

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 26, 2007

File Number: 4561-3-1015

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 Screening Report* (dated February 28, 2007), as well as to those from all correspondence and reports during the registration review. In addition, 10 copies of the finalized *EIA Screening Report* incorporating NBDOT commitments from the June 28, 2007 Technical Review Committee meeting must be provided to the Director of the Project Assessment and Approvals Branch by October 31, 2007.
4. All activities must be conducted in accordance with the latest version of NBDOTs *Environmental Protection Plan (EPP)*, *Environmental Field Guide*, and *SBR/ARD Management Plan* (developed for the Route 1 US Border to Church St. upgrade project - EIA file 4561-3-908). Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch every 2 months from the date of this Determination (i.e., July 17, 2007) until such a time as the construction is complete and the Department of Environment is satisfied that all the conditions have been addressed.
5. Any new areas located outside the RoW to be used as marshalling yards, material storage areas, bull pens, or temporary work areas, etc, must be submitted to the Director, Project Assessment and Approvals Branch, for review/approval prior to the start of construction in the area/Project section to be affected. This includes the locations of all ancillary facilities (e.g., borrow pits, storage areas, temporary access roads, etc.), which must be sited in consideration of environmental constraints including wetlands, watercourses, wildlife/wildlife habitat, private wells, etc.
6. At a minimum, measures identified in Section 4.2 of the *EIA Screening Report* (dated February 28, 2007) to protect groundwater resources must be properly implemented, including baseline groundwater monitoring for potentially affected wells. In addition, in the event that wells are adversely affected by the construction/operation of the highway, an alternative water supply must be provided. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration.
7. NBDOT will initiate the development of a wetland compensation plan in advance of ground-

disturbing activities to offset Project-related effects on wetland habitat. The wetland compensation plan will be managed by NBDOT throughout the duration of construction and follow-up monitoring, and must take into consideration any altered wetland habitat, and any opportunities for the potential restoration of habitat in proximity to the project area. Compensation will be required for any area that is directly removed (currently projected to be 1.9 ha), as well as for any future wetland area that is shown to have residual impacts as indicated by the post-construction environmental effects monitoring (EEM) plan (Section 4.5.6 of the EIA Screening Report, dated February 28, 2007). The final compensation plan must be submitted to the Director, Project Assessment and Approvals Branch for approval.

8. A *Watercourse/Wetland Alteration Permit* will be required for any activities conducted within 30 m of a watercourse or wetland. Please contact the Manager of the Watercourse/Wetland Alteration Program, at (506) 444-5149 for additional information.
9. At a minimum, the recommendations outlined in Section 4.8 of the *EIA Screening Report* (dated February 28, 2007) to protect archaeological/heritage resources must be properly implemented. In addition, if it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Unit, shall be contacted at (506) 453-2756.
10. The relocation of existing municipal infrastructure (e.g., waterlines, etc) will require an *Approval to Construct*. Please contact the Manager of the Water and Wastewater Management Section at 444-5194.
11. The Proponent must develop a site-specific Environmental Management Plan (EMP) and submit it to the Director, Project Assessment and Approvals Branch for review, and receive approval prior to the start of construction. The EMP must include an Environmental Protection Plan (linking mitigation measures to a location), project contingency plans (e.g., emergency response, etc.), and monitoring plans (e.g., wetland monitoring and/or any follow-up programs).
12. In the event of any environmental upset (e.g., hazardous materials spill, overturned heavy equipment, etc), the Regional Director of the NB Department of Environment office must be notified immediately at (506) 658-2558.
13. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.