

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

23 May 2011

File Number: 4561-3-1299

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 April 7, 2011 and subsequent addendums, 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 Manager of the Environmental Assessment Section of the Department of Environment (DENV) upon completion of the project and the Conditions herein;
4. This project shall be undertaken in such a manner as to minimize disturbance of the provincially significant wetland, as practicable;
5. The following must be undertaken as part of the construction, in order to protect the integrity of the in-situ and surrounding wetland area;
 - a) The wetland shall be accessed in such a manner as to minimize disturbance;
 - b) Preconstruction grades and elevations shall be maintained and all excess spoils from the trench shall be removed off-site;
 - c) Manholes shall be installed at grade with pre-existing elevations;
 - d) Trench / ditch breakers shall be installed so that pipe conduit does not become a pathway for water, and
 - e) The duff layer from the site shall be re-used at the original grade and elevations.
6. A Wetland Monitoring Plan which will monitor water quality and wetland function at 1, 3 and 5 year intervals from the date of the onset of initial construction must be submitted to, for review and to be approved by, the Manager, Environmental Assessment Section. This plan must be submitted within 3 months of the date of this *Certificate of Determination*;
7. Horizontal directional drilling shall be used for the sanitary sewer pipe installation under any DOT provincial roadways. If this is not feasible for this project, the proponent should contact Alan Kerr, the NB Department of Transportation (DOT) District Engineer in Saint John to discuss alternative methods as well as any other highway issues;

8. All work within a DOT provincial right-of-way shall conform to the guidelines prescribed in the Work Area Traffic Control Manual (WATCM). A PDF version of this document is available at www.gnb.ca/0113/publications/watcm-e.asp.
9. Trucks shall adhere to legal load weight limits at all times, and all loads shall be properly secured during transit according to the Motor Vehicle Act. Any spillage of materials that occurs during hauling shall be contained and promptly removed from the highway following appropriate safety procedures;
10. A *Highway Usage Permit* shall be obtained if the proponent intends to utilize a DOT right-of-way. An *Access Road Permit* shall be obtained prior to construction of any access roads off of DOT road(s);
11. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. If the proponent suspects that he has come upon remains of archaeological significance, all excavation must cease and the Archaeological Services Unit, Heritage Branch (WC&S) should be contacted immediately at 453-3014;
12. Although the site has previously been disturbed, there still exists the possibility of discovering a rare or endangered plant species. If the proponent encounters a rare or endangered plant species, work shall immediately be ceased and the NB Department of Natural Resources shall be contacted to determine the appropriate course of action;
13. The proponent shall obtain a license of occupation from the NB Department of Natural Resources for any related Saint John Harbour Clean Up projects on Crown Lands, as required, and
14. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.