

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
March 8, 2013
File Number: 4561-3-1348

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "Environmental Impact Assessment, PotashCorp NB, Salt Transload Facility Expansion, Penobscus New Brunswick" dated November 2012, 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 and Local Government (DELG) 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, operation or maintenance of the proposed development, as per the Heritage Conservation Act (2010), all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit shall be contacted at (506) 453-3014.
5. Prior to commencement of the project, the proponent shall contact Mr. Wayne Mercer, Building Inspector/Development Officer for the Local Service District of Sussex as a *Building Permit* may be required by the Regional Service Commission 8. Mr. Mercer can be contacted at (506) 432 – 7530.
6. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and Canadian Wildlife Service be consulted for advice ((902) 426 – 9152). The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
7. 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 shall also include emergency response plans to be put in place in the event of an accident or facility malfunction. The plan must be submitted to the Manager of the Environmental Assessment Section, DELG 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.

8. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DELG for any activities conducted within 30 metres 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, DELG, at (506) 457-4850.
9. The proponent shall ensure that post-construction environmental effects monitoring of the wetland will occur in years 1 and 3 after project completion. The reports shall be submitted to the Manager of the Environmental Assessment Section, DELG for review. Should monitoring indicate negative impacts, the DELG may require wetland compensation at that time.
10. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.