

## **DOCUMENT “A”**

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

Pursuant to Regulation 87-83 under the Clean Environment Act

**February 18, 2005**

File Number: 4561-3-999

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated March 15, 2004), as well as all those identified in subsequent correspondence during the determination review. 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 Branch every 3 months from the date of this Determination until such a time as construction is complete.
4. The proponent shall carry out appropriate surveys to identify the potential for the presence/absence of archaeological artefacts within the project footprint prior to commencement of construction.
5. The proponent shall submit a protocol for the discoveries of archaeological artefacts to the Director of the Project Assessment Branch for review and approval prior to commencement of construction.
6. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at 453-2756.
7. The proponent shall notify the Director of the NB DELG Moncton Regional Office in writing of the construction schedule and any anticipated impacts to traffic circulation at least 48 hours prior to the commencement of construction.

8. Turbidity monitoring shall be carried out as directed in the Fisheries and Oceans Canada *Authorization For Works And Undertakings Affecting Fish Habitat*. As directed in the *Authorization* should changes in the turbidity outside the construction area occur, the work must be immediately stopped and the Department of Fisheries and Oceans Area Chief, Mr. Earnest Ferguson, must be contacted for further direction. The proponent shall therefore notify the Director of the NB DELG Project Assessment Branch of the outcome of any discussions with the Department of Fisheries and Oceans Area Chief as a result of the turbidity monitoring.
9. Appropriate land tenure must be secured from the New Brunswick Department of Natural Resources for the parking area and marginal wharf area as well as any provincial Crown lands that may be affected by the harbour development project prior to the commencement of construction. Please contact Ms. Kim Eaton at the NB DNR Crown Lands Branch at (506) 453-2437 for additional information.
10. 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).