

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

August 18, 2009

File Number: 4561-3-1118

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 February 2009 (including all supplemental information), 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 Project Assessment Section every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall conduct annual water quality sampling for the onsite monitoring wells and the four neighboring residential wells. The sampling parameters shall include, but not be limited to Nitrates, Phosphates, Total Organic Carbon, General Chemistry and pesticides. All well data collected must be submitted to the Manager of the Water Sciences Section, Department of Environment. In the event that the water quantity or quality of neighboring residential wells is impacted by operations related to this facility (as raised by the residents(s)), it will be the proponent’s responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section (506-457-4844), of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration.
5. The proponent will not be permitted to extract any water from Caribou Brook. In the event that the proponent proposes to extract water from Caribou Brook, a hydrological study must be conducted and be approved by the Department of Fisheries and Oceans. An application for a *Watercourse and Wetland Alteration Permit* may also be required for this activity. Please contact Mr. Bernie Doucet, Manager of the Watercourse and Wetlands Alteration program at (506) 457-4850 for further information.

6. The proponent shall ensure that the footprint of reservoir #2 is constructed outside of the buffer of the wetland adjacent to Caribou Brook as per the delineation carried out by Jean Yves Daigle and outlined in the «Rapport des observations de terrain pour indiquer la limite entre l'habitat «tourbière » et le marais bordant le Ruisseau Caribou du côté sud», dated July 18, 2009.
7. The Department of Environment must be notified of any future development or expansion outside the existing or proposed footprint to determine if that project would require registration under the *Environmental Impact Assessment Regulation*.
8. Oceans and Habitat A/Area Chief, Ms. Carole LeBlanc, Department of Fisheries and Oceans, Tracadie-Sheila, must be notified 48 hours prior to the commencement of construction. Ms. Carole LeBlanc can be contacted at (506) 395-7722.