

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
Oct 12, 2011.

File Number: 4561-3-1287

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 documentation dated January 17, 2011 and July 2011 and to those in all 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, Department of Environment (DENV) every 3 months from the date of this Determination until such a time when all the Conditions have been met.
4. Work in the area shall cease in the event that any heritage resource is encountered during decommissioning activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
5. Refueling and maintenance of equipment must take place in designated areas, on level terrain a minimum of 30 metres from any surface water or wetland boundary. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation. All spills and releases must be promptly reported to the 24 hour emergency response line at 1-800-565-1633.
6. The water wells on site must be decommissioned by a water well driller licensed in the Province of New Brunswick according to the most recent DENV *Guidelines for Decommissioning (abandonment) of Water Wells*. The water wells should be decommissioned prior to other decommissioning activities in order to eliminate the potential for aquifer contamination due to site activities, spills or accidental releases of chemicals, hydrocarbons, etc.
7. Prior to decommissioning the water wells a sample from each well must be collected and analysed. The parameters will be determined in consultation with DENV.

8. The proponent must maintain communication with the Department of Transportation District office at (506) 856-2000 to verify requirements for permits and weight restrictions.
9. The subject Crown lands are currently occupied by the proponent via a License of Occupation under the *Crown Lands and Forests Act*. These lands must be rehabilitated to the satisfaction of the Department of Natural Resources (DNR) prior to termination of the disposition. Rehabilitation requirements generally include the removal of all underground and surface structures. Any source of contamination identified on the subject lands must be remediated in accordance with DENV's *Guideline for the Management of Contaminated Sites*. For additional details, please contact Nathalie Leblanc, DNR Crown Lands Branch, at 1-888-312-5600. As part of the reclamation/rehabilitation of well pad G-59, it is recommended that the area be planted with native commercially utilized softwood species (i.e., spruce or jack pine) at a density of approximately 2000-2200 stems per hectare once the site has been re-graded to its previous state. Seeding of native grasses should be avoided unless it is necessary for sediment/erosion control.
10. Please contact David G. Black, (DNR Region 3) at (506) 444-4888 regarding requirements for decommissioning/maintaining the access road.
11. If a noise complaint is received by the proponent during decommissioning activities, the DENV regional office in Moncton (506-856-2374) must be notified within one business day.
12. The proponent must provide a scientific assessment that verifies the frac fluids not retrieved during project activities will remain underground in the Frederick Brook formation. The assessment must be authored by a qualified professional, whose credentials must be noted in the report. (e.g. a professional engineer or geoscientist) Alternatively, the proponent must propose a long-term groundwater monitoring program that will demonstrate that there is no interaction between the frac fluids and the overlying rock layers, in particular, the upper water bearing layers. The assessment or the groundwater monitoring proposal must be submitted to the Manager, Environmental Assessment Section, DENV, for review and be approved prior to completion of decommissioning/abandonment activities.