

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
December 12, 2008
File Number: 4561-3-1175

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 September 2008 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 Manager of the Project Assessment Section of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. In the event that heritage resources are encountered during construction, the proponent must follow the Heritage Resources Protocol outlined in the most recent version of the Environmental Management Plan (EMP).
5. All private water wells located within 300 m of the pipeline RoW must be sampled for baseline water quality (inorganic and microbiological) prior to any clearing or construction activities taking place. These results of the sampling must be submitted to the Department of Environment.
6. If blasting of bedrock is required for pipeline construction, a pre-blast survey must be completed for any private wells located within 500 m of blasting locations. This would include the collection of well construction details such as depth, casing length, photos, screened interval, well yield, static water level measurement etc. for each well.
7. The proponent will be responsible for any negative impacts to private water wells due to construction activities as part of the proposed project, and will be required to provide a temporary water supply in the short term, or replace any impacted well, which might include, but is not limited to, deepening a well or drilling a new well.
8. The proponent must contact Mr. Alan Kerr, District Engineer in Saint John, at (506) 643-7463 before construction begins to review the project in more detail. At that time, the District Engineer will review the New Brunswick Department of Transportation (NBDOT) Work Area Traffic Control Manual to ensure proper traffic control personnel, signing, lighting and safety measures are in place

in the construction zone.

9. The proponent must apply for a *Highway Usage Permit* before construction begins where any infrastructure is to be placed within NBDOT right-of-way. This can be done by writing to Mr. Terrance Gamble, Property Manager, Planning and Land Management, PO Box 6000, Fredericton, NB, E3B 5H1.
10. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project are aware of the boundaries of the 1:20 and 1:100 year flood plains within the project area. Should it be determined that any portion of the proposed pipeline will be located within a flood plain, contractors responsible for pipeline installation must employ proper mitigation techniques to address issues associated with the construction and operation of a pipeline within a flood plain.
11. Water used for hydrostatic testing must come from the Town of Sussex municipal water system, and must be disposed of in the Town of Sussex wastewater treatment plant following testing.
12. In the event that a watercourses and/or wetlands crossing is required, horizontal directional drilling (HDD) must be carried out for the crossing except where technically not feasible. In addition, a *Watercourse and Wetland Alteration Permit* will be required for any activity to be carried out within 30 meters of a watercourse or wetland. Please contact the Director of the Watercourse and Wetland Alteration Program at (506) 457-4850 for additional information.
13. No chemical spraying will be permitted along the pipeline RoW.
14. The proponent must follow the most recent version of their EMP.