

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

January 11, 2008

File Number: 4561-3-1133

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 and implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document (dated July 20, 2007), as well as all those identified in all subsequent correspondence during the Determination review. In addition, the proponent shall also submit a summary table detailing the status of all obligations, commitments, monitoring and proposed mitigation measures to the Director of the Project Assessment and Approvals Branch every 6 months from the date of this Determination until such a time an Approval to Operate is issued and the Director is satisfied that all obligations, commitments, monitoring and proposed mitigation measures have been completed.
4. This Certificate of Determination applies only to the mining of the potash ore located within blocs A, B, and C as described in Appendix C of the November 27, 2007, correspondence from Janet Blackadar to Bernie Doucet submitted as part of this Environmental Impact Assessment Review.
5. A study examining the relationship of the existing natural gas wells penetrating the Picadilly evaporates and the future potash ore mining must be carried out. The terms of reference for the study must be submitted to the Director of the Project Assessment and Approvals Branch and must be reviewed and approved by the Director prior to commencement of the mining operations. The results of the study must also be submitted to the Director of the Project Assessment and Approvals Branch.
6. The proponent shall conduct pre-blast well construction surveys and collect baseline water quality data (equivalent to NB DENV *I package and bacterial analysis) for all water supply wells within 600 metres of any areas where blasting will be carried out prior to the commencement of blasting activities. The survey and baseline water quality data must be kept on file by the proponent and be made available to NB DENV upon request. Should any local water supply wells be significantly impacted (quality or quantity) by the activities associated with the mine development, the proponent shall remediate or replace the water supply well.

7. Should any groundwater supply wells within 500 metres (measured horizontally) from the mine workings, including all underground works and ancillary works associated with the ore extraction and maintenance of the mine, be significantly impacted (quality or quantity), the proponent shall remediate or replace the water supply well, unless it can be definitively demonstrated by the proponent that these impacts are not related to the mine construction or operation.
8. Beginning at the time of mine construction, ongoing terrestrial level surveys (GPS and or LIDAR) must be carried out in order to evaluate the ground movement or subsidence related to the mine operation. The information obtained through the implementation of this monitoring program must be submitted to Director of the Project Assessment and Approvals Branch on an annual basis from the date of commencement of mine construction and continued for the operational life span of the mine or until otherwise notified by the Director.
9. A groundwater monitoring program designed to evaluate the extent of the potential effects of the mine on the groundwater resource and groundwater supplies as well as to provide early indicators of potential inflow related problems must be submitted to the Director of the Project Assessment and Approvals Branch for review. The groundwater monitoring program must be approved by the Director prior to the commencement of the mine shaft construction.
10. The proponent must implement a wetland compensation plan (WCP) developed in consultation with NB DENV, the New Brunswick Department of Natural Resources, and the Canadian Wildlife Service as part of this project. The development of the WCP must be initiated prior to any ground disturbing activities. The WCP must be submitted to NB DENV for review and approval and finalized within 6 months from the date of this Determination. The WCP will ensure that all impacted wetlands will be compensated at a minimum ratio of 2:1, however depending on the compensation type greater ratios may be required. In addition the WCP must include appropriate monitoring plans for years 1, 3 and 5 post-construction in order to evaluate whether wetland function has changed within the remaining natural wetland habitat. A brief report must be submitted the NB DENV for evaluation to determine if further compensation would be required at that time (i.e. if there is functional loss caused by the project beyond the initial footprint area). The WCP projects must be completed within 12 months of any wetland disturbance associated with this undertaking. For additional information please contact Lee Swanson, NB DENV, Sciences and Reporting Branch at (506) 457-4844.
11. An Environmental Management Plan (EMP) must be submitted to the Director of the Project Assessment and Approvals 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 site specific environmental protection plans, linking mitigation to location, monitoring plans (compliance and environmental effects monitoring), and contingency plans.
12. The proponent shall ensure the New Brunswick Department of Transportation is contacted regarding the requirements for the construction of the site access and piperack corridor in relation to Route 114. For additional information please contact Mr. Brian McEwing at (506)

453-5604.

13. Prior to commencement of any in-stream works the proponent must obtain appropriate authorizations from the Department of Fisheries and Oceans. Please contact Mr. Kurt McAllister at (902) 426-1489 for additional information.
14. Prior to commencement of construction the proponent must submit an application for a Watercourse and Wetland Alteration Permit to the New Brunswick Department of Environment. Please contact Mr. Serge Gagnon at (506) 444-2891 for additional information.
15. Prior to the commencement of construction, the proponent must obtain an Approval to Construct from the New Brunswick Department of Environment. Please contact Mr. Shawn Hamilton at (506) 453-2079 for additional information.
16. 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 Section, NB Department of Wellness, Culture and Sport, shall be contacted at 453-2756 for further direction.
17. Petroleum or chemical products shall not be stored within 100 metres of any potable water supplies.
18. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water and potable water supply wells, 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).