

DOCUMENT “A”
MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL

Pursuant to *Regulation 87-83* under the Clean Environment Act

December 23, 2011

File Number: 4561-3-1279

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 November 29, 2010, as well as all those identified in all 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 (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at (506) 453-3014.
5. Sub-surface testing shall be undertaken in accordance with the *Guidelines for Conducting Heritage Impact Assessments in New Brunswick* for the three areas flagged in the 2010 Heritage Resource Impact Assessment Report as having elevated potential for archaeological resources. The results of sub-surface testing and proposed mitigation measures must be submitted to Archaeological Services for review and approval prior to construction activities.
6. 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 the Project. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
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. The proponent must apply for and, if necessary, obtain an approval pursuant to the Navigable Waters Protection Act (NWPA). Please contact the Navigable Waters Protection Program at Transport Canada at P.O. Box 1013, Dartmouth, NS, B2Y 4K2 or by phone at (902) 426-2726, by fax at (902) 426-7585 or by email at nwpdar@tc.gc.ca
9. Whereas the proposed highway upgrade involves watercourse crossings, involving watercourses deemed to provide fish habitat, the proponent must submit the final designs (detailed plans) to the Department of Fisheries and Oceans (DFO) for review. DFO will then determine if the installation of these structures will result in the harmful alteration, disruption or destruction (HADD) of fish habitat and if an authorization under Section 35(2) or 32 of the Fisheries Act is required for each water crossing.
10. An Environmental Management Plan (EMP) shall be developed for the project to outline environmental protection commitments of NBDOT and their contractor(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 Environmental Assessment Section, prior to the start of any construction activities.
11. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the Project comply with the above requirements.