

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

October 14, 2008

File Number: 4561-3-1138

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 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 November 8, 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 Manager of the Project Assessment Section every 6 months from the date of this Determination until the Project construction is complete and the Manager is satisfied that all obligations, commitments, monitoring and proposed mitigation measures have been completed.
4. 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 500 metres of the pipeline right of way (RoW). The survey and baseline water quality data must be kept on file by the proponent and be made available to the New Brunswick Department of Environment upon request. Should any local water supply wells be significantly impacted (quality or quantity) by the activities associated with the construction or operation of the Brine Disposal Pipeline System, the proponent shall repair, remediate or replace the water supply well.
5. Should any groundwater supply wells within a 500 metre radius from the Brine Disposal Pipeline System 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 caused by the construction or operation of the Brine Disposal Pipeline System.
6. Within 6 months of any wetland disturbance the proponent must submit an Environmental Effects Monitoring Plan (EEM) for review and approval. The EEM must describe the methodology that will be used for monitoring wetland habitat recovery and recording the full extent of habitat loss (if any), including but not limited to biophysical habitat assessment, detailed habitat sketches, wetland hydrology assessments, All Terrain Vehicle (ATV) impacts, invasive species impacts, and vegetation recovery assessments.

7. Should unexpected residual effects be identified as a result of implementation of the EEM, as described herein, revised mitigation measures to remediate all residual effects and or compensation plans for any permanent loss in wetland habitat function must be submitted for review and approval.
8. A weekly construction schedule including identification of daily hours of construction operations as well as a weekly progress report must be provided to the New Brunswick Department of Environment, Saint John Regional Office. For additional information please contact Heather Urquhart, at (506) 658-2118 for additional information.
9. Prior to commencement of construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a Watercourse and Wetland Alteration Permit from the New Brunswick Department of Environment. Please contact Mr. Serge Gagnon at (506) 444-2891 for additional information.
10. Prior to the commencement of construction, the proponent must obtain an Approval to Construct from the New Brunswick Energy and Utilities Board. Please contact Mr. Todd McQuinn, Director of Pipeline Safety, at (506) 643-2906 for additional information.
11. All agricultural ground crossed during construction activities shall be clearly marked by signage in accordance with CSA Z662 and the NB Pipeline Act and Regulations. Pipeline crossings of existing farm roads or reasonably expected future farm roads shall be designed in accordance with the requirements of CSA Z662 for road crossings.
12. The proponent's "Call Before You Dig" system must be extended to include unanticipated reasonable pipeline crossing requirements. In these cases the proponent must assess the specific type of equipment and the ground conditions and make any modifications necessary to accommodate the pipeline crossing.
13. All recommendations as outlined in section 5.0 (pp 16 &17) of the report entitled "*2008 Field Season Heritage Resources Impact Assessment Potash Corporation of Saskatchewan Inc Brine Pipeline Development from Penobsquis to Cassidy Lake, Kings County, NB*" must be implemented as part of this project.
14. 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 (506) 453-2756 for further direction.
15. Petroleum or chemical products shall not be stored within 100 metres of any potable water supplies.
16. 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).