

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

October 24, 2008

File Number: 4561-3-1173

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 (i.e., dated September 12, 2008), as well as to those from all subsequent correspondence and reports 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, Project Assessment Section, Department of Environment (DENV) every 6 months from the date of this Determination (i.e., October 24, 2008) until such a time as the construction is complete and DENV is satisfied that all the conditions have been addressed.
4. Associated work proposed outside the ramps/highway RoW (e.g., temporary workroom areas, marshalling yards, laydown areas, etc.) must be submitted to the Manager, Project Assessment Section (DENV) for review, and receive approval prior to the start of ground-disturbing activities at these locations.
5. Mr. David Taylor, Development Officer for the Town of Grand Bay-Westfield must be consulted regarding any potential zoning requirements/considerations.
6. *Watercourse/Wetland Alteration Permits* will be required for any activities conducted within 30 m of a watercourse or wetland. Please contact the Manager of the Watercourse/Wetland Alteration Program (DENV), at (506) 444-5149 for additional information. Also, please note that all proposed watercourse crossings must be reviewed by Fisheries and Oceans Canada, and that a continuous flow of water is required in all fish bearing watercourses during watercourse crossing construction/culvert installation.
7. A compensation plan for any unavoidable loss or alteration of wetland habitat due to the project must be developed and submitted to the attention of the Manager, Project Assessment Section (DENV) for review and approval. The compensation plan must take into consideration any altered wetland habitat, and any opportunities for the potential restoration of habitat in proximity to the project area.

8. Petroleum, chemicals or hazardous waste products shall not be stored within 30 m of a private well, and no vehicle maintenance or refuelling may be conducted within 30 m of a private well. In addition, baseline groundwater monitoring must be conducted for potentially affected wells, and must include at a minimum: water quality sampling for wells located within 200 m of the proposed project (e.g., any well on PID 00472639 - closest property to the project site); and water quality surveys of all wells located within 500 m of any blasting locations, including a construction survey and well photos.
9. Should a private well be affected by the project (with the burden of proof that a well has not been impacted on the project proponent), the proponent will be responsible for immediately providing a temporary water supply to affected residences, and for repair or replacement of the impacted well, including but not limited to deepening the well or drilling a new well. Additionally, all groundwater monitoring results must be submitted to the Director, Sciences and Reporting Branch (DENV).
10. In the event of any environmental upset, (e.g., hazardous materials spill, overturned heavy equipment, etc), the Saint John Regional Department of Environment office must be notified immediately at (506) 658-2558.
11. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Project Executive, Archaeological Services Unit, Heritage Branch shall be contacted at (506) 453-2756 for direction.
12. The Proponent must follow all requirements and environmental protection measures outlined in the most recent version of the NBDOT *Environmental Protection Plan* and *Field Guide* as appropriate. In addition, a copy of these documents must be provided to DNR for review, prior to the initiation of ground-disturbing activities.
13. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.