

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 15, 2007

File Number: 4561-3-1119

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 April 16, 2007), as well as to those from all subsequent correspondence and reports 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 and Approvals Branch every 6 months from the date of this Determination until such a time as the project is complete and the NB Department of Environment (NB DENV) is satisfied that all the conditions have been addressed.
4. The proponent shall obtain a New Brunswick *Watercourse and Wetlands Alteration Permit* from the New Brunswick Department of Environment prior to the commencement of construction activities within thirty metres of any watercourse or wetland.
5. The proponent must implement a wetland compensation plan (WCP) developed in consultation with NB DENV, NB DNR and the Canadian Wildlife Service as part of this project. The development of the WCP must be initiated prior to any ground disturbing activities. The WCP must be submitted to NB DENV for review and approval and finalized within 6 months from the date of this Determination. The WCP will ensure that all impacted wetlands will be compensated at a minimum ratio of 2:1, however depending on the compensation type greater ratios may be required. In addition the WCP must include appropriate monitoring plans for years 1, 3 and 5 post-construction in order to evaluate whether wetland function has changed within the remaining piece of natural wetland. A brief report must be submitted the NB DENV for evaluation to determine if further compensation would be required at that time (i.e. if there is functional loss caused by the project beyond the initial footprint area). The WCP projects must be completed within 12 months of any wetland disturbance associated with this undertaking. For additional information please contact Lee Swanson, NB DENV, Sciences and Reporting Branch at 506 457-4844.
6. The proponent shall collect baseline water quality data (equivalent to NB DENV *I package and bacterial analysis) from all water supply wells within 100 metres of any construction activities associated with this project prior to the commencement of construction in those areas. The baseline water quality data must be kept on file by the proponent and be made available to NB DENV upon request. Should any local water supply wells be significantly impacted (quality or quantity) by the construction associated with the emergency access road, the proponent shall remediate or replace the water supply well.

7. To minimize the spread of invasive plant species such as purple loosestrife, the proponent shall ensure all machinery is cleaned of mud and vegetation prior to entering and leaving construction areas in proximity to any wetland habitat.
8. A site-specific Environmental Protection Plan (EPP) must be submitted to the Director of the Project Assessment and Approvals Branch, NB DENV and must be reviewed and approved by the Director prior to commencement of construction. The EPP must link mitigation to locations, and include appropriate monitoring plans (compliance and environmental effects monitoring, and contingency plans).
9. 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 Section, Heritage Branch of the NB Department of Wellness, Culture and Sport, shall be contacted at 453-2756 for further direction.
10. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water and potable water supply wells, 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).
11. The proponent shall ensure that all contractors and operators associated with the construction and operation of this facility comply with the above requirements.