

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

February 25, 2010

File Number: 4561-3-1219

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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 June 30, 2009 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) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If anything of known or suspected Heritage significance is encountered during construction or operation of the development, work in the area must cease and Archaeological Services be contacted immediately at (506) 453-3014 for direction.
5. The proponent must obtain an *Approval to Construct and Operate* from the Impact Management Branch, DENV, before construction activities may be commenced. A lagoon monitoring well program shall be developed in consultation with the Department, which will be regulated in an *Approval to Construct and Operate*. An application for a *Watercourse and Wetland Alteration Permit* shall also be submitted in conjunction with the *Approval to Construct/Operate* application. For more information, please contact the Manager of the Environmental Assessment Section at (506) 444-5382
6. An Environmental Management Plan (EMP) must be prepared illustrating mitigation measures to be put in place for the construction, operation and maintenance phases of the project. The EMP shall consider erosion and sedimentation control in general and for any aspect of the project that has potential to deposit sediment into any adjacent watercourses, spill prevention, hazardous materials management (fuels, lubricants, hydraulic oil, waste oil etc.) and clean up. The plan must also cover the protection of Environmentally Significant Areas. The plan shall also include emergency response plans to be put in place in the event of an accident or facility malfunction. The plan shall be submitted to the Manager of the Environmental Assessment Section, DENV for review and must be approved prior to the commencement of all construction associated with the project. Contractors working on the project shall be made aware of the contents of the EMP, and copies shall be made available at the site.

7. The proponent shall undertake a pre-construction survey for all wells within 500 m of the right-of-way 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 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. This may include the deepening of a well or drilling of a new well. The proponent shall also be responsible for providing the impacted well owner(s) with a temporary water supply until such time as the permanent water supply is reestablished.
8. The proponent shall develop and execute a baseline water quality sampling program for up to ten percent of the water wells that are strategically located near the proposed lagoon and main sewer line. The plan shall be submitted to the Manager of the Environmental Assessment Section, DENV for review and approval prior to the commencement of all construction associated with the project.
9. The proponent shall ensure that prior to any blasting activities as a result of the project, contact shall be made with Mr. Jean-Francois Mallet (Habitat Management Biologist) at the Department of Fisheries and Oceans Canada at (506) 851 – 2913. It may be required that an explosive management plan be completed and submitted for review and approval to the Habitat Management Biologist, prior to blasting activities.
10. The proponent shall ensure that setbacks related to sewer lines and private wells are followed in accordance with the *Water Well Regulation – Clean Water Act*.
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.