

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
July 15, 2010
File Number: 4561-3-1240

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 October 5, 2009 as well as all those identified in subsequent correspondence during the registration review, which will be incorporated into a final EIA Document, dated June 2010. 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, 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 collection / cleanup of refuse in the vicinity of the Renforth Bog, blocking of the access road adjacent to this wetland (prior to the commencement of construction), and any other site-specific actions that are agreed to. The remainder of the required compensation is to be included as part of the NBDOT Wetland Compensation Program.
5. Monitoring of wetlands (WL 5, Renthforth Bog 21a, 21b, and 21c, and WL 4) shall be conducted in years 1 and 3 and 5 post-construction (i.e. completion of the Project) in order to evaluate any changes in wetland function. Monitoring 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. Further compensation may be required in the future, if the monitoring indicates a loss of wetland function beyond the initial development area.
6. Monitoring of salinity levels of water (where present) and soils within the Renforth Bog shall be undertaken during operation and maintenance.

7. The proponent shall undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the well assessment shall be submitted to the Manager, Environmental 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.
8. Archaeological monitoring by a Professional Archaeologist must be undertaken within all areas of ground disturbance within 50 m of the pre-contact find location at Fairweather Brook. Also, if any items or features of archaeological significance are found during construction within any other area of the Project, work shall stop immediately in the vicinity of the find and the Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756. The procedures described in Section 7.6 and 8.3 of the NBDOT EPP and Item 948 of NBDOT Standard Specifications (2006) must be followed. The proponent may be required to undertake a heritage assessment for which it would bear the financial responsibility.
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 shall develop a Monitoring Plan for Lawlor Lake which will focus on Total Suspended Solids, salinity, temperature, and Dissolved Oxygen. The plan must be developed and submitted to the Manager of the Environmental Assessment Section for approval. The Monitoring Plan must receive approval and the baseline monitoring must begin prior to the commencement of construction activities associated with the Lawlor Lake Dam.
11. Hydraulic control techniques to control overland flow of surface water runoff from the Route 111 Interchange construction site, and to limit groundwater infiltration (i.e. by lining ditches with low impermeable material if bedrock is exposed), as outlined in Responses #28 and 29 of the document titled, "Route 1 MacKay Highway Expansion, Saint John to Rothesay Disposition to TRC Comments Received November 16, December 8 and 14, 2009 and January, 2010 EIA registration File No. 4561-3-1240" and Response #78 of the document titled "Route 1 MacKay Highway Expansion, Saint John to Rothesay Disposition to TRC Comments Received March 17, 2010", must be implemented to ensure that the Project does not impact the Carpenter Pond Protected Watershed or the Carpenter Pond Impoundment.
12. A Monitoring Program shall be established for the municipal production wells within the Carpenter Pond Protected Watershed as committed to in Response #77 of the document titled, "Route 1 MacKay Highway Expansion, Saint John to Rothesay Disposition to TRC Comments Received November 16, December 8 and 14, 2009 and January, 2010 EIA registration File No. 4561-3-1240". The Program shall be submitted to the Manager of the Project Assessment Section and must receive approval **prior to** initiating any ground breaking construction activities (i.e. grubbing) within 500 m of the nearest well head.
13. If it has been determined (after completion of the detailed design process) that the lanes

cannot be expanded towards the median in the Renforth Bog, Carpenter Pond, and Lawlor Lake locations, the proponent must provide rationale for this determination. The justification must be submitted to the Manager of the Environmental Assessment Section for Approval prior to commencing construction in these areas.

14. All boreholes and holes from piezometers must be decommissioned as per the *Guidelines for decommissioning (abandonment of) Water Wells*.
15. Emergency response/contingency plans for Groundwater and Surface Water will be developed (as per Sections 4.8 and 4.9 of the *Draft Environmental Management Plan* (dated May 11, 2010)), and implemented if needed, to provide an interim water supply in the event that water resource users experience unacceptable adverse environmental effects (as per the CCME Guidelines) in quality or quantity of freshwater resources during any stage of the Project. Any wells found to be permanently damaged as a result of Project-related activities will be repaired or replaced.
16. 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 the watercourse or wetland, prior to the commencement of Project. For additional information, please contact the Manager of the Surface Water Protection Program, DENV, at (506) 457-4850.
17. A final Environmental Management Plan (EMP) shall be developed for the project to outline environmental protection commitments of NBDOT and their contractor(s) / developer(s), and to ensure compliance with these commitments as set forth in the EIA Registration Document. The EMP shall also ensure compliance with environmental legislation, policies and permitting requirements for those environmental issues anticipated during the Construction, Operation, and Maintenance phases of the project. The EMP must receive approval from the Manager of the Project Assessment Section, prior to the start of any construction activities.
18. The details of any modifications to the Project description must be submitted to the Manager of the Environmental Assessment Section for approval prior to the commencement of construction activities related to that modification.
19. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.