

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 3, 2005

File Number: 4561-3-1020

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 and Local Government.
3. The Saint John Industrial Parks Limited shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document registered on September 22, 2004, as well as to those in all correspondence during the registration review.
4. A Fuel and Hazardous Material Spills Contingency Plan for operation shall be submitted to the Director of the Project Assessment Branch, Department of the Environment and Local Government for approval prior to the start of operation. The Saint John Industrial Parks Limited shall ensure adequate emergency spill equipment is maintained on site and that work is executed in accordance with the approved Plan.
5. A site drainage plan and marine monitoring program shall be submitted to the Director, Project Assessment, Department of the Environment and Local Government for review and approval prior to the start of construction.
6. Phase 2 of the Archaeological Assessment referenced in the correspondence December 21, 2004 from Saint John Industrial Parks shall be undertaken when there is no snow cover and the ground is not frozen or water saturated. The results of the archaeological assessment shall be submitted to Albert Ferguson, Archaeological Services Unit, for approval prior to the start of ground-disturbing activities. Additional mitigation or project modification may be required depending on the results of the assessment. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at 453-2756.

7. A buffer zone shall be established between the wetland identified in the registration document and construction and maintenance activities to prevent further deterioration of the wetland. Any activity within 30 metres of the wetland may require a Watercourse and Wetland Alteration permit from the Department of the Environment and Local Government. Please contact Joanne Glynn, Manager of the Watercourse and Wetland Alteration Program for additional information at (506) 457-4850.
8. The Saint John Industrial Parks Limited shall comply with the Marine Transportation Security Regulations. Mr. Ross Munn, Manager Security Operations at Transport Canada may be contacted for additional information at (902) 873-1101.
9. The Saint John Industrial Parks Limited shall ensure the site is decommissioned once it is no longer operational. The decommissioning will be carried out in accordance with legislative requirements at the date of decommissioning, but will, at a minimum, be in accordance with the September 28, 2004 “Barge Facility Project, Maguire’s Cove, Restoration Plan”.