

DOCUMENT “A”

MINISTER’S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

October 10, 2007

File Number: 4561-3-986

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 June 20, 2007) as well as to those from all other 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 and Approvals Branch every 6 months from the date of this Determination (i.e.: October 10, 2007) until such a time as the construction is complete and the Department of Environment is satisfied that all the conditions have been addressed.
4. A Watercourse and Wetland Alteration Permit will be required prior to the undertaking of any construction activities associated with this project. For additional information please contact the Watercourse and Wetland Alteration Program, Department of Environment at (506) 457-4850.
5. The proponent must develop and submit an Environmental Management Plan (EMP) that is to be applied during the construction and operation of this site. This plan will include an Environmental Protection Plan, an Environmental Monitoring Plan (as outlined in Section 5.0 of the EIA Registration) and an Environmental Contingency Plan. These plans will need to be submitted to the Director, Project Assessment and Approvals Branch, Department of Environment and approved prior to the start of construction.
6. Prior to the start of construction the proponent must obtain prior authorization from the Department of Natural Resources (DNR) to infill Jonathan Creek and to construct the new watercourse diversion since both activities involve Crown Land. A quarry permit may also be required from DNR to excavate land for the proposed watercourse diversion. Information on how to obtain these authorizations can be obtained by telephoning 1-888-312-5600 or at www.gnb.ca/0263/.
7. An Approval to Operate a Land-Based Dredge Spoil Disposal Site will be required from the Department of Environment prior to the start of construction at this site. Material to be excavated from the new channel will need to be tested for potential chemicals of concern and compared to applicable soil quality criteria. For additional information please contact the Bioscience and Resource Management Section of the Department of Environment at (506) 453-7945.

8. The shores along the section of the Petitcodiac River near Jonathan Creek have not yet been inventoried for archaeological resources and this location hold HIGH potential for the presence of archaeological resources. Archaeology NB requires that a licensable archaeologist be hired by the proponent during construction activities and to survey of the cut-face along both banks of the channel once the excavation is completed (prior to placement of riprap and lining for heritage potential) and assess the impact(s) this undertaking would have on such resources (if they are found to be present). In addition, a contingency plan will need to be incorporated in the Environment Management Plan to address discoveries of archaeological objects, features or human burials during construction activities. 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 Section of the Department of Wellness, Culture and Sport shall be contacted at (506) 453-2756.