

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 8, 2005

File Number: 4561-3-991

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 proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA Final Screening Report (dated January 5, 2005), as well as all those identified in correspondence during the registration review. All activities must also be conducted in accordance with the latest version of NBDOT's Environmental Protection Plan (EPP) and Environmental Field Guide.
4. All construction and demolition (C&D) debris must meet the Department of the Environment and Local Government's (DELG's) "*Guidelines for the Siting and Operation of a Construction and Demolition Debris Disposal Site*," and be disposed of at an approved C&D disposal facility. All materials such as uncontaminated rock, soil, brush, etc, to be used on site must meet DELG's "*Clean Fill Guidelines*."
5. Measures as identified in Section 4.6.5.2 and 4.6.6 of the *Final Screening Report* (dated January 5, 2005) to protect archaeological/heritage resources must be properly implemented. These include the development of a contingency plan to deal with archaeological resource encounters during demolition and/or construction. The contingency plan must contain provisions to consult with the Archaeological Services Unit of the Heritage Branch, Culture & Sport Secretariat in the event of a resource find, at 453-2756.
6. Any new areas located outside the RoW to be used as marshalling yards, material storage areas, borrow pits, bull pens, 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.
7. A Watercourse and Wetland Alteration Permit will be required for the Meduxnekeag River crossing, and for any other activities conducted within 30 m of a watercourse and/or wetland. Please contact the Manager of the Watercourse and Wetland Alteration Program, at (506) 444-4323 for additional information. In addition, a site-specific watercourse-crossing design (when available) will require review by Fisheries & Oceans Canada (DFO) to ensure that all regulatory requirements under the Fisheries Act and Navigable Waters Protection Act are satisfied.

8. 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) 473-7744.
9. At a minimum, measures identified in Section 4.2.5.2 of the *Final Screening Report* (dated January 5, 2005) 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.
10. NBDOT will finalize a wetland compensation plan 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. The final wetland compensation plan must be submitted to the Director of Project Assessment for approval within 9 months of the date of this Determination.
11. 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. In addition, measures as outlined in Section 4.3.5.2 of the *Final Screening Report* (dated January 5, 2005) to protect the Aquatic Environment, must be implemented.
12. The local public must be notified of the finalized project construction schedule, prior to the commencement of construction activities.
13. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.