

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
March 5, 2009
File Number: 4561-3-1153

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 original EIA registration document, dated April 16, 2008, as well as all those identified in subsequent correspondence during the registration review, which will be incorporated into a final EIA Document, dated March 2009. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Project Assessment Section every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall conduct water quality (and quantity) monitoring of the spring-fed reservoir near Welsford Station Road throughout the construction period and on an annual basis for a period of 5 years to confirm the effectiveness of the proposed mitigation.
5. The proponent shall conduct water quality sampling and undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the sampling and well assessment shall be submitted to the Manager, Project Assessment Section, prior to the commencement of blasting/construction activities. The proponent shall be responsible for the repair and/or replacement of any wells found to have been permanently damaged or adversely affected by the proposed project.
6. Monitoring by a licensed archaeologist shall be undertaken during ground breaking activities in the undisturbed areas within 100 m of the east side of watercourse (WC) 10. 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, the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756, and the procedures described in Section 7.6 and 8.3 of the NBDOT EPP (NBDOT 1998) must be followed.

7. 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. Further compensation may be required in the future, if wetland monitoring indicates a loss of wetland function beyond the initial development area.
8. The proponent must consult directly with DNR regarding the design of wildlife fencing and crossing structures, including the feasibility of accommodating small mammal passage through median barriers. The final design must be mutually satisfactory to both parties.
9. 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.
10. The proponent must apply for and obtain a Watercourse and Wetland Alteration (WAWA) Permit from the Department of Environment for any activities conducted within 30 m of a watercourse or wetland, prior to the commencement of clearing activities. The proponent must apply for and obtain a **separate** WAWA Permit prior to the commencement of any site preparation work (i.e. ground breaking / construction) beyond that of clearing activities, which will occur within 30 m of a watercourse or wetland. For additional information, please contact the Director of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
11. The Department of National Defense (DND) must be consulted on the design of all watercourse crossings located on DND property. A copy of the WAWA application, including any Site Specific Environmental Protection Plans for watercourse crossings and wetlands located on DND property must also be forwarded to the DND. Please contact Deanna McCullum, Range Biologist, at (506) 450-5922.
12. A final version of the Environmental Management Plan for this project must be submitted for review and must receive approval from the Manager of the Project Assessment Section, prior to the start of any construction activities.