

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 21, 2009

File Number: 4561-3-1214

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 2009, as well as all those identified in subsequent 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 Manager of the Project Assessment Section of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall develop a set of protocols whereby the suspected remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756. The protocols shall ensure that construction personnel and project managers be briefed on what constitutes a heritage resource and what they should be on the look-out for during construction. The proponent may be required to undertake a heritage assessment for which it would bare the financial responsibility.
5. The proponent shall obtain an *Approval to Construct* and an *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 the Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
6. The proponent shall contact Transport Canada to ensure that all of their requirements, including the Navigable Water Protection Program requirements are satisfied. Please contact Jason Flanagan, Environmental Officer - Transport Canada at (506) 851 - 4949

7. An Environmental Management Plan (EMP) must be prepared illustrating mitigation measures to be put in place for the construction, operation and maintenance phases of the project. The EMP shall consider erosion and sedimentation control in general and for any aspect of the project that has potential to deposit sediment into the Saint John River, spill prevention, hazardous materials management (fuels, lubricants, hydraulic oil, waste oil etc.) and clean up. The plan shall also include emergency response plans to be put in place in the event of an accident or facility malfunction. The plan must be submitted to the Manager of the Project Assessment Section, Department of Environment for review and must be approved prior to the commencement of construction associated with the project. Contractors working on the project shall be made aware of the contents of the EMP, and copies shall be made available at the site.
8. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.