

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
December 20, 2011
File Number: 4561-3-1293

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 February 2011 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 every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act (2010) all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at (506) 453-3014. In particular, the proponent must ensure that Project activities do not impact the “kames” located south of the Tourist Information Centre.
5. The proponent shall develop Site Specific Environmental Protection Plans (SSEPP) which set out the environmental protection measures that will be implemented for all watercourses that contain fish habitat and all regulated wetlands that may be affected by the Project, as part of the detailed design process. SSEPPs will undergo the applicable provincial and federal review through the *WAWA Regulation* permitting process and must be submitted for review and comment to NBENV prior to the initiation of groundbreaking construction activities in the potentially affected areas. Note that SSEPPs must also be developed for non-regulated wetlands; however, since these features are not subject to the *WAWA Regulation* permitting process, the SSEPPs must be submitted directly to the Manager of the Environmental Assessment Section for review, and must be approved prior to any groundbreaking activities.
6. The proponent must meet all commitments made regarding the *Federal Policy on Wetland Conservation* in relation to unregulated wetlands impacted by the Project. Mitigation measures must also be carried out to address the loss of any function of impacted wetlands, as outlined in Response #3 (letter dated April 29, 2011) and Table 4-15 of the EIA

Registration Document.

7. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from the Department of Environment for any activities conducted within 30 m of a watercourse or regulated wetland, prior to the commencement of clearing activities. The proponent must apply for and obtain a separate WAWA Permit prior to the commencement of any site preparation work (i.e. groundbreaking / construction) beyond that of clearing activities, which will occur within 30 m of a watercourse or regulated wetland. For additional information, please contact the Manager of the Surface Water Protection Section, DENV, at (506) 457-4850.
8. An Environmental Management Plan (EMP) shall be developed for the project to outline environmental protection commitments of NBDOT and their contractor(s), and to ensure compliance with these commitments as set forth in the EIA Registration Document. 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 groundbreaking construction activities (i.e. beyond that of clearing).
9. The proponent must adhere to all mitigation measures related to clearing activities, as outlined in Tables 4-4, 4-10, 4-15, 4-20, 4-26 and 4-32 of the EIA Registration Document.
10. The proponent shall submit information on the known locations of the Kalm's Hawkweed, and the final design details showing the location of the highway in the vicinity of this plant species, to the New Brunswick Department of Natural Resources (NBDNR) prior to commencing any groundbreaking construction activities (i.e. beyond that of clearing). Further field surveys may be required to determine the population size and extent, based on the review of the above information by NBDNR.