

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 16 2007

File Number: 4561-3-1097

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 October 14, 2006), as well as all those identified in subsequent correspondence during the determination 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 every 3 months from the date of this Determination until such a time as construction is complete.
4. An Environmental Management Plan (EMP) must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement of construction. The EMP may be submitted in phases to be completed as the various project activities become more defined. However, only activities described within a project phase that has an approved EMP may be carried out. The EMP must include the appropriate Environmental Protection Plans (EPP), linking mitigation to location, monitoring plans (compliance and environmental effects monitoring), and contingency plans.
5. An approval to construct and operate the facility will be required from the New Brunswick Department of Environment prior to the commencement of construction. Please contact the Approvals Branch, at (506) 444-4599 for additional information.
6. Any additional production/exploratory wells must be within the study area described in the EIA Registration documents dated October 14, 2006 and would require an approval to construct from the New Brunswick Department of Environment prior to the commencement of construction.
7. A New Brunswick *Watercourse and Wetlands Alteration Permit* is required from the New Brunswick Department of Environment prior to the commencement of any construction within thirty metres of any watercourse or wetland.

8. Disposal of produced water must be at facility approved by the New Brunswick Department of Environment for the disposal of petroleum contaminated waste or on site in injection wells only. In addition, the disposal of produced water in on site injection wells must be carried out in accordance with the requirements of the New Brunswick Department of Natural Resources.
9. Prior to undertaking any produced water disposal in injection wells, a description of the procedures that will be used to ensure contamination prevention must be submitted to the Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement.
10. Petroleum or chemical products shall not be stored within 100 metres of any potable water supplies.
11. Following the appropriate production testing phase, the proponent must submit a plan detailing the strategy that will be used to minimise the amount of gas that will be flared. The plan must demonstrate how gas production that is in excess of Contact's fuel requirements will either be sold commercially or conserved and what steps will be taken to continuously move toward the goal of no flaring other than during an upset condition.
12. Prior to carrying out any construction activities, including well re-testing in the areas identified as potential wood turtle habitat identified in the Project Determination Review, qualified field personnel must field truth the area to verify the presence of wood turtle or wood turtle habitat. A report detailing the outcome of the field truth exercise as well as any required mitigation must be submitted to Director of the Project Assessment Branch and must be reviewed and approved by the Director prior to commencement of construction activities within these areas.
13. Monitoring for potential for nuisance odours associated with the air vented from the storage tanks must be initiated immediately with the commencement of production testing. In addition a report detailing the potential for nuisance odours as well as any required control equipment to mitigate the odours must be submitted to Director of the Project Assessment Branch within thirty 30 days of the initiation of the production testing.
14. Should the heights of any infrastructure associated with the project exceed 30 metres, Contact must establish appropriate mitigation based on the Environment Canada, Canadian Wildlife Services draft document "*Bird-Friendly Buildings: Best Management Practices for Tall Structures*" in order to ensure the potential impacts to migratory birds from collisions will be minimized.
15. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at 453-2756.
16. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).