

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 30, 2008

File Number: 4561-3-1162

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 (i.e., dated June 25, 2008), the conditions attached to *Certificate of Determination* 4561-3-1081 issued for the Brunswick Pipeline Project (dated May 29, 2007), 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 & Approvals Branch every 6 months from the date of this Determination (i.e., July 30, 2008) until such a time as the construction is complete and the Department of Environment is satisfied that all the conditions have been addressed.
4. Associated work proposed outside the pipeline RoW (e.g., temporary workroom areas, marshalling yards, laydown areas, etc.) must be submitted to the Director, Project Assessment & Approvals Branch for review, and receive approval prior to the start of ground-disturbing activities at these locations.
5. *Watercourse/Wetland Alteration Permits* and/or amendments to existing permits will be required for any activities conducted within 30 m of a watercourse or wetland. Please contact the Manager of the Watercourse/Wetland Alteration Program, at (506) 444-5149 for additional information.
6. A compensation plan for any unavoidable loss or alteration of wetland habitat due to the project must be developed and submitted to the attention of the Director, Project Assessment & Approvals Branch for review and approval. The compensation plan must take into consideration any altered wetland habitat, and any opportunities for the potential restoration of habitat in proximity to the project area. Compensation will be required for any wetland area that is shown to have residual impacts as indicated by the wetland follow-up program (i.e. environmental effects monitoring (EEM) program) outlined in Section 5.5 of the *EIA Report*, dated May, 2006.
7. At a minimum, measures identified in Section 5.2 of the *EIA Report* (dated May, 2006) to protect groundwater resources must be properly implemented, including baseline groundwater monitoring for potentially affected wells. Should a private well be affected by the construction or operation of the pipeline, the proponent will be responsible for repair or replacement of the impacted well, including but not limited to deepening the well or drilling a new well. If an

agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration. Additionally, all groundwater monitoring results must be submitted to the Director, Sciences and Reporting Branch for review/approval.

8. To minimize the spread of invasive plant species such as purple loosestrife, machinery must be cleaned of mud and vegetation prior to entering and leaving construction areas in proximity to wetland habitat.
9. All Species at Risk field data results must be provided to the AC CDC for inclusion in the Species at Risk Database within 1 year following the start of operation of the pipeline.
10. In the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, etc), the Brunswick Pipeline Project Environmental Monitoring and Compliance Officer, Mr. David Peterson must be notified immediately at (506) 658-2558.
11. 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 Unit, Heritage Branch (NBDWC&S) shall be contacted at (506) 453-2756.
12. The Proponent must update the Brunswick Pipeline Project Environmental Management/Protection Plan (EMP) to incorporate the alignment change and ensure copies are provided to all appropriate project personnel.
13. A decommissioning plan must be submitted to the Director, Project Assessment & Approvals Branch for review, and receive approval prior to decommissioning/abandonment of the pipeline.
14. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.