

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

October 6, 2011.

File Number: 4561-3-1253

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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 documentation dated May 12, 2010 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 6 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 construction activities. The find must be reported to Archaeological Services, Heritage Branch at (506) 453-3014, and a plan of action agreed upon.
5. The septic system and field must be approved by the NB Department of Health prior to installation. Please contact the Regional office at Chatham Town Centre, 1780 Water Street, Miramichi, E1N 1B6, at (506) 778-6765.
6. With regards to a groundwater monitoring program: the proponent shall submit to the Environmental Assessment Section for review and approval information regarding the number of proposed monitoring wells, well locations, proposed well depths, assumed groundwater flow directions and groundwater monitoring schedule prior to any monitoring wells being installed at the site. The plan must be approved prior to implementation. The proponent should also provide rationale behind the choice of monitoring well locations (i.e. upgradient or downgradient of pads, settling ponds, lined ditches, etc.). The groundwater monitoring schedule should include, but not be limited to, details on the water quality sampling frequency and parameters, along with plans for groundwater level measurements. The proponent should note that depending on the results of the groundwater monitoring, additional information or monitoring may be required.

7. Prior to the commencement of construction activity at the site, the final water quality monitoring plan and the final version of the fish and fish habitat survey must be submitted for review and approval. Please submit to the Manager, Environmental Assessment Section, DENV. The plan must be approved prior to the onset of construction activities.
8. Ms. Anne Turcotte, Area Chief, Oceans and Habitat, DFO, Tracadie-Sheila N.B. shall be contacted at (506) 395-3036, at least 48 hours prior to the commencement of the works.
9. The proponent shall fund an Environmental Monitoring and Compliance Officer position for the period of construction and commissioning of the mine to work out of the DENV office in Miramichi. The duties of the Environmental Monitoring and Compliance Officer shall include but not be limited to monitoring compliance to commitments made, coordinating reviews of plans among different levels of government and ensuring that the public and key stakeholder groups are adequately informed of the project's progress. Specific Terms of Reference shall be developed by the Department of Environment.
10. All of the above terms and conditions are an integral part of this approval and the approval, including all terms and conditions, apply to the undertaking notwithstanding the rights of any users, lessees, and or subsequent owners.
11. In the event of the sale, lease, or any other conveyance or change of control of the undertaking, or any portion thereof:
  - The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser; and,
  - The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.
12. The project layout will be subject to modification, in consultation with DENV, if Bicknell's Thrush, or any other species at risk, rare or endangered species are found to be present at the site.
13. 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.
14. Any water well drilled on site must be drilled by a water well driller licensed in the Province of New Brunswick. The pumps must have a capacity of less than 7.4 Igpm or 50 m<sup>3</sup> per day. Flow meters must be installed in any water well installed on site to ensure that the flow does not exceed 7.4 Igpm. The Environmental Assessment Section DENV must be consulted prior to construction/installation of any water wells.

15. There will be no discharges of any kind to the Northwest Miramichi watershed. All site runoff and discharge must be collected, directed to the water treatment plant and treated. The final discharge to Moody Brook shall be monitored and meet the *CCME Water Quality Guideline for the Protection of Aquatic Life* or the background value.
16. At any one time, no more than 10,000 tonnes of potentially acid generating waste rock and no more than 10,000 tonnes of ore shall be stored on the site. The ore pad and the waste rock pad must be lined with impervious liners.
17. Ore shall not be crushed at the Half Mile site.
18. Any rock or borrow material with the potential to produce ARD must be tested for ARD prior to use as roads, pads, dykes, berms etc. Only non-ARD material shall be used for construction of roads, pads, dykes, berms or any other infrastructure at the site.
19. A mobile concrete plant, if brought to the site for use during the construction or operating phase, requires an Approval from DENV.
20. No work, with the exception of constructing the polishing pond effluent discharge at Moody Brook, shall be carried out within 50 metres of any watercourse without prior permission from the Environmental Assessment Section, DENV. Any work within 30 metres of any watercourse or wetland requires application for a *Watercourse and Wetland Alteration Permit*. Please contact Mr. Bernie Doucet, Manager, Surface Water Protection Program at (506) 457-4850 for further details. This includes installation or upgrading of any culverts or bridges.
21. Prior to the commencement of any work associated with the mine development, the proponent must obtain an *Industrial Lease* under the *Crown Lands and Forests Act* from the New Brunswick Department of Natural Resources (NBDNR). Should the proponent wish to undertake any activities prior to the issuance of a lease, approval may be sought to authorize these activities under a *License of Occupation* subject to any prescribed terms and conditions. Please contact Kevin O'Donnell, Crown Lands Branch, NBDNR, at (506) 453-2826.
22. The project will require an *Approval to Construct & Operate*. Please contact the Industrial Processes Section at (506) 453-7945 for further details. Please note that a rehabilitation bond will be required as part of any *Approval* issued.
23. Results of the benthic invertebrate, sediment sampling and any other outstanding information from the Biological Study Report must be submitted for review no later than January 28, 2011.

24. The proponent must prepare an Environmental Management Plan (EMP) describing mitigative measures that will be utilized during project implementation. The EMP shall include, but not be limited to measures to address erosion and sedimentation control during construction along with contingency and response plans to address potential environmental issues and spills. A separate plan for the construction phase and the operation phase is acceptable. These documents must be submitted to the Manager, Environmental Assessment Section, DENV for review and be approved prior to the commencement of activities associated with each phase.
25. The proponent will continue to work with the Mi'kmaq First Nations of Eel Ground, Metepenagiag, Pabineau, Eel River Bar and Burnt Church to identify and address the potential adverse impacts of the project on the Aboriginal and treaty rights of the Mi'kmaq First Nations of New Brunswick. In addition, the proponent will share the relevant findings from the Traditional Knowledge Study (TKS) with the New Brunswick Aboriginal Peoples Council (NBAPC) who represents New Brunswick Indian status holders that are not represented by the aforementioned First Nation communities.
26. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.