

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

October 21, 2016

File Number: 4561-3-1429

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 (EIA) Regulation (87-83)* – Clean Environment Act again, unless otherwise stated by the Minister of Environment & Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated March 2, 2016 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 Environmental Assessment (EA) Section, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. For this reason, all ground disturbing work for this project must be monitored by a Professional Permitted Archaeologist and an Indigenous Archaeological Field Technician.
5. An Environmental Management Plan (EMP) shall be prepared and must outline mitigation measures to be initiated during construction activities related to the Wastewater Treatment Plant upgrades. The EMP shall consider erosion and sediment control (if applicable), spill prevention and clean up as well as Emergency Response Plans in the event of a spill. The EMP shall be submitted to the Manager, EA Section, DELG for review and approval prior to initiating construction activities. Contractors working on the project shall also be made aware of the contents of the EMP, and copies shall be made available at the site.
6. 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, on a prepared impermeable surface with a collection system to contain gasoline, oil, and hydraulic fluids. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation activities. All spills and releases must be promptly reported to DELG's Region 5 Office at 506-444-5149 if during normal work hours or, to the Canadian Coast Guard at 1-800-565-1633 if after hours.

7. Prior to the installation of the outfall pipe, the proponent must apply for and obtain a *Licence of Occupation* as it is located on Crown Land. As such, the proponent will need to submit a Licence of Occupation Application. Applications for land tenure may be obtained from the Department of Energy and Resource Department's Renewable Resources and Land Use Inventory Branch, by contacting the Land Use Inventory Section Coordinator by phone: (506) 444-4487 or by e-mail: stella.chiasson@gnb.ca.
8. In order to avoid the potential of serious harm to fish and their habitat, the proponent shall implement the following mitigation measures:
 - a) Any in-water works should be conducted in isolation of watercourse flow.
 - b) Prior to commencing any in-water works, the proponent shall salvage fish from any isolated sections of the watercourse.
 - c) Erosion control structures should be installed to prevent the release of sediment and/or sediment laden water from any on-land works into any waterbody or storm drain. The structures should be maintained by repairing structural problems after storm events and by removing accumulated sediment at regular intervals and disposing the sediment at an approved location.
 - d) All exposed soils must be stabilized as soon as possible in order to control sediment runoff during and after construction.
 - e) Machinery is not permitted in the water.
 - f) Any in-stream work shall be completed between June 1 and September 30. Should the proponent require in-stream work outside of the timeframe specified herein, the proponent must first contact the Fisheries Protection Program of Fisheries and Oceans Canada at 506-851-6501 in order to determine if a special permit is required.
9. Prior to the commencement of any activities within 30 meters of a watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit*. Please contact the Manager, Watercourse and Wetland Alteration Program, DELG, at 444-5149 for more information.
10. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.
11. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller or purchaser confirming that they will comply with the Conditions of this Determination to the Manager, EA Section, DELG at P.O. Box 6000, Fredericton, NB, E3B 5H1.