

# DOCUMENT "A"

## MINISTER'S DETERMINATION

### CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 28, 2007

File Number: 4561-3-1135

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 August 7, 2007, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch, Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Unless otherwise agreed to by the Canadian Wildlife Service, the proponent must conduct post construction follow-up bird mortality monitoring at selected representative locations along the power line for a specified duration. A monitoring protocol must be prepared in consultation with the Canadian Wildlife Service, the Department of Natural Resources, and the Department of Environment before the monitoring commences and copies of the resultant monitoring reports must be provided to these agencies.
5. The proponent must apply for and obtain a Watercourse and Wetland Alteration Permit issued under the *Watercourse and Wetland Alteration Regulation – Clean Water Act*, prior to the commencement of any work located within 30 meters of a watercourse or wetland. Unless otherwise agreed to by the Department of Environment, wetland compensation and monitoring plans will be required in support of any application that involves work within a wetland or its 30 metre buffer. Any soil taken from a wetland during construction must not be deposited within a wetland or buffer. For additional information please contact the Water Sciences Section, Department of Environment at (506) 453-7108.
6. The watercourse protection measures described in the letter of advice from the Department of Fisheries and Oceans (DFO) dated August 29, 2007 must be adhered to. In addition, prior to any blasting, a blasting plan must be developed, submitted to DFO for review, and implemented. Any blasting activities should be carried out in accordance with the DFO Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters. For additional information, please contact Stacey Nurse, Habitat Assessment Officer at (902) 426-2149.

7. Fish population and fish habitat surveys must be prepared and submitted for review and approval, prior to any in-stream work. For additional information, please contact Pam Seymour, Department of Natural Resources at (506) 444-4888.
8. The proponent must consult with the Crown land timber licensee and the DNR Regional Forester, Mr. Dave Black at (506) 444-4888 if : a) any improvements to existing forest roads or construction of new roads are required; b) any damage to or temporary or permanent obstruction of these roads is anticipated; or c) any restrictions to forestry operations will result from this project. Any damage to roads on Crown land as a result of this project must be repaired to the satisfaction of the DNR.
9. If staging areas are required outside the proposed right-of-way on Crown land, the proponent must obtain the appropriate authorization from Crown Lands Branch, DNR. Further details on how to apply for this authorization can be obtained by e-mailing [cltc@gnb.ca](mailto:cltc@gnb.ca) or telephoning 1-888-312-5600.
10. The proponent will require a harvesting permit prior to harvesting timber on the approved right-of-way and will have to comply with the DNR Forest Management Manual in implementing this work. The proponent must consult with Mr. Dave Black, DNR Regional Forester, at (506) 444-4888 regarding the disposition of and compensation for wood harvested from Crown land, as well as any plans to use Crown wood in corduroy roads.
11. In addition to other Crown Land permits that may be required (e.g. harvesting permit, work permit, etc.) the proponent must obtain authorization from DNR to develop this project on Crown land. The Crown land lease agreement will be subject to terms and conditions related to land tenure and the management of Crown land. All such terms and conditions must be adhered to.
12. The proponent must contact Mr. Marc Martin, District Transportation Engineer, NB Department of Transportation (NBDOT), Moncton, N.B. at (506) 856-2000, before construction begins, to review the project in more detail. At that time issues concerning coordinating and managing any planned traffic interruptions caused directly or indirectly by the proposed project on provincial highways can be discussed. All work within NBDOT road right-of-ways is to be carried out in accordance with the department's Work Area Control Manual. The District Transportation Engineer is to be provided with sufficient notice prior to commencing the work and is to be consulted throughout the project.
13. If this project requires the excavation, or disturbance of 500 or more cubic metres of rock (measured cumulatively for the project as a whole) having the potential to be acid generating, the rock must be sampled, analysed and identified, and the proponent must contact the following parties to discuss appropriate measures: Rodger Albright, Environment Canada at (902)-426-4480 and Don Fox, NB Department of the Environment at (506) 457-7257.
14. The proponent must follow the latest version of the NB Power Transmission Corporation contingency plan for the accidental discovery of archaeological resources and must provide project personnel with training regarding the aforementioned plan.
15. If blasting is required, the following information must be submitted unless otherwise agreed to

by the Department of Environment: a) a pre-blast survey must be conducted for water wells located within 500 m of the right of way; b) the pre-blast survey must include microbiological and inorganic sampling for water quality and construction details of the wells including, but not limited to, well depth, well age, casing length, estimated yield, and well photos; c) in areas where blasting is not required, a baseline water quality survey (microbiology and inorganic chemistry) will be required for water wells located within 200 m of the right of way before any construction commences; and d) all well data collected must be submitted to the Director of Sciences and Reporting Section of the Department of Environment and to the Regional Director, Health Protection Branch , Moncton Region Office, Department of Health.

16. No refuelling or maintenance of vehicles or equipment, or storage of petroleum products, hazardous chemicals or solvents is to occur within 100 m of any private well.