

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

November 5, 2008

File Number: 4561-3-1161

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 documents dated June 13, 2008, as well as all those identified in correspondence and submissions during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Project Assessment Section of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. All blasting associated with removing the existing rock outcrop, as described in the Project EIA registration documents, must be conducted during low tide periods when the outcrop is above the shoreline and the blasting must be conducted in such a way as to prevent flying debris (e.g. with the use of blast mats). In addition, all blasting activity associated with the Project must be conducted in accordance with the Department of Fisheries and Oceans Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters.
5. A water quality monitoring program that would allow the dredging to be halted in the event that fish farms may be impacted by the project must be designed and implemented. The program must be submitted for review to Manager of the Project Assessment Section of the Department of Environment and approved by the Director prior to the commencement of all dredging activities.
6. Any disposal at sea associated with this project must be carried in accordance with the requirements of Section 127(1) of the Canadian Environmental Protection Act.
7. No dredge spoils associated with this project may be disposed of off the Federal property boundaries of the Beaver Harbour site.

8. The undertaking may affect Crown Land under the administration and control of the New Brunswick Department of Natural Resources (NB DNR). The Proponent must ensure all appropriate land use authorizations are obtained prior to commencement of any works associated with the dredging or dredge material disposal. Please contact Mr. Kevin O'Donnell at (506) 453-2437 for additional information.
9. A permit authorizing the dredging under the New Brunswick Quarriable Substances Act must be obtained from the New Brunswick Department of Natural Resources prior to the commencement of dredging activities.