

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

September 8, 2009

File Number: 4561-3-626

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 December 19, 2008, as well as all those identified in subsequent correspondence during the registration review, which will be incorporated into a final EIA Document, dated September 2009. 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 every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the well assessment shall be submitted to the Manager, Project Assessment Section, prior to the commencement of blasting/construction activities. The proponent shall be responsible for the repair and/or replacement of any wells found to have been permanently damaged or adversely affected by the proposed project.
5. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756, and the procedures described in Section 7.6 and 8.3 of the NBDOT EPP and Item 948 of NBDOT Standard Specifications (2006) must be followed. The proponent may be required to undertake a heritage assessment for which it would bear the financial responsibility.
6. 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.
7. The proponent shall be responsible for developing and connecting an alternative water supply

that is acceptable to the Minister which will replace the capacity of the St. George potable water well PW1.

8. Upon completion (commissioning) of the alternative water supply, the proponent must decommission PW1 as per the *Guidelines for the Abandonment (Decommissioning) of Water Wells*. This work must be completed by a Water Well Contractor/Driller licensed in the Province of New Brunswick.
9. 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. The proponent may apply for and obtain a **separate** WAWA Permit for clearing activities only. A subsequent WAWA permit would then be required for site preparation work (i.e. ground breaking / construction) beyond that of clearing activities. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
10. The proponent shall prepare a Hydrological Assessment of Wetland 99 in order to address drainage and function concerns to ensure that wetland hydrology is maintained, and that the created channel diversion appear and function as natural as possible within the wetland. The watercourse should be designed by an expert in the fields of hydrogeology, hydrology, and stream restoration and must resemble original conditions as there is a high probability that the wetland could be drained should it be inappropriately ditched along the road. This Assessment must be prepared as part of the Site Specific Environmental Protection Plan and must be submitted to, and receive approval from, the Manager of the Project Assessment Section, prior to the start of any construction activities.
11. 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 and 3 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.
12. The proponent must submit the plans to the Department of Natural Resources (DNR) for any relocation (or new locations) being proposed for sections of the Sentier NB Trail. The plans must be approved by DNR prior to undertaking the relocation or new construction of Sentier NB Trail. For information on Sentier NB Trail and/or application packages, please contact the Land Use Application Service Centre at 1-888-312-5600 or by visiting www.gnb.ca/0263.

13. 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 Project Assessment Section, prior to the start of any construction activities.
14. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.