

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 17, 2005

File Number: 4561-3-992

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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 the Environment and Local Government.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated January 19, 2004), as well as all those identified in subsequent correspondence during the registration review. All recommendations/mitigation outlined in the *Final Screening Report* (dated May 11, 2005) must be properly implemented, and all activities must be conducted in accordance with the latest version of NBDOTs *Environmental Protection Plan* and *Environmental Field Guide*.
 4. All construction and demolition (C&D) debris must be disposed of at an approved C&D disposal facility and/or municipal landfill. All materials such as uncontaminated rock, soil, brush, etc, to be used on site, must meet DELGs “*Clean Fill Guidelines*.”
 5. A *Watercourse Alteration Permit* will be required for the 8 identified watercourse crossings, and for any other activities conducted within 30 m of a watercourse. Please contact the Manager of the Watercourse Alteration Program, at (506) 444-4323 for additional information. In addition, all site-specific watercourse crossing designs (when available) will require review by Fisheries & Oceans Canada (DFO) to ensure that all regulatory requirements under the Fisheries Act are satisfied.
 6. Measures as outlined in Section 4.8.5.2 and 4.8.6 of the *Final Screening Report* (dated May 11, 2005) to protect archaeological/heritage resources must be properly implemented. These include the development of a contingency plan to deal with archaeological resource encounters during construction. The contingency plan must contain provisions to consult with the Archaeological Services Unit of the Heritage Branch, Culture & Sport Secretariat in the event of a resource find at 453-2756.
 7. Any proposals to utilize areas located outside the highway Right of Way for marshalling yards, material storage areas, borrow pits, bull pens, temporary work areas, etc., must be submitted to the Director of the Project Assessment Branch, DELG for review/approval prior to the start of

construction in the area/section to be affected.

8. As part of the Project contingency plan, in the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, erosion/sedimentation plume, etc), the Director of the DELG regional office must be notified immediately at (506) 444-5149.
9. At a minimum, measures identified in Section 4.2.5.2 and 4.2.6 of the *Final Screening Report* (dated May 11, 2005) to protect groundwater resources must be properly implemented, including baseline groundwater monitoring for potentially affected wells. In addition, in the event that wells are adversely affected by the construction/operation of the highway, an alternative water supply must be provided.
10. NBDOT will finalize a wetland compensation plan to offset Project related effects on wetland habitat. The wetland compensation plan will be managed by NBDOT throughout the duration of construction and follow-up monitoring, and must be finalized in consultation with NBDELG and Environment Canada. The wetland compensation plan must be initiated prior to the start of construction and the final plan submitted to the Director of Project Assessment for approval.
11. A site-specific Environmental Management Plan (EMP) must be submitted to the Director, Project Assessment Branch, DELG for review/approval prior to the start of construction. The EMP must include: an Environmental Protection Plan (EPP), linking mitigation to locations, a monitoring plan (compliance and environmental effects monitoring), and contingency plans.
12. Measures identified in Section 4.4.5.2 and 4.4.6 of the *Final Screening Report* (dated May 11, 2005) to protect rare plants, must be properly implemented.
13. The use of chemical dust suppressants should be conducted in accordance with Environment Canada's guidance document titled, *Best Practices for the Use and Storage of Chloride-Based Dust Suppressants*.
14. All proposed property access roads to be constructed as part of this Project, not identified in the *Final Screening Report* (dated May 11, 2005), must be submitted to the Director, Project Assessment Branch, DELG for review/approval prior to the commencement of construction in these locations. In addition, the Department of Natural Resources Regional Office, David Black must be contacted at 444-4888 for input into the final locations for access to Crown Lands.
15. The local public must be notified of the finalized project construction schedule, prior to the commencement of construction activities.
16. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.