager, Environmental Assessment Section, DELG;
15. Monitoring of all regulated wetlands shall be conducted in years 1 and 3 and 5 post-construction (i.e. completion of the Project) in order to evaluate any changes in wetland function. Monitoring in year 5 may not be required, depending on the results of years 1 and 3 (to be determined subject to review, and approval by the Manager, Environmental Assessment Section, DELG). Details of monitoring must be developed in consultation with DELG and Environment Canada. Further compensation may be required in the future, if the monitoring indicates a loss of wetland function beyond the initial development area;
16. The proponent must apply for and, if necessary, obtain an approval pursuant to the Navigable Waters Protection Act (NWPA). Please contact the Navigable Waters Protection Program at Transport Canada at P.O. Box 1013, Dartmouth, NS, B2Y 4K2 or by phone at (902) 426-2726, by fax at (902) 426-7585 or by email at nwpdar@tc.gc.ca;
17. Whereas the proposed highway upgrade involves watercourse crossings, involving watercourses deemed to provide fish habitat, the proponent must submit the final designs (detailed plans) to the Department of Fisheries and Oceans (DFO) for review. DFO will then determine if the installation of these structures will result in the harmful alteration, disruption or destruction (HADD) of fish habitat and if an authorization under Section 35(2) or 32 of the Fisheries Act is required for each water crossing;
18. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
19. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.