

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

September 21, 2005

File Number: 4561-3-987

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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 December 23, 2003 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 Director of the Project Assessment Branch of the Department of the 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. Prior to commencement of any on-site works, an Environmental Protection Plan (EPP) shall be prepared and submitted to the Director, Project Assessment Branch, Department of Environment and Local Government for review and approval. The plan shall provide detailed erosion and sediment control measures, structures and strategies to be implemented during site grading, facility construction, and operation, to prevent sediment from entering streams, lakes or wetlands. The Plan shall address inspection and maintenance of erosion and sediment control structures, including removal and disposal of accumulated sediment. During construction and operation phases of the project, the measures shall be implemented as they are described in the EPP. The EPP shall include a management plan for the proposed permanent settling ponds addressing items such as method and frequency of clean-out, sediment disposal, start-up procedures in spring, etc. A copy of the EPP shall be kept on site and shall include a copy of a letter from DFO to DELG dated April 21, 2005.
 5. Prior to commencement of construction, the proponent shall prepare and submit to the Director, Project Assessment Branch, Department of Environment and Local Government for review and approval, a materials management, spill prevention and spill clean-up contingency plan to ensure that the risk of chronic and accidental releases of hazardous materials and wastes (fuels, lubricants, hydraulic oil, explosives, waste oil etc.) during facility construction, operation and maintenance is minimized. All spills or leaks, must be promptly contained, cleaned up. The Plan must include the following provisions for reporting spills and leaks: all such occurrences taking

place during business hours (8am to 4:30pm) shall be reported to the Department of the Environment and Local Government Regional office at (506) 453-2690. Spills occurring outside business hours should be reported to the Canadian Coast Guard's 24-hour spill reporting line at 1-800-565-1633.

6. The proponent shall notify Mr. Ernest Ferguson, Oceans and Habitat Area Chief, DFO Tracadie-Sheila at (506) 395-7722 at least 48 Hours prior to the commencement of the works.
7. For blasting operations in the south pit, the proponent shall follow all applicable recommendations of the Guidelines for Use of Explosives In or Near Canadian Fisheries Waters, unless advised otherwise in writing by the DFO. In addition, the proponent is encouraged to consult with Denis Haché, DFO Engineer at (506) 851-6252 during planning of blasting activities.
8. Prior to commencement of the drilling, blasting and hauling operations, the proponent shall notify Mr. Marc Martin, District Transportation Engineer in Bathurst NB at 506-547-2144.
9. Prior to commencement of blasting and excavation the proponent shall apply for and obtain an Approval authorizing the extraction of up to 25,000 tonnes. Note that the Approval will contain a condition requiring that the proponent report annually to the Approvals Branch, Department of the Environment and Local Government the annual production rate from the quarries. For additional information, contact Perry Haines, Director of the Approvals Branch, Department of the Environment and Local Government at (506) 444-4599.
10. Any material used as backfill shall meet the criteria contained in the Clean Fill Guidelines (Stewardship Branch, Department of Environment and Local Government, February, 2002). For additional information, please contact the Director, Stewardship Branch at (506) 457-7325.
11. The proponent shall ensure that all solid domestic and office wastes generated by the construction and operation of the facility are recycled if the opportunity exists, or taken to the Regional Landfill, and shall ensure that wastes generated from the operation of the facility are not disposed of at a construction and demolition debris disposal site. Chemical wastes such as used oil and other materials shall be disposed of using appropriately licensed facilities and waste transporters. Please contact the Director, Stewardship Branch, Department of Environment and Local Government at (506) 457-7325 for additional information.
12. The proponent shall obtain approval from the Department of Natural Resources Crown Lands Branch to occupy or lease the site. For further information please contact the Crown Lands Branch at 1-888-312-5600.
13. Prior to initiating any works on the subject property, the proponent shall obtain the appropriate permit(s) from the Belledune District Planning Commission. For additional information, please contact Mr. Marc Bouffard, Planning Director, Belledune District Planning Commission at (506) 542-2688.
14. In the event that archaeological resources are discovered, all work shall cease near the find and the Archaeological Services Section (Heritage Branch, Culture & Sport Secretariat) shall be contacted immediately at 453-2756.

15. Prior to any further clearing on the subject property, the proponent shall notify the Union of New Brunswick Indians, the MAWIW Tribal Council, and the Eel River Bar First nation in order to provide First Nations people with the opportunity to harvest any black ash and white ash vegetation located within the area to be cleared. For additional information please contact David Whyte, Project Assessment Branch, Department of the Environment and Local Government at (506) 444-5382.