

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
March 4, 2005
File Number: 4561-3-1014

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 the Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated July 19, 2004), as well as to those from all subsequent correspondence and reports 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 every 12 months from the date of this Determination (i.e.: March 4, 2005) until such a time as all the conditions in this Determination have been met and the Approval to Operate has been issued for this operation (i.e.: Salmon Harbour Mine – Western Extension).
4. Obtain an Approval to Operate for this extension (Salmon Harbour Mine) from the Department of the Environment and Local Government prior to the start of any work on the proposed extension. Please contact the Director of the Approvals Branch, Department of the Environment and Local Government (DELG) for additional information (506 444-4599).
5. A pre-blast survey will be required prior to undertaking any blasting for this extension (Salmon Harbour Mine). The pre-blast survey will include water quality and water level monitoring for residences within 1000 m of the blast site.
6. In the event that the water quantity or quality of neighbouring residential wells is impacted by operations related to the mine expansion (as raised by the resident(s)), it will be the proponent's responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section (506 457-4844), DELG of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the DELG will provide independent third party arbitration.
7. Reclamation work for this extension will need to be undertaken and completed as per the existing Salmon Harbour Mine reclamation plan.

8. Prior to the start of any work related to this expansion, NB Coal Limited shall submit a plan outlining their approach to address any acid generating rock found during mining operations. This plan would include how NB Coal intends to evaluate the potential for acid generating rock, any testing/surveillance that is to be undertaken and how acid generating material will be handled. In addition, the plan will require an overview of the mitigation measures that would be put in place in the event that acid-generating rock is located. This plan is to be submitted to the Director of the Approvals Branch, DELG.
9. If any work is required within 30 m of a watercourse, a Watercourse and Wetland Alteration Permit may be required from the DELG. For additional information please contact the Watercourse and Wetland Alteration Program Section of the DELG at (506) 457-4850. In addition, any works in or near the water, like an increase in the length of the Ghost Hollow Brook stream diversion and/or a change in the approved schedule (including the duration of the associated activities) may require an amendment to the conditions of the HADD authorization issued by DFO. Please contact Ted Currie, Habitat Assessment Biologist, DFO at (506) 851-3650 for additional information.
10. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resources Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at (506) 453-2756.