

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 27, 2007

File Number: 4561-3-1090

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 July 24, 2006), as well as to those from all subsequent correspondence and reports 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 every 6 months from the date of this Determination (i.e.: April 27, 2007) until such a time as the construction is complete and the Department of Environment is satisfied that all the conditions have been addressed.
4. Submit an application for a Watercourse and Wetland Alteration Permit from the Department of Environment before commencing any work within 30 metres of Marsh Creek and/or associated wetland. For additional information please contact the Watercourse and Wetland Alteration Program Section of the Department of Environment at (506) 457-4850.
5. The Proponent must develop and submit an Environmental Management Plan (EMP) that is to be applied during the construction and operation of this project. This EMP must include specific components related to sediment and erosion control, emergency response, management of contaminated soil, etc. Reference to the NBDOT Environmental Field Guide and NBDOT Environmental Protection Plan must be included in the EMP as applicable. This EMP is to be submitted to the Director of the Project Assessment Branch and shall include a detailed work schedule and mitigation measures that will be implemented to minimize impacts to the surrounding environment. This plan must be approved prior to the start of construction.
6. Should any temporary ancillary facilities be located outside areas assessed as part of this EIA, it will be the proponent’s responsibility to ensure that these areas are assessed from an environmental point of view. Any proposal for temporary ancillary facilities not assessed as part of this EIA must be submitted to the Director, Project Assessment Branch, Department of Environment for review and approval prior to any activities at these sites.

7. Prior to the start of any construction activities baseline monitoring will be required for any private wells within 500 metres of the proposed project. Monitoring results from the groundwater monitoring shall be submitted to the Director of the Project Assessment Branch, Department of Environment prior to the start of construction. In the event that the water quantity or quality of neighbouring residential wells is impacted by activities related to the brine line replacement (as raised by the resident(s)), it will be the proponent's responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section (506 457-4844), Department of Environment of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department of Environment will provide independent third party arbitration.

8. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756. In addition, any facilities required for the project that do not fall within the project footprint (as identified in the EIA registration document) where groundbreaking is required, will necessitate an archaeological review and potential field survey prior to their development.