

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

1 June 2009

File Number: 4561-3-1213

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 May 1<sup>st</sup>, 2009, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary report to the Manager, Project Assessment Section DENV, upon completion of the project detailing all environmental issues encountered during the implementation of the project, and how each issue was addressed.
4. All flocculants used during the dredging and construction phases of this project may not be, or contain components that are, toxic to marine aquatic flora or fauna.
5. NB Power must be consulted prior to the onset of construction to ensure that the project implementation does not significantly adversely affect the NB Power cold water intake or NB Power's use of the Port of Belledune.
6. The project may not adversely impact the habitat of, or destroy any individuals of, the vascular plant *Stellaria longipes*. Measures to avoid impacting known locations of this plant, as recommended in Rare Vascular Plant Assessment (D. Peck Botanical, July 2006) must be adhered to.
7. The proponent shall obtain a Quarry Permit from the Department of Natural Resources (DNR) under the Quarriable Substances Act for any dredging activities. Please contact the DNR Minerals and Petroleum Development Branch at 453-2206.
8. In the event that dredge spoil material is to be disposed of above the normal high water mark (high tide mark), the proponent shall contact the Bioscience and Resource Management Section of DENV at 453-7945.
9. The proponent shall implement an Environmental Effects Monitoring (EEM) Program to be undertaken in conjunction with the project. The EEM must be designed and implemented in

such a manner as to measure the impacts of the dredging operations separate and apart from the impacts of the existing smelter. The EEM should not add or take away from efforts already in place to measure the impacts from the operation of the smelter. All data from the EEM must be provided to the Manager, Resource Sector Section - DENV within 6 months of completion of the project.

10. If the proponent suspects the discovery of remains of archaeological significance, all excavation must cease and the Archaeological Services Unit, Heritage Branch (WC&S) should be contacted immediately at 453-2756.
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.