

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

25 January 2006

File Number: 4561-3-908

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 the Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, and monitoring and mitigation measures presented in the EIA registration document (dated October 11, 2002), as well as to those in all subsequent correspondence during the registration review. All recommendations/mitigation outlined in the *Final Screening Report* (dated January 12, 2006), the *Letter Report - Monitoring of Area of Potential Acid Rock Generation - Route 1, US Border to Church Street* (dated November 10, 2005) and the *Letter Report - Reactivity of Sulfide-Bearing Rock from St. Stephen Highway Construction Projects* (dated November 30, 2005) must be properly implemented, and all activities must be conducted in accordance with the latest version of NBDOTs *Environmental Protection Plan (EPP)* and *Environmental Field Guide*. In addition, the proponent shall submit a summary Table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment Branch of the New Brunswick Department of the Environment and Local Government (DELG) every 2 months from the date of this Determination until such a time as construction is complete.
4. To mitigate the potential impacts of sulphide-bearing rock (SBR)/acid rock drainage (ARD), the proponent must develop an SBR/ARD Management Plan prior to the start of construction (i.e., including mitigation, monitoring and contingency plans). This Plan must be submitted as part of the overall Project Environmental Management Plan (EMP) to the Director Project Assessment Branch, DELG for review/approval prior to the start of construction (refer to Condition 14 below). In addition, the proponent must minimize the amount of disrupted SBR material, minimize the amount of blasting/rock breakage, and ensure appropriate disposal of this material (e.g., disposal under low permeability material). No excavated SBR material may be disposed of in wetlands outside the project right-of-way (RoW).
5. At a minimum, measures identified in Section 4.2 of the *Final Screening Report* (dated January 12, 2006) to protect groundwater resources must be properly implemented, including baseline groundwater monitoring for potentially affected wells. In addition, in the event that wells are

adversely affected by the construction/operation of the highway, an alternative water supply must be provided.

6. Any new areas located outside the RoW to be used as marshalling yards, material storage areas, bull pens, or temporary work areas, etc, must be submitted to the Director, Project Assessment Branch, DELG for review/approval prior to the start of construction in the area/Project section to be affected. This includes the locations of all ancillary facilities (e.g., borrow pits, storage areas, temporary access roads, etc.), which must be sited in consideration of environmental constraints including wetlands, watercourses, wildlife/wildlife habitat, private wells, etc.
7. For re-vegetation, priority must be given to the use of plant species native to the general area, and where seed mixes are not native species from the area, no invasive plant species shall be used.
8. A *Watercourse/Wetland Alteration Permit* will be required for any activities conducted within 30 m of a watercourse or wetland. Please contact the Manager of the Watercourse/Wetland Alteration Program, at (506) 457-4850 for additional information.
9. NBDOT will initiate the development of a wetland compensation plan in advance of ground-disturbing activities to offset Project-related effects on wetland habitat. The wetland compensation plan will be managed by NBDOT throughout the duration of construction and follow-up monitoring, and must be finalized in consultation with NBDELG and Environment Canada (i.e., the plan must document the actual loss of wetland habitat; habitat must be compensated - e.g., through habitat acquisition and restoration - at a ratio of 3:1; the plan must include a wetland monitoring program). The final compensation plan must be submitted to the Director, Project Assessment for approval.
10. As part of the Project contingency plan, in the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, erosion/sedimentation plume, etc), the Director of the DELG regional office must be notified immediately at (506) 658-2558.
11. The local public must be notified of the finalized project construction schedule, prior to the commencement of construction activities.
12. All materials such as uncontaminated rock, soil, brush, etc, to be used on site must meet DELG's "*Clean Fill Guidelines*."
13. If it is suspected that remains of archaeological significance are discovered all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit of the Heritage Branch, Culture & Sport Secretariat must be contacted immediately at (506) 453-2756.
14. A site-specific Environmental Management Plan (EMP) must be submitted to the Director Project Assessment Branch, DELG for review/approval prior to the start of construction. The EMP must include: an Environmental Protection Plan (EPP), linking mitigation to locations, a monitoring plan (compliance and environmental effects monitoring), and contingency plans.

15. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.