

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 1, 2006

File Number: 4561-3-1053

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated September 19, 2005), as well as all those identified in subsequent correspondence during the determination 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 Branch every 3 months from the date of this Determination until such a time as construction is complete.
4. The undertaking will affect Crown Land under the administration and control of the New Brunswick Department of Natural Resources (NB DNR). Permission must be obtained from the NB DNR Crown Lands Branch prior to commencement of construction. Application can be made via the DNR's website (www.gnb.ca/0263/), e-mail (cltc@gnb.ca) or by phone (1-888-312-5600).
5. A detailed Environmental Management Plan that addresses, however not be limited to, the issues listed below must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement of construction:
 - A contingency/spill response plan that details what steps will be taken to ensure any potential impacts related to accidental spills of hazardous materials, accidents, and malfunctions would be minimised or prevented.
 - An erosion and sedimentation control plan with a map or diagram linking the mitigation to location.
6. No dredge spoils shall be disposed of at the Loggie Pit facility that have not been decanted under surcharge for a minimum of 11 months at an on-shore or near shore dredge spoil containment cell.
7. A detailed monitoring plan must be submitted to the Director of the Project Assessment Branch

and must be reviewed and approved by the Director prior to the disposal of any dredge material at this facility. This plan shall include all monitoring well and piezometer locations as well as surface water sampling locations, sampling frequencies, sampling protocols, and parameters for analysis.

8. An Approval to Operate the facility is required from the New Brunswick Department of Environment. No spoils shall be brought to the facility until such a time the Approval has been issued. Please Contact the New Brunswick Department of Environment, Remediation Branch at 457-4844 for additional information.
9. All monitoring results pertaining to Condition 7 shall be submitted to the Remediation Branch, in accordance with the Approval to Operate requirements.
10. When capping, grading and seeding any material at the disposal facility, a variety of species of plants native to the general area should be used for revegetation purposes. Should seed mixes for herbaceous native species not be available, the proponent must ensure that the plants used are non-invasive.
11. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at 453-2756.
12. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, 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).