

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

28 September 2009

File Number: 4561-3-1221

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 September, 2009, and subsequent addenda, 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, Department of Environment (DENV) upon completion of the project.
4. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the provisions of the *National Master Specs (NMS) – Seeleys Cove Harbour Dredging and Wharf Expansion Project*, prepared by Public Works and Government Services Canada. (June 1, 2009). The proponent shall include the NMS and the Conditions of this *Certificate of Determination*, in the tendering and contract documents issued for this project.
5. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. If the proponent suspects that he has come upon remains of archaeological significance, all excavation shall cease and the Archaeological Services Unit, Heritage Branch (WC&S) should be contacted immediately at 453-2756.
6. The proponent shall obtain a quarry permit under the authority of the Quarriable Substances Act for the proposed dredging activities. Please contact NBDNR's Minerals and Petroleum Branch at (506) 453-2206.
7. The proponent shall obtain authorization from DNR, under the *Crown Lands and Forests Act*, for any associated dredge and disposal activities on submerged Crown lands, outside of the secured waterlot. For information on land use tenure and/or application packages, please visit DNR's website at www.gnb.ca/0263 or contact the Land Use Application Service Centre at 1-888-312-5600. In addition, a quarry permit may be required under the *Quarriable Substances Act*. Please contact DNR's Minerals and Petroleum Development Branch at (506) 453-2206 for details.
8. The proponent shall develop a water quality monitoring program in conjunction with Cooke Aqua, as indicated in the public consultation report. This report shall be submitted to the Manager of the Project Assessment Section, Department of Environment (DENV) for review and approval prior to any dredging activities. The proponent shall conduct the water quality monitoring program during dredging and construction activities and adjust these activities as monitoring results dictate.

9. No construction or infill material may be obtained from any coastal feature, namely a beach, dune, or coastal wetland.
10. The proposed service area shall be maintained as a reusable containment cell and must not be permanently capped. In addition, any infrastructure placed on the containment cell must be removable to enable future use of the containment cell for contaminated dredge disposal. The containment cell footprint, including riprap, shall not exceed 8000 square metres.
11. The proponent shall perform visual monitoring of erosion rates within Seeleys Cove to determine if shoreline erosion increases as a result of the project. An erosion monitoring report must be submitted to the Manager of the Project Assessment Section, Department of Environment (DENV), annually until such time that it is determined there are no negative impacts to shoreline erosion as a result of the project.
12. The proponent assumes responsibility for any damage to provincial or private property along the Seeleys Cove shoreline resulting from project-associated erosion and will repair such damage.
13. The proponent assumes responsibility for the continued maintenance of the structure or works, as well as the clean-up of any component materials from the beach, above and below the ordinary high water mark, should the structure be damaged, destroyed, or decommissioned.