

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

May 12, 2006

File Number: 4561-3-1058

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 the Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated November 24, 2005, and to those in all 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 Director of the Project Assessment Branch every 6 months from the date of this Determination until such a time as the construction is complete and a New Brunswick Certificate of Approval to Operate has been issued for this facility.
4. 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 Section of the Department of Wellness, Culture and Sport shall be contacted at 453-2756 for direction.
5. The proponent must obtain the appropriate approvals from the Approvals Branch, Environmental Management Division, Department of the Environment and Local Government before any construction activities may be commenced. Please contact Mr. Perry Haines, P.Eng., Director, Approvals Branch at (506) 453-2235 regarding this matter.
6. The proponent must, before construction activities commence, obtain a Watercourse and Wetland Alteration Permit from the Department of the Environment and Local Government for any future activity, beyond that approved in Condition (5) to be carried out within 30 meters of any watercourse or wetland before construction activities commence. Please contact Mr. Denis Deveau, Regional Director responsible for the Watercourse and Wetland Alteration program at (506) 444-5149 for further information.
7. The proponent must submit for review and approval, a wetland compensation plan for each wetland which demonstrates a minimum 2:1 compensation of restored wetland to affected wetland to Mr. Paul Vanderlaan, Director, Project Assessment Branch, Department of Environment. Following the commencement of disturbance to each wetland - the compensation plan for that wetland must be submitted for approval within 6 months, and the compensation must be complete within 18 months.

8. Prior to the commencement of disturbance to each wetland or watercourse, a Surface Water Management Plan must be approved. The plan must include details on surface water diversions; methods of protecting aquatic resources upstream and downstream of stream diversions; methods of maintaining flow regimes upstream and down slope of any diversion; and measures to minimize impacts to the environment and any properties upstream and down slope. The work must not result in the (HADD) harmful alteration, disruption, or destruction of fish habitat unless specifically authorized by the Department of Fisheries and Oceans Canada. The Surface Water Management Plan must be submitted to Mr. Paul Vanderlaan, Director, Project Assessment Branch, Department of Environment for review and approval prior to the commencement of disturbance to each wetland.
9. All in-water work must be reviewed by the Department of Fisheries and Oceans Canada prior to commencement of the work. Please contact Mr. Ted Currie, Habitat Assessment Biologist, Maritimes Region, Telephone (506) 851-3650 for further information.
10. The provisions in the Environmental Protection Plan for the LNG Marine Terminal and Multi-Purpose Pier (April 2006, version 6 and approved updates) apply to all activities occurring on the site where appropriate.