

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

Sept 1, 2010.

File Number: 4561-3-1260

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 documentation dated May 31, 2010 and to those in all 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 Environmental Assessment Section, Department of Environment (DENV) every 6 months from the date of this Determination until such a time when all the Conditions have been met.
4. Approval from Archaeological Services, Heritage Branch must be obtained for the July 9, 2010 report entitled, *Archaeological Assessment of the Rothesay Hillside Water Transmission Line and Reservoir* prior to the commencement of construction activities associated with this project.
5. Work in the area shall cease in the event that any heritage resource is encountered during construction activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
6. The proponent must prepare an Environmental Management Plan (EMP) describing mitigative measures that will be utilized during project implementation. A progressive work schedule, including an outline of when each aspect of the project will take place, shall be part of the EMP along with contingency and response plans to address potential environmental issues. An environmental effects monitoring program shall also be included. The document must be submitted to the Manager, Environmental Assessment Section, DENV for review and approval prior to the commencement of construction associated with the project.

7. Monitoring of all wetlands directly or indirectly impacted by project activities will be required for years 1, 3, and 5 to measure whether the wetland function has changed. Reports shall be submitted to the Manager of the Environmental Assessment Section DENV, after each monitoring period. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function. Restoration will be required if there are impacts to the function of any of the wetlands located within the project area.
8. The proponent must prepare a wetland compensation plan to offset direct loss of wetland habitat. The plan must demonstrate a minimum 2:1 compensation of restored wetland to affected wetland. An implementation schedule for compensation must be established in consultation with the Environmental Assessment Section, DENV.
9. If, at any time during construction or operation, treated water enters a fish bearing watercourse, the concentration of chlorine in the water must not exceed the *CCME Guideline for the Protection of Aquatic Life*.
10. The proponent must consult with NBDOT throughout the construction phase of the project to ensure that project activities will not conflict with the Route 1 expansion project.
11. All mitigation identified in the correspondence from DFO to Sheila Goucher dated August 24, 2010 must be adhered to and a copy of the correspondence kept on site during project implementation.
12. Refueling and maintenance of equipment must take place in designated areas, on level terrain a minimum of 30 metres from any surface water or wetland boundary. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation. All spills and releases must be promptly reported to the 24 hour emergency response line at 1-800-565-1633.
13. Should any blasting occur within 500 metres of the Carpenter Pond Wellfield, the Environmental Assessment Section, DENV, must be informed prior to the activity. Additional information and appropriate mitigation may be required.
14. If the use of any potable water well is discontinued as a result of this project, the well must be decommissioned according to current DENV guidelines.
15. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.