

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 22, 2013

File Number: 4561-3-1322

-
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 (DELG).
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "Registration Document for Environmental Impact Assessment (EIA) Cap Bimet Road Upgrade" dated October 14, 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, DELG, 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, operation or maintenance of the proposed development, as per the Heritage Conservation Act (2010), all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit shall be contacted at (506) 453-3014.
 5. The proponent shall conduct water quality sampling (minimum of general chemistry, trace metals and microbiology) and undertake a pre-construction survey for all wells (in use and not in use) within 100 metres of the right of way. The survey should include information on well construction (i.e. well depth, casing length, type of well-bedrock and overburden) and usage (i.e. well yield) particularly in cases where a well is being used for commercial/industrial purposes. Individual results of the water sampling must be given to each well owner. In addition, the results of the water sampling and well survey shall be submitted to the Manager, Environmental Assessment Section, DELG, prior to the commencement of 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. Note that the burden of proof will be on the proponent in the case of a water quality and/or quantity claims.
 6. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from the DELG for any activities conducted within 30 metres of a watercourse or wetland, prior to the commencement of the Project. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DELG, at (506) 457-4850.
 7. The proponent must carry out wetland compensation through the NBDTI Wetland Compensation Program for 1.34 ha (after 2:1 ratio was applied) to ensure that there is no net loss of wetland function.

8. Monitoring of the adjacent wetlands shall be conducted in years 1, 3, and possibly 5 post-construction (i.e. after completion of the Project) in order to evaluate whether the predicted wetland loss was accurate. Monitoring in year 5 may be required, dependent on the results of years 1 and 3, and as decided in consultation with DELG, Environment Canada, and the New Brunswick Department of Natural Resources at that time. Further compensation may be required in the future, if the monitoring indicates a loss of wetland function beyond the initial development area.
9. The Ecosystems Management Area Chief, Ms. Anne Turcotte, at the Department of Fisheries and Oceans (DFO) in Tracadie-Sheila, New Brunswick, shall be notified 48-hours prior to the commencement of any project works. Ms. Turcotte can be reached at (506) 393-3036.
10. The proponent shall ensure that the Department of Health is advised immediately at (506) 856-2814 should there be any incidents before, during or after construction that may impact the recreational water quality of the surrounding beach areas.
11. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.