

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 28, 2008

File Number: 4561-3-1123

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 must adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated March 29, 2007, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Prior to commencement of directional drilling activities under the Petitcodiac River, a "frac-out" contingency plan must be prepared by the proponent, submitted for review and approved.
5. If the watercourse crossing as described in the registration document (i.e. directional drilling) is subsequently found to be not feasible and should in-water works be subsequently proposed, alternative crossing details must be submitted to the Department of Environment, the Department of Natural Resources, the Department of Fisheries and Oceans and Transport Canada (Navigable Waters Protection Program) for review and approval prior to using these alternative methods.
6. The watercourse protection measures described in the letter of advice from the Department of Fisheries and Oceans dated November 26, 2007 must be adhered to.
7. Prior to commencement of the directional drilling under the Petitcodiac River, the proponent must determine the type of salmon habitat that would be affected should a frac-out occur. If spawning habitat could potentially be affected by a frac-out, then unless otherwise approved by the Department of Fisheries and Oceans the drilling must take place in the summer months (June to August) when the eggs have hatched and the young salmon have emerged from the gravel. If salmon spawning habitat is unlikely to be affected the drilling must take place during the winter months (January to March) during lower flow conditions (i.e. not during snow melt or heavy rain events).

8. Prior to commencement of construction activities, a baseline survey of private water wells must be undertaken for all wells within 200 metres of any construction activities. The survey must include the following parameters: yield, depth, general chemistry and microbiology. The survey must include a map showing the PIDs and locations of all sampled wells. This information must be submitted to the Director, Sciences and Reporting Branch, Department of Environment. The proponent is responsible for informing homeowners of the results of the baseline sampling. Any private water wells that are impacted as a result of construction or operational activities related to this project must be restored or replaced by the proponent. The required action may include but is not limited to the deepening of a well or the drilling of a new well . If an existing private well becomes unusable, the proponent must make provision for a temporary water supply until the well is repaired or replaced. For additional information, please contact Mallory Gilliss, NB Department of Environment at (506) 453-3624.
9. A site-specific Environmental Protection Plan (EPP) must be prepared and submitted for review and approval prior to commencement of construction activities. The issues addressed by the EPP must include but are not limited to: the information included in Item “c” of a letter dated May 17, 2007 from the Department of Environment to Acer Environmental Services Ltd.
10. Prior to commencement of construction, a spill response contingency plan must be prepared by the proponent, submitted for review and approved. The plan must outline basic response measures and key contacts, as well as identifying the location of and how to quickly access spill response equipment and resources, particularly after-hours.
11. Prior to the commencement of construction, a sewage management plan must be prepared by the proponent, submitted for review and approved. The plan must describe how sewage influent to the existing lagoon will be dealt with during the construction period, keeping in mind that raw or partially treated sewage is not to be discharged to the environment at any time. For additional information, please contact Tim LeBlanc, Manager, Waste Management Section, Stewardship Branch, Department of Environment at (506) 444-5194.
12. The proponent must apply for and obtain an Approval to Construct, and an Approval to Operate the sewage treatment facility. For additional information, please contact Tim LeBlanc, Manager, Waste Management Section, Stewardship Branch, Department of Environment at (506) 444-5194.
13. A Watercourse and Wetland Alteration Permit must be applied for and obtained prior to the commencement of any work within 30m of the Petitcodiac River.
14. If it is suspected that remains of archaeological significance are discovered during construction, all activity must be stopped near the find and the Project Executive, Archaeological Services Section of the Department of Wellness, Culture and Sport must be contacted at (506) 453-2756. In addition, the mitigative measures described on page 6-39 of the registration document prepared by Acer Environmental (March 29, 2007) regarding archaeological and heritage resources must be implemented.

15. An application for the proposed pipeline crossing and any outfall work taking place below the ordinary high water mark will be required under the Navigable Water Protection Program. Application packages can be obtained from the NWPP office: Navigable Waters Protection Program, Marine Safety, Transport Canada, Queens Square Building 1, 11th Floor Box 1013 45 Alderney Drive Dartmouth, Nova Scotia B2Y 4K2 (902) 426-2726 (902) 426-7585 nwpdar@tc.gc.ca