

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

June 4, 2010

File Number: 4561-3-1141

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 July 10, 2006 (including the letter dated January 7, 2008, titled, “Additional Information: EIA Registration Document for Mill Brook No. 1 (Realignment of Route 710 and Replacement of Existing Structure)” 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 Manager of the Environmental Assessment Section 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. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from the Department of Environment (NBDENV) for any activities conducted within 30 m of the watercourse or wetland, prior to the commencement of the Project. For additional information, please contact the Manager of the Surface Water Protection Program, NBDENV, at (506) 457-4850.
5. The proponent, in consultation with NBENV, Environment Canada, and NBDNR, must carry out wetland compensation as part of the NBDOT Wetland Compensation Program to ensure that there is no net loss of wetland function. A component of the compensation for this Project must include the restoration of the existing bridge and roadway footprint, with the remainder of the required compensation to be included in the NBDOT Wetland Compensation Balance Sheet. Monitoring of wetlands shall also be conducted in years 1, 3 and 5 post-construction (i.e. completion of the Project) in order to evaluate any changes in wetland function. Monitoring in year 5 may not be required, dependent on the results of years 1 and 3 (this will be determined in consultation with NBENV, Environment Canada, and NBDNR at that time). Details of monitoring must be developed in consultation with NBENV and Environment Canada. Details of the restoration of the existing bridge and roadway must be provided within the application for the *WAWA Regulation* permit, and will

be subject to review at that time. Further compensation may be required in the future, if the monitoring indicates a loss of wetland function beyond the initial development area.

6. In addition to the recommendations outlined in Section 5.4.1 of the Registration Document for Environmental Impact Assessment (July 10, 2006), given the potential for further resources (disturbed or undisturbed) to be found at the site, a licensed archaeologist must be present to monitor all ground disturbance activities in the area where mitigation occurred (i.e. BkD1-5 and BkD1-6). Should anything of known or suspected archaeological significance be found during monitoring/construction, it must be reported immediately to archaeological Services at (506) 453-3014.
7. All solid waste generated from this Project shall be disposed of in an appropriate manner. All measures to divert waste from landfills should also be undertaken, such as using material that meets the department's "Clean Fill Guidelines" as clean fill, and by disposing of debris that meets the departments' definition of "C&D Debris" at an approved C&D disposal site.
8. A Site Specific Environmental Protection Plan (SSEPP) must be developed for the Project which outlines the environmental protection commitments within the Registration Document for Environmental Impact Assessment, including but not limited to, mitigation for wood turtles, archaeological and heritage resources, environmental effects monitoring (suspended solids), etc. The SSEPP must receive approval from the Manager of the Environmental Assessment Section, prior to the start of any construction activities.
9. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.