

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

December 19, 2012.

File Number: 4561-3-1336

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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 and Local Government.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated April 5, 2012 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 and Local Government (DELG) 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 proponent shall submit a groundwater monitoring proposal to the Environmental Assessment Section, DELG, for review and approval. The proposal shall indicate the number of proposed monitoring wells, well locations, proposed well depths, assumed groundwater flow directions and groundwater monitoring schedule. The plan must be approved and implemented prior to ground disturbance.
 6. Prior to the commencement of construction activity at the site, the final water quality monitoring plan, results of the baseline monitoring and the completed fish and fish habitat survey must be submitted to the Manager, Environmental Assessment Section, DELG for review and approval.
 7. 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 construction.

8. Application for a *Watercourse and Wetland Alteration Permit* must be made prior to any activity within 30 meters of a watercourse or wetland. Please contact the Manager of the Surface Water Protection Section, at (506) 457-4850, for further information. Please be advised that distances between the watercourses and the proposed work must be noted on the application.
9. The proponent shall fund an Environmental Monitoring and Compliance Officer position for the project to work out of the DELG office in Miramichi. Duties of the Officer shall include but not be limited to monitoring compliance to commitments made, coordinating reviews of plans 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 and Local Government.
10. 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.
11. No explosives or fuel shall be stored at the site unless prior approval is obtained from DELG.
12. Any rock or borrow material with the potential to produce acid rock drainage (ARD) must be tested for ARD prior to use for roads, pads, dykes, berms etc. Only non-ARD material shall be used for construction of infrastructure at the site.
13. The project will require an *Approval to Construct & Operate*. Please contact the Industrial Processes Section, DELG, at (506) 453-7945 for further details. Please note that financial security will be required as part of any *Approval* issued.
14. The plans for all pads, liners, ditches, ponds, berms, etc, must be submitted to the Industrial Processes Section, DELG, (506-453-7945) and be approved prior to construction. Please note that in consideration of seasonal conditions and the proposed project schedule, construction methods for these components must be included for review and approval prior to initiation of the project.
15. The proponent must have an approved Environmental Protection Plan (EPP) describing mitigative measures to be utilized during project implementation. The EPP must be submitted to the Manager, Environmental Assessment Section, DELG, for review and be approved prior to the commencement of construction activities.
16. Should any area of Crown land outside the Mining Lease be occupied by the proponent during project activities, the appropriate authorization from the Department of Natural Resources (DNR) must be obtained prior to commencing activity on these lands. The following website supplies information on land use applications: <http://www.gnb.ca/naturalresources>.
17. A Reclamation Plan for the project must be approved prior to operational activities.

18. Buildings or structures erected on site may require a *Building Permit*. Please contact the Belledune District Planning Commission for further information at (506) 542-2688.
19. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.