

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 11, 2008

File Number: 4561-3-1150

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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 March 31, 2008 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 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. No development shall occur within the Little Salmon River Protected Natural Area unless permission to construct under *the Protected Natural Areas Act* is obtained from the Minister of the New Brunswick Department of Natural Resources. Please contact Mr. Brent Evered, Senior Policy Analyst, at (506) 453-2684 for further information.
5. If the results of the land survey show that the parkway could impact Crown lands that are located outside of the boundaries of the Fundy Trail Parkway for which administration and control of the lands (i.e. 1 km) were transferred from the Department of Natural Resources (DNR) to the Department of Tourism and Parks, then additional authorisation from DNR will be required will be required prior to commencing any work within these areas.
6. As gating is generally not permitted on Crown lands, all matters related to restricting access must be resolved with DNR **prior to** implementing the control of access to the Fundy Trail Parkway.
7. A Wetland Compensation Plan (WCP) developed in consultation with NB DENV, NB DNR and the Canadian Wildlife Service of Environment Canada must be implemented according to the commitments outlined in the wetland compensation development proposal, dated June 9, 2008. For additional information please contact Lee Swanson, Department of Environment, Sciences and Reporting Branch at (506) 457-4844.
8. 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. Serge Gagnon, Regional Director responsible for the Watercourse Alteration and Wetlands Program at (506) 457-4850 for further information.

9. Monitoring of all wetlands directly or indirectly impacted will be required for years 1, 3 and 5 to measure whether the wetland function has changed within the remaining section of undisturbed wetland. The reports shall be submitted to the Manager of the Project Assessment Section, Department of Environment, after each monitoring period. Additional compensation may be required if the results of the monitoring program demonstrate that there has been a functional loss greater than the initial footprint area.
10. The Environmental Management Plan prepared for the 1994 EIA must be updated to incorporate the most recent mitigation measures to address erosion and sedimentation control, accidental releases of petroleum, oil, and lubricants, and acid generating rock. The EMP must be submitted for review to the Manager of the Project Assessment Section, Department of Environment, and must receive approval prior to the commencement of construction activities.
11. An Environmental Contingency and Emergency Response Plan (ECERP) must be developed to address environmental issues that may potentially arise during construction of the Project. As a minimum, the ECERP should incorporate contingency plans that address spill response, erosion and sediment control, acid rock drainage, wildlife encounter, etc. The ECERP must be submitted to the Manager of the Project Assessment Section, Department of Environment, for review, and must receive approval prior to the commencement of construction activities.
12. An Environmental Monitoring Program (EMoP) must be submitted to the Manager of the Project Assessment Section, Department of Environment, for review, and must receive approval prior to the commencement of construction activities. The EMoP will serve as a tool to ensure that environmental requirements are adhered to, environmental protection measure are implemented, and remedial action is carried out where required.
13. A Site-specific Environmental Protection Plan (SSEPP) must be prepared for **each contract** awarded as part of the phased construction of the Project. Each SSEPP must be submitted to the Manager of the Project Assessment Section, Department of Environment, for review and must receive approval prior to the commencement of construction activities associated with the specific contract. The SSEPP must outline the environmental protection measures that will be implemented to mitigate any potential impacts to each fish-bearing watercourse, acid generating rock, and areas where species with special conservation status occur, within the limits of the contract.
14. A contingency plan for the accidental discovery of heritage recourses must be prepared and submitted to the Manager of the Project Assessment Section, Department of Environment, for review, and must receive approval prior to the commencement of the Project. A licensed archaeologist must be retained to monitor initial ground-breaking construction activities within 30 m of the Tuft's Pint Cemetery.