

**«ROUGH TRANSLATION »**

**DOCUMENT “A”**

**MINISTER’S DETERMINATION**

**CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

March 16, 2004

File Number: 4561-3-957

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 June 2003), as well as to those from all subsequent correspondence and reports during the registration review.
4. Obtain an Approval to Construct and Operate for the project from the Department of the Environment and Local Government prior to the start of any work on site. Please contact the Approvals Branch, Department of the Environment and Local Government for additional information (506 444-4599).
5. The proponent must develop and submit a Surface Water Quality Monitoring Program, which will be used during the construction and operation of the site. This program will require the monitoring of the sedimentation ponds as well as the nearby watercourses. The above program will have to be submitted to the Approvals Branch, Department of the Environment and Local Government along with the application for the Approval to Construct and Operate for this facility. A copy of the program is also to be submitted to the Project Assessment Branch, Department of the Environment and Local Government.
6. Acquire a Watercourse Alteration Permit from the Department of the Environment and Local Government before commencing any work on site. For additional information please contact the Regional Services Branch of the Department of the Environment and Local Government at (506) 457-4850.
7. Prior to doing any work at the site the proponent shall consult with the local public. Please contact the Project Assessment Branch, Department of the Environment and Local Government to discuss the methods proposed to undertake this consultation (along with the approach to address the issues/concerns raised during the consultation).

8. The proponent must develop and submit an Environmental Protection Plan (EPP) that is to be applied during the construction and operation of this site. This plan is to be submitted to the Approvals Branch along with the application for the approval to construct and operate and shall include a detailed work schedule and mitigation measures that will be implemented to minimize impacts to the surrounding environment. The emphasis of this EPP shall be the control of erosion and sedimentation as a result of the construction and operation of this bog. In addition, this plan should also include emergency measures that would be put in place in order to avoid incidents such as spills (oil, hazardous materials, etc.) during the construction and/or the operation of this facility.
9. The proposed protected and/or unharvested areas, as mapped in the EIA Registration document of June 2003, satisfies the concerns for the sensitive plants found during the rare plant survey based on their current distributions in the peatland. However, given the long period of time between the baseline studies and the development of the peatland, a reassessment of the presence and distribution of rare plants along with the associated mitigation measures may be necessary prior to the start of construction at this facility. Please contact the Director of the Project Assessment Branch to determine if a further survey is required.
10. This project is subject to the requirements of the *Water Classification Regulation*. Please contact the Sustainable Planning Branch, Department of Environment and Local Government in this regard at (506) 457-4846.
11. The level of suspended solids at the discharge point of the sedimentation ponds shall not exceed 25 mg/l, even after heavy rains.
12. Trucks transporting peat must be properly covered to reduce wind blown particulate.
13. Forty-eight hours prior to initiating any construction activities Mr. Ernest Ferguson (Area Habitat Coordinator, DFO, Tracadie, N.B., tel. (506) 395-7722) and Mr. Brian Keating (Area Habitat Coordinator, DFO, Sussex, N.B., tel. (506) 432-4152) are to be contacted.
14. A copy of the well driller's log and the water chemistry analysis from the potable water supply well for this operation are to be submitted to the Project Assessment Branch, Department of the Environment and Local Government prior to the well being used.
15. 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.