

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

August 28, 2008

File Number: 4561-3-1151

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 documentation dated April, 2008 and to those in all 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 and Approvals Branch every 6 months from the date of this Determination until such a time when all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find, and the Manager of Archaeological Services, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at 453-2756 for direction.
5. The proponent must obtain an Approval to Construct and an Approval to Operate for the mine. The Approval to Construct must be obtained prior to the commencement of any construction activities. For additional information, please contact Mr. Don Murray, Project Assessment and Approvals Branch, at (506) 444-4599.
6. A Watercourse and Wetland Alteration Permit must be obtained prior to any activities within 30 meters of a watercourse or wetland. Please contact Mr. Serge Gagnon, Regional Director, responsible for the Watercourse and Wetland Alteration Program (506) 444-5149, for further information.
7. Refueling and maintenance of equipment must take place in designated areas, on level terrain a minimum of 30 metres from any surface water or wetland boundary. Appropriate spill response equipment must be kept in a readily accessible location during project construction and operation. All spills and releases must be promptly reported to the 24 hour emergency response line at 1-800-565-1633.
8. NB Coal shall ensure that all contractors and operators associated with the construction and operation of this undertaking are familiar with the revised EPP and SSEPP documents for construction and operation, the Traffic Management Plan, the protocols in place to protect Public Safety, and the *Migratory Birds Convention Act* and associated regulations and how they would apply.

9. NB Coal shall propose a location for a groundwater monitoring well between the mine site and Albright's Corner. The location must be reviewed and approved by the Project Assessment and Approvals Branch. The well must be constructed prior to dewatering the mine area.
10. With respect to the sedimentation pond at the minesite:
  - a. Additional monitoring of the receiving water must be carried out during the de-watering of the mine cut. Monitoring plans shall be developed in consultation with the Project Assessment and Approvals Branch.
  - b. If the capacity of the sedimentation pond is exceeded during de-watering of the mine resulting in water overtopping the pond, NB Coal shall cease pumping water into the pond.
11. No activity shall occur within the boundaries of the Grand Lake Protected Natural Area unless permission has been obtained from the Minister of the NB Department of Natural Resources. Please contact Mr. Brent Evered, Senior policy Analyst at (506) 453-2684 for further information.
12. A water sampling program for Grand Lake shall be established in consultation with the Project Assessment and Approvals Branch to ensure that the operation of the mine is meeting the *Water Classification Regulation*.
13. A Wetland Compensation Plan for the mine area must be developed in consultation with the Department of Environment and implemented accordingly. The plan must demonstrate a minimum 2:1 compensation of restored wetland to affected wetland and be submitted to the Manager of the Project Assessment Section, Department of Environment (ENV) for review and approval within 6 months of initiation of disturbance to the wetland.
14. Monitoring of all wetlands directly or indirectly impacted by project activities will be required for years 1, 3 and 5 to measure whether the wetland function has changed. Reports shall be submitted to the Manager of the Project Assessment Section ENV, after each monitoring period. Compensation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function. Restoration will be required if there are impacts to the to the wetland function of any of the wetlands located within the walk path.
15. At the conclusion of mining activities, the reclamation plan shall be re-submitted to the Manager of the Project Assessment Section, ENV for review and approval.
16. NB Coal shall develop an acid rock monitoring program in consultation with the Project Assessment and Approvals Branch. The plan must be reviewed and approved prior to the commencement of mining activities.
17. Owners of water supply wells within 230 m of the drag line walk path shall be contacted regarding sampling for general chemistry, trace metals, and microbiology prior to the drag line walk.
18. Appropriate permission and permits from the NB Department of Natural Resources must be secured prior to undertaking activities associated with construction or use of the walk path on Crown lands or leases.