

DOCUMENT “A”

MINISTER’S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 5, 2008

File Number: 4561-3-1126

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 May 3, 2007, 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 and Approvals Branch every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must apply for and obtain a Watercourse and Wetland Alteration (WAWA) Permit prior to the commencement of any clearing activities. This permit will only cover activities associated with the clearing of the site and will not permit the commencement of any other components of the project, including grubbing or excavation. Please contact Serge Gagnon, Director responsible for the WAWA program at (506) 457-4850 for further details.
5. The proponent must apply for and obtain a Water Quality Approval to Construct/Operate from the Project Assessment and Approvals Branch prior to the commencement of any construction activity beyond that of clearing. The application must contain detailed design drawings of the proposed sludge basin (and liner system) as well as other associated infrastructure.
6. A Wetland Compensation Plan (WCP) developed in consultation with NB DENV, NB DNR and the Canadian Wildlife Service must be implemented as part of this project. The development of the WCP must be initiated and submitted to NB DENV for review prior to any ground disturbing activities. For additional information please contact Lee Swanson, NB DENV, Sciences and Reporting Branch at (506) 457-4844.
7. An Environmental Protection Plan (EPP) shall be developed that will clearly address the sediment and erosion controls for the proposed project. The EPP must also contain an environmental effects monitoring program, which will include the particular environmental components to be monitored, details of the monitoring that will occur, as well as protocols for

the interpretation of follow-up results and actions to be taken based on the findings. The EPP must also include details of the proposed groundwater monitoring program (proposed well locations, detailed design, parameters to be sampled, sampling schedule, etc.). The EPP must be submitted to the Manager of the Project Assessment Section and must receive subsequent approval prior to the commencement of any groundbreaking activities (not including clearing).

8. A heritage resources protocol must be developed for the construction crew to follow in the event that heritage resources are encountered during construction of the project. This protocol must be submitted to the Manager of the Project Assessment Section and must receive subsequent approval prior to the commencement of construction. The proponent may commence clearing activities in advance of approval of this protocol if it can be demonstrated in writing to the Manager of the Project Assessment Section that site conditions exist which would permit the clearing activities to occur without any damage to the ground (i.e. rutting that could potentially expose archaeological resources).