

**DOCUMENT “A”**  
**MINISTER’S DETERMINATION**  
**CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 9, 2010

File Number: 4561-3-1226

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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 2010, as well as all those identified in all 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 Environmental Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at (506) 453-3014.
5. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from the Department of Environment for any activities conducted within 30 m of a watercourse or wetland, prior to the commencement of Project. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
6. The proponent, in consultation with NBENV, Environment Canada, and NBDNR, must carry out wetland compensation as part of the NBDOT Wetland Compensation Program to ensure that there is no net loss of wetland function. Monitoring of wetlands shall also be conducted in years 1, 3 and 5 post-construction (i.e. completion of the Project) in order to evaluate any changes in wetland function. Monitoring in year 5 may be required, dependent on the results of years 1 and 3, and as decided in consultation with NBENV, Environment Canada, and NBDNR at that time. Details of monitoring will be developed in consultation with NBENV and Environment Canada and will be provided within the application for the *WAWA Regulation* permit, and will be subject to review at that time. Further compensation may be required in the future, if the monitoring indicates a loss of wetland function beyond the initial development area.

7. All solid waste generated from this project shall be disposed of in an appropriate manner. All measures to divert waste from landfills should also be undertaken, such as using material that meets the department's "Clean Fill Guidelines" as clean fill, and by disposing of debris that meets the departments' definition of "C&D Debris" at an approved C&D disposal site.
8. The proponent will submit the results of the pre-construction geotechnical investigation to determine the likelihood of sulphide bearing rock to the Manager of the Environmental Assessment Section for review prior to construction.
9. An Environmental Management Plan (EMP) shall be developed for the project to outline environmental protection commitments of NBDOT and their contractor(s), and to ensure compliance with these commitments as set forth in the EIA Registration Document. The EMP shall also ensure compliance with environmental legislation, policies and permitting requirements for those environmental issues anticipated during the Construction, Operation, and Maintenance phases of the project. The EMP must receive approval from the Manager of the Environmental Assessment Section, prior to the start of any construction activities.
10. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the Project comply with the above requirements.

