

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 10, 2005

File Number: 4561-3-1029

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 proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated January 2005, as well as all those identified in 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 Director of the Project Assessment Branch of the Department of the Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall ensure that the work is conducted in accordance with the provisions of the Environmental Protection Plan (EPP) - Breakwater Wharf and Service Area Construction Project, Beaver Harbour, prepared by Public Works and Government Services Canada. (June 2005). The proponent shall include the EPP and the Conditions of this Certificate of Determination, in the tendering and contract documents issued for this project.
5. Prior to any blasting activity with respect to this project the proponent shall consult with the owner(s) of the existing aquaculture facilities within Beaver Harbour and shall endeavour to co-ordinate blasting activities so that they occur during the their fallow period(s).
6. Prior to any blasting activity with respect to this project the proponent shall ensure that a pre-blast well survey and groundwater sampling program is conducted for all water wells located within 300m of the blasting site. The groundwater sampling program shall include an *I analysis or equivalent (for information on *I analysis, please contact Department of the Environment and Local Government Analytical Services) and microbiological analysis. Water well construction information should also be collected including the water well report (if available), well depth, casing depth, well yield and static water level. If any wells are impacted as a result of this project, the proponent shall ensure a continuous and acceptable water supply.

7. Blasting shall be conducted in accordance with the DFO's Guidelines for the Use of Explosives In or Near Canadian Waters (unless otherwise directed by the DFO), and Regulation 89-108 (the *Blasting Code Approval Regulation*), under the Municipalities Act (<http://www.gnb.ca/0062/regs/89-108.htm>). All monitoring results of blasting activity as required by the *Blasting Code Approval Regulation* shall be submitted to the Department of the Environment and Local Government (DELG) Saint John Regional Office, within 2 weeks of the event. Any exceedances of the limits specified in Sections 11 and 12 of the Blasting Code Approval Regulation shall be reported immediately to the DELG Saint John Regional Office. For further information, please contact Cathy Dubee of the DELG Saint John Regional Office at (506) 658-2558.
8. Pile driving shall not take place between 9 p.m. and 7 a.m. or at any time on Sundays or statutory holidays.
9. Appropriate land tenure must be secured from the New Brunswick Department of Natural Resources. For further information, please contact the Land Use Application Service Centre, Crown Lands Branch at 1-888-312-5600.
10. The proponent shall obtain any permits or approvals required under the Navigable Waters Protection Act (NWP). Additional information is available at the following web site: <http://www.tc.gc.ca/marinesafety/Ships-and-operations-standards/nwp/menu.htm>.
11. The proponent shall consult with the Rural District Planning Commission (RDPC) and shall arrange for a site inspection by a representative of the RDPC to determine the appropriate location of the required 5m buffer as prescribed by the Pennfield Area Basic Planning Statement. For additional information, please contact Nola Messer of the RDPC at (506) 453-2956.
12. Prior to commencement of construction the proponent shall contact the District Transportation Engineer to discuss the movement of fill and heavy construction materials on Routes 176, 778 and on secondary or local roads.
13. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Archaeological Services Unit, Heritage Branch (Culture & Sport Secretariat) shall be contacted at (506) 453-2756.
14. The proponent shall obtain a Quarry Permit from the Minerals & Petroleum Development Branch of the Department of Natural Resources (DNR). For additional information, please contact Mitch O'Donnell of the DNR at (506) 453-2206.