

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

June 3, 2009

File Number: 4561-3-594

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 original EIA registration document, dated March 27, 2008, as well as all those identified in subsequent correspondence during the registration review, which will be incorporated into a final EIA Document, dated June 2009. 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 all the Conditions have been met.
4. The proponent shall conduct water quality sampling and undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the sampling and well assessment shall be submitted to the Manager, Project Assessment Section, prior to the commencement of blasting/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.
5. The proponent shall carry out water quality monitoring of the nearest spring fed well (56 m from the centreline) in the Pennfield area on an annual basis for a period of 5 years to verify that adverse project-related environmental effects have not occurred. This data shall be kept on file and made available to the Department if requested.
6. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756, and the procedures described in Section 7.6 and 8.3 of the NBDOT EPP and Item 948 of NBDOT Standard Specifications (2006) must be followed. The proponent may be required to undertake a heritage assessment for which it would bare the financial responsibility.

7. The proponent, in consultation with NBENV, Environment Canada, and NBDNR, must carry out wetland compensation as part of the NBDOT Wetland Compensation Program to ensure that there is no net loss of wetland function. Monitoring of wetlands shall also be conducted in years 1 and 3 post-construction (i.e. completion of the Project) in order to evaluate any changes in wetland function. Monitoring in year 5 may be required, dependent on the results of years 1 and 3, and as decided in consultation with NBENV, Environment Canada, and NBDNR at that time. Details of monitoring will be developed in consultation with NBENV and Environment Canada and will be provided within the application for the *WAWA Regulation* permit, and will be subject to review 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.
8. All solid waste generated from this project shall be disposed of in an appropriate manner. All measures to divert waste from landfills should also be undertaken, such as using material that meets the department's "Clean Fill Guidelines" as clean fill, and by disposing of debris that meets the departments' definition of "C&D Debris" at an approved C&D disposal site.
9. 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 wetland, prior to the commencement of Project. The proponent may apply for and obtain a **separate** WAWA Permit for clearing activities only. A subsequent WAWA permit would then be required for site preparation work (i.e. ground breaking / construction) beyond that of clearing activities. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
10. The proponent shall prepare a Hydrological Assessment of Wetland 31 which will examine the hydrology of the wetland in order to establish culvert locations to ensure that wetland hydrology is maintained. The Assessment shall be prepared as part of the Site Specific Environmental Protection Plan and shall also be submitted to the Manager, Project Assessment Section.
11. Wildlife passage structures to be used in conjunction with wildlife fencing shall be designed in consultation with NBDNR.
12. 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 Project Assessment Section, prior to the start of any construction activities.
13. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.