

# DOCUMENT "A"

## MINISTER'S DETERMINATION - AMENDMENT CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 15, 2007

File Number: 4561-3-1059

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. These Conditions of Approval supersede those issued on July 25, 2006.
3. 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.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated December 7, 2005, the Design Brief, subsequent Additional Information Reports, revised versions of these documents including the EPP; the approved addendums; 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 2 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.
5. Prior to the **onset of construction** the following is required for submission and approval to the Project Assessment Branch:
  - a) Addendums to the Revised EIA Document and the Revised Additional Information Report,
  - b) The completed Geotechnical Report including a column that would indicate the probability that a successful HDD crossing could proceed based on the data,
  - c) A finalized list of watercourse crossings including detailed coordinates and NAD datum for each crossing,
  - d) A finalized list of wetland crossings including detailed coordinates and NAD datum for each crossing,
  - e) Site specific EPP's for **all** watercourse and wetland crossings. The plans must include, but not be limited to: proposed crossing methodology, measures to prevent sedimentation and bank destabilization; surface water management plans, monitoring plans, and plans to protect other sensitive features that may be present such as species at risk, wood turtles, ESA's etc.

6. The proponent must obtain the appropriate approvals from the Approvals Branch, Environmental Management Division, Department of Environment before any construction activities may be commenced. Please contact Mr. Perry Haines, P.Eng., Director, Approvals Branch at (506) 453-2235 regarding this matter.
7. All watercourses and wetlands must be crossed using horizontal directional drilling (HDD) except where technically not feasible.
  - a) All drill entry and exit holes will be outside the zones that had been identified as having high potential for the presence of archaeological resources
  - b) If, for any reason, ground disturbance must occur within the zones that were identified as holding high potential for archaeological resources (as per table below) then an archaeological assessment must be undertaken by a licensed archaeologist prior to the start of the disturbance and a report of the assessment submitted to Archaeological Services Unit for review. This assessment must include consultation with nearest First Nation community. Based on the results of the archaeological assessment, further mitigation may be required before work will be allowed to proceed at this location.

<b>Watercourse No.</b>	<b>Watercourse Name</b>	<b>Distance from stream for archaeological potential (m)</b>
<b>Transmission Line</b>		
WC-17A	Canaan River	50
WC-65	Paddy Brook	50
WC-66	Springhill Brook	50
WC-32	Folly	50
WC-35A	Unnamed	50
WC-37A	Unnamed	50
WC82*	Unnamed	50
WC-45	Stone Brook	100
<b>Gathering Line</b>		
WC-46A	Kennebecasis	100
WC-49	Unnamed	50
WC-55	Kennebecasis	100
WC-56	McLeod Brook	100
WC-62	Unnamed	100

8. The gathering line(s) in the vicinity of the Pioneer Cemetery will be located no closer than 50 metres from the outside limit of the cemetery in order to avoid any potential historical burial that may be located outside the present demarcated cemetery boundaries.
9. Two contingency plans must be developed by the proponent. One to address the fortuitous discovery of archaeological objects during construction; while the second will outline the protocols to follow in the event human remains are encountered. Both plans must be submitted

to the Archaeological Services Unit, Department of Wellness, Culture and Sport for approval prior to the onset of trenching or drilling.

10. A wetland functional assessment must be carried out in the event of disturbance to wetlands or wetland buffers resulting from any project activity. Specific environmental effects monitoring programs must be developed for these wetlands, the results of which will determine the need for compensation following implementation. Please contact Ms. Lee Swanson, Sciences and Reporting Branch, Department of Environment for details regarding the assessment.
11. For any wetland loss, the proponent must submit for review and approval, a wetland compensation plan 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.
12. In the event of the sale, lease, or any other conveyance or change of control of the undertaking, or any portion thereof:
  - a. The proponent shall provide written notice of the conditions of this Determination to the lessee, controller, or purchaser; and,
  - b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.
13. The proponent must, before construction activities commence, obtain a Watercourse and Wetland Alteration Permit from the Department of Environment for activity to be carried out within 30 meters of any watercourse or wetland. Please contact Mr. Denis Deveau, Regional Director responsible for the Watercourse and Wetland Alteration program at (506) 444-5149 for further information.
14. The proponent must contact the Director of the Royal District Planning Commission, Mr. John Baird, at 506 432-7530 regarding the requirement to obtain a building permit for the gas plant.
15. The bottom of the gas plant shall be located at an elevation of no less than 31.5 m above sea level.
16. A pre-construction water well survey must be conducted for all water wells within 200 meters of the centre line of the right-of-way (ROW), within 500 meters of blasting, or in any area where trench dewatering may have a negative impact. If any construction activities associated with this project result in any adverse effects on water supply wells, affected landowners must be supplied with a new well, or improvements to the existing well so that an appropriate water supply is restored. In addition, the proponent must supply the affected landowners with water on a temporary basis until the water supply is restored. Please contact Ms. Katie Pettie, Sustainable Planning Branch, Department of Environment for details regarding monitoring at (506) 457-4846.
17. Detailed plans for hydrostatic testing must be submitted to the Director, Project Assessment for review and must be approved prior to commencing the test.

18. The right-of-way (ROW) must be routed to avoid all water, sewer and gas infrastructure.
19. No new or temporary access roads shall be constructed for construction or operation.
20. The cleared portion of the ROW must not exceed 18 metres except at approved Temporary Work Areas.
21. The proponent must take measures to control access to the ROW as much as possible and mitigate negative impacts at watercourse crossings.
22. The pipeline must be placed under all major transportation corridors or corridors with high traffic volume using HDD. If it is not technically feasible to use HDD, and traffic flow is to be disrupted, the Department of Transportation must be consulted prior to any trenching activity.
23. Post construction environmental effects monitoring (EEM) plans are to be established in consultation with the Project Assessment Branch. These plans must contain an implementation schedule and follow-up action, if required and be approved prior to September 30, 2006.
24. In the event of a planned depressurization of the pipeline, the Saint John Office of Department of Environment (506-658-2558) and the Director, Royal District Planning Commission (506-432-7530) must be contacted a minimum of one week prior to this event.
25. The local public and the Royal District Planning Commission must be made aware of the project construction schedule prior to the onset of construction.
26. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of this project are aware of the boundaries of the 1:20, and 1:100 year flood plains within the project area.
27. A contingency plan must be developed in the event of a frac out during HDD. This contingency plan must be submitted to the Project Assessment Branch, Department of Environment for review and approval prior to the commencement of any activities associated with HDD.
28. Dry crossing of a watercourse shall take place only between June 1 and September 30. Prior to any dry crossing activity, a site specific EPP must be submitted for review and approval to the Project Assessment Branch, Department of Environment. The EPP must include current pictures of the crossing site and protection measures including those for the prevention of bank destabilization, siltation and sedimentation in the vicinity of the crossing.
29. The work associated with this project 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. Prior to any in-water work, Mr. Peter Rodger, Department of Fisheries and Oceans Canada must be contacted at (902) 426-1397.
30. Well pad M-66 (site 207) and Well pad O-66 (site 208) must be reduced in size by no less than 50 % by September 30, 2007. Plans for well pad reduction must be approved by the Project Assessment Branch prior to the onset of the event.

31. A detailed assessment of well site access roads that are currently within the flood plain must be undertaken to ensure that they are properly constructed and that the local drainage patterns have not been restricted by these roads resulting in the ponding of water behind the roads. Mitigative measures must be provided for areas that have been impacted.
32. Detailed route mapping including temporary work areas must be submitted to the project Assessment Branch for approval prior to the commencement of clearing activities.
33. The Migratory Birds Convention Act must be complied with. A survey must be conducted in advance of tree clearing activities by a qualified biologist. If a migratory bird species is found nesting within the project footprint, a 20 metre no disturbance zone will be placed around the nest until the young have fledged and left the nest. If any avian species at risk are identified during the survey, additional mitigative measures must be applied as appropriate. Results of these surveys must be submitted to the Project Assessment Branch, Department of Environment for review.
34. An easement will be required from DNR for that section of the pipeline that is on Crown land. This easement must be in place before clearing of the required lands and other construction activities begin. Any questions regarding the application process, should be directed to the Crown Lands Branch – Land Use Application Service Centre (LUASC) at [www.gnb.ca/0263](http://www.gnb.ca/0263), by phone at 1-888-312-5600 or by emailing [cltc@gnb.ca](mailto:cltc@gnb.ca).
35. Plan view maps clearly indicating the areas where heavy walled pipe has been installed must be available upon request.
36. A comprehensive Environmental Management Plan (EMP) must be developed for the gas plant and gathering system including well sites. The plan must include environmental protection plans, materials management plans, spill prevention plans, emergency response and contingency plans. The EMP must also include, but not be limited to, an analysis of accidental events and malfunctions and major events (including well blow-outs) their impacts, and the processes established to respond to these events.
37. The gas plant must be secured with fencing to prevent public access for safety reasons.
38. By the 15<sup>th</sup> of every month, a summary report of construction activities including clearing shall be submitted to the Director, Project Assessment. The report shall include a map which details areas developed during the month.
39. If any rock that could produce acid rock drainage is encountered during construction, the Project Assessment Branch must be notified immediately.
40. The Approval to Operate will not be issued until the proponent can demonstrate that the Gas Plant has passed inspection by the Technical Inspection Services Branch, Safety Services Division of the Department of Public Safety.
41. The proponent must ensure that all affected landowners have a clear understanding of their obligations regarding N.B. First Call, Corridor Resources and the circumstances under which

they must call. The depths of excavation and critical weights of vehicles must be specified in efforts beyond the information which was distributed as part of the Public Notification process.

42. The proponent must submit plans for the power supply for the gas plant to the Project Assessment Branch for review and approval prior to implementation.
43. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of this project comply with all the above conditions.
44. The proponent must supply the Project Assessment Branch with detailed high resolution mapping throughout the construction period.
45. The gas plant is permitted to remain in the Stone Brook Wetland as is currently configured.
46. The proponent must provide 4 hectares compensation for the impacted portion of the Stone Brook Wetland to be restored in the valley region of the project area.
47. The proponent must make a financial contribution of \$100,000 to the Nature Conservancy of Canada and \$100,000 to Ducks Unlimited Canada for project(s) based in New Brunswick. The details of these financial commitments are to be confirmed with these agencies prior to January 31, 2007.
48. The impacted areas of Stone Brook Wetland must be restored to the satisfaction of the Department of Environment during the decommissioning phase of the project.