

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 5, 2007

File Number: 4561-3-1103

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 November 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 5, 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. An Approval to Construct will be required from the Department of Environment for the proposed project. Please contact the Director of the Approvals Branch, Department of Environment for additional information (506 444-4599).
5. Watercourse and Wetland Alteration Permits will be required for any work within 30 metres of a watercourse or wetland. As part of the Watercourse and Wetland Alteration Permit application, please submit an Environmental Protection Plan (EPP) to ensure that any potential impacts to watercourses and wetlands are adequately addressed and mitigated. This EPP shall include erosion and sediment control measures, contingency plans, construction methods, construction schedules and remedial and restoration measures. In addition, Site Specific EPPs will be required for watercourses where salmonids or fish habitat is present. For additional information please contact the Watercourse and Wetland Alteration Program, Department of Environment at (506) 457-4850.
6. The proponent must develop and submit an Environmental Management Plan (EMP) that is to be applied during the construction and operation of this site. This plan will include an Environmental Protection Plan, an Environmental Effects Monitoring Plan, a Frac-Out Mitigation Plan, and an Environmental Contingency Plan. These plans will need to be submitted to the Director, Project Assessment Branch, Department of Environment and approved prior to the start of construction.

7. The potential for acid generating rock will need to be assessed along the areas of the pipeline corridor that will be impacted by this project. A sampling program will need to be undertaken to assess the acid generating rock potential. Results of the sampling program will need to be submitted to the Director, Project Assessment Branch, Department of Environment and reviewed prior to the start of construction. If it is identified that there is a potential for acid rock drainage a mitigation and monitoring plan will need to be developed and submitted for review prior to the start of construction. This plan will need to address any disposal issues associated with acid generating rock.
8. Monitoring results from the groundwater monitoring of domestic wells within 300 m of construction activities 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.
9. A Highway Usage Permit will be required from the NB Department of Transportation prior to the start of construction. This permit will cover most roadway construction standards and laws or regulations of the Province of New Brunswick with respect to pipelines. Please contact the Planning and Land Management Branch, Department of Transportation at (506) 453-2675 for additional information.
10. The shores of the Hammond River and Fowler Brook hold high potential for the presence of archaeological resources. Should any construction activities take place within 100 m of the Hammond River or within 40 m of Fowler Brook a licensed archaeologist will need to examine the areas. In addition, a contingency plan will need to be incorporated in the Environment Management Plan to address discoveries of archaeological objects, features or human burials during construction activities. 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.