

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
April 24, 2009
File Number: 4561-3-1087

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 registration document dated July 2006 as well as all those identified in subsequent correspondence during the registration review including the letter to the Department of Environment from Touchie Engineering, dated March 1, 2008 outlining the change in Project scope. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Project Assessment Section of the Department of the Environment and every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Details regarding the final design of the wastewater treatment system shall be submitted to the Stewardship Branch of the Department of Environment for approval prior to construction. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
5. Specific conditions outlined in the Department’s guidelines for decommissioning of sewage lagoons shall be followed regarding the abandonment of the existing lagoon. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
6. The following mitigation measures related to potential impacts to heritage resources must be adhered to during the construction of the Project:
 - Subsurface soils shall not be impacted below a depth of 20 cm;
 - In the event that any excavations for this Project exceed a depth of 20 cm or greater, a licensed archaeologist must be on site to monitor this activity;
 - The trenching activities required for the construction of the new lagoon inflow and outflow must be monitored by a licensed archaeologist;

- Construction crew should be made aware of the existence of this historically significant archaeological site located within their construction area;
 - If any subsurface disturbances are anticipated for the decommissioning of the existing sewage lagoon, these activities must be monitored by a licensed archaeologist; and
 - The new location for the trough feature should be clearly identified on the surface (with staking or a snow fencing) to ensure that it is not disturbed during the decommissioning of the present sewage pond.
7. A heritage resources protocol must be developed in the event that additional heritage resources or human remains are discovered. The protocol must be submitted to the Manager, Project Assessment Section, and must receive approval prior to commencement of any Project activities.
 8. The proponent shall obtain an *Approval to Construct* and a revised *Approval to Operate* from the Stewardship Branch of the New Brunswick Department of Environment. The *Approval to Construct* shall be obtained prior to the commencement of any construction activities. An application for a *Watercourse and Wetland Alteration Permit* shall also be submitted in conjunction with the *Approval to Construct/Operate* application. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
 9. The proponent shall apply for and obtain any required permits from the appropriate Provincial and/or Federal Departments/Agencies prior to the commencement of the construction of the outfall extension, including but not limited to: an authorization from the Department of Fisheries and Oceans for the Harmful Alteration, Disruption or Destruction (HADD) of fish and/or fish habitat, approval from Transport Canada under the *Navigable Waters Protection Act*, or an Easement from the NB Department of Natural Resources.