

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

October 31, 2006

File Number: 4561-3-1057

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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 Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated November 10, 2005, the final version of the outfall details (email dated September 15, 2006), 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 Director of the Project Assessment Branch every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that the remains of archaeological significance are found during construction of the project, work shall stop immediately in the vicinity of the find, and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756. The proponent may be required to undertake a heritage assessment for which it would bare the financial responsibility.
5. In order to comply with the Migratory Birds Convention Act (MBCA), no clearing shall be permitted during the breeding season for most birds (i.e. May 1 to August 31). The proponent shall ensure that vegetated buffer zones are maintained around trees containing nests and around any ground nests, and that activities are minimized in the immediate area until nesting is completed.
6. The proponent shall obtain an Approval to Construct and an Approval to Operate from the Stewardship Branch of the New Brunswick Department of Environment. The *Approval to Construct* shall be obtained prior to the commencement of any construction activities. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
7. Details regarding the final design of the wastewater treatment system shall be submitted to the Stewardship Branch of the Department of Environment for approval prior to construction. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.

8. An Environmental Management Plan (EMP) shall be prepared which will outline mitigation measures to be initiated during the construction of the wastewater treatment plant, access road, and outfall pipe. The plan shall also include specific details and methods for construction of the lagoon and outfall pipe to be located within the wetland. The EMP shall consider erosion and sedimentation control, spill prevention and clean up, including emergency response plans in the event of an accidental spill. The plan shall be submitted to Mr. Paul Vanderlaan, Director, Project Assessment Branch, Department of Environment for review and approval prior to the commencement of any construction activity associated with the project. 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.
9. Specific conditions outlined in the Department's guidelines for decommissioning of sewage lagoons shall be followed regarding the abandonment of the Hêtrière/McGinley lagoon. Please contact Mr. Tim LeBlanc, Manager of the Water and Wastewater Section, at (506) 444-5194 for details.
10. The proponent shall apply for and obtain a Watercourse and Wetland Alteration Permit from the Department of Environment for any activities carried out within 30 meters of any watercourse or wetland, prior to the commencement of any construction activities. It is recommended that submission of this application occur at least 90 days prior to the commencement of any construction activity. Please contact Mr. Denis Deveau, Regional Director responsible for the Watercourse Alteration and Wetlands program at (506) 457-4850 for further information.
11. A compensation plan for the loss of wetland habitat as a result of the proposed project footprint shall be submitted to Mr. Paul Vanderlaan, Director, Project Assessment Branch, Department of Environment, for review and approval. A draft compensation plan shall be submitted by **January 15, 2007**, and shall follow the Department of Natural Resources' (DNR) Draft Wetland Mitigation Guidelines.
12. Prior to the commencement of any in-stream work, final design drawings of the outfall shall be forwarded to the Department of Fisheries and Oceans Canada to determine if the proposed project will be a harmful alteration, disruption, or destruction (HADD) of fish habitat that would require a HADD authorization. Please contact Mr. Phil Zamora, Habitat Assessment Biologist, at (902) 426-4692.