

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

28 May 2012

File Number: 4561-3-1317

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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated August 23, 2011 as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. An Environmental Management Plan (EMP) shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, DENV, prior to the onset of construction. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
  - An Environmental Protection Plan (EPP) including but not limited to:
    - erosion and sedimentation prevention and control strategy;
    - monitoring for erosion and runoff during construction;
    - protection and mitigation for encountering species at risk or of conservation concern; and
    - mitigation for preventing introduction of invasive species to project site.
  - An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of the Dept. of Environment, the Dept. of Health, and any downstream water users in the event of environmental emergencies, details of appropriate spill response equipment on site, etc); and
  - Refueling and maintenance of equipment best practices.

5. The proponent must ensure that all contractors and/or employees working on the project construction are made aware of and adhere to the contents of the approved *Environmental Management Plan* (EMP), and copies shall be made available at the site during construction activities.
6. The Proponent shall submit a detailed site layout plan for Phases 7 to 9 of this undertaking to the Manager, Environmental Assessment Section of the Department of Environment for review and approval. This Finalized Site Layout Plan must include, but is not limited to, a site-specific project layout plan, details for construction that must be directly linked to the Environmental Management Plan as per condition #4 above, and a construction schedule. Commencement of construction cannot be undertaken prior to the approval of the site plan by the Environmental Assessment Section (DENV) and the Department of Transportation.
7. Prior to the commencement of construction of project Phases 10 and 11 the proponent shall submit a detailed site layout plan for Phases 10 and 11 of this undertaking to the Manager, Environmental Assessment Section, DENV for review and approval.
8. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration (WAWA) Permit*. If additional information is required, please contact the Manager of the Surface Water Protection Section, DENV at (506) 457-4850.
9. The developer shall be aware of the Agricultural Operations Practices Act (AOPA) and the protection from liability that it provides to farmers who follow acceptable agricultural practice. The proponent shall inform all potential property owners of this legislation. More information about this protection from liability in nuisance is located at <http://www.gnb.ca/0173/liability.pdf>.
10. All lots developed must avoid any impacts to the Provincially Significant Wetland (PSW) along the Rusagonis River and its 30 m buffer. All lots adjacent to this PSW will have the boundaries of the PSW and the 30 m buffer clearly marked and the proponent shall inform all potential property owners of these boundaries and the legislation protecting PSWs. More information about this legislation can be found at <http://laws.gnb.ca/en/ShowPdf/cs/C-6.1.pdf> (New Brunswick Clean Water Act) and <http://laws.gnb.ca/en/showfulldoc/ct/90-80//20120501> (*Water Course and Wetland Alteration Regulation*).
11. If it is suspected that remains of archaeological significance are discovered during construction, operation or maintenance of the proposed development; as per the New Brunswick Heritage Conservation Act (2010) all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit of the New Brunswick Department of Wellness, Culture and Sport (WCS), shall be contacted at (506) 453-3014, for further direction.

12. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water bodies and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).