

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 13, 2007

File Number: 4561-981

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 and 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 November 24, 2003), as well as all those identified in subsequent correspondence during the determination review. The proponent shall also submit an implementation plan describing how such obligations, commitments, monitoring, and proposed mitigation measures will be met to the Director, Project Assessment Branch of the Department of Environment for review and receive approval in advance of construction. In addition, the proponent shall also submit a summary table detailing the status of all obligations, commitments, monitoring and proposed mitigation measures to the Director of the Project Assessment Branch every 6 months from the date of this Determination until such a time as the project is complete.
4. An Environmental Management Plan (EMP) must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement of construction. The EMP must include: an Environmental Protection Plan (EPP), linking mitigation to locations, a monitoring plan (compliance and environmental effects monitoring), and contingency plans.
5. The proponent shall submit a formal request to initiate the Watershed Protection Program / Watershed Protected Area Designation Order amendment process prior to commissioning the reservoir. Please contact the Water Planning Section Manager, New Brunswick Department of Environment at (506) 457-4846 for further information.
6. The proponent shall complete a Watershed Protection Study within one year of commissioning the reservoir. For planning purposes the proponent must establish, in consultation with the Water Planning Section Manager, interim Watershed Protection Boundaries for zones A and B of the reservoir until such a time the Watershed Protected Area designation pursuant to the Watershed *Protected Area Designation Order* under the New Brunswick *Clean Water Act* is

amended to reflect the new protected area boundaries.

7. Appropriate land tenure must be secured from the New Brunswick Department of Natural Resources for all provincial Crown lands that may be affected by the project prior to the commencement of construction.
8. A New Brunswick *Watercourse and Wetlands Alteration Permit* will be required from the New Brunswick Department of Environment prior to the commencement of construction.
9. In advance of ground-disturbing activities, the proponent will develop a fish habitat compensation bank in consultation with Fisheries and Oceans Canada to offset Project-related harmful alteration, disturbance or destruction of fish habitat and to ensure no net loss in fish habitat productivity. The compensation bank will be managed by the city of Moncton throughout the duration of construction and follow-up monitoring.
10. The proponent shall ensure all phases of flooding the reservoir are carried out at a time of year when the wood turtle are emerged from hibernation. In addition any individuals found must be relocated to appropriate habitat.
11. Prior to the re-routing of traffic for the construction phase the proponent shall notify the New Brunswick Department of Transportation and acquire all necessary permits and approvals.
12. Prior to the commencement of the flooding of the reservoir the proponent shall ensure all applicable permits and approvals regarding the abandonment of the section of Jonah Road from the NB Department of Transportation have been secured.
13. The proponent shall delineate a five-meter buffer around archaeological resource site, Turtle Creek Site (BIDf-2), and erect a fence that will restrict access to appropriate project personnel until the flooding of the area.
14. A licensed archaeologist must be present during all construction activities at archaeological resource site, Turtle Creek Site (BIDf-2).
15. No additional excavation or grubbing associated with the dam or reservoir within the fenced-in archaeological resource site, Turtle Creek Site (BIDf-2), shall be permitted and all removal of vegetation within the site must be done without the use of heavy equipment.
16. The proponent must develop a protocol in conjunction with NB Archaeological Services that would be implemented in the event that additional archaeological resources are encountered during construction and operation of the project. The protocol must be submitted to NB Department of Environment for review and approval prior to ground disturbing activities.
17. The proponent shall also develop, in consultation with the NB Archaeological Services, the NB Department of Transportation, and the Albert County Historical Society, a plan for the relocation of the Jonah Road covered bridge. The plan must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement of the flooding of the reservoir.

18. A wetland compensation plan (WCP) developed in consultation with NB Department of Environment, NB DNR and the Canadian Wildlife Service must be implemented as part of this project. The development of the WCP must be initiated prior to any ground disturbing activities. The WCP must be submitted to NB Department of Environment for review and approval and finalized within 12 months from the date of this Determination. For additional information please contact Lee Swanson, NB Department of Environment, Sciences and Reporting Branch at 506 457-4844.

19. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, 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).