

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

October 18, 2004

File Number: 4561-3-972

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 May 2003), 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.: October 18, 2004) until such a time as the construction is complete and a Certificate of Approval to Operate has been issued for this facility.
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 Director of 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 (see condition # 6 below). The above program will have to be submitted to the Director of 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 Director of the Project Assessment Branch, Department of the Environment and Local Government.
6. In order to ensure that the peat operation does not create negative impacts on the water quality of the watercourses, an evaluation of the water quality will have to be undertaken for a distance of 1km upstream prior to the start of peat harvesting on all watercourses that originate from peatland # 39. It is recommended that the water sampling be done in accordance with the *Guidelines for peat mining operations in New Brunswick*. Analysis of the sample for suspended sediments, minerals and pH will be required as a minimum. In addition, during harvesting operations, the monitoring results will need to be in accordance with the *Canadian Council of Ministers of the Environment guidelines for the protection of aquatic life*.

7. Acquire a Watercourse and Wetland Alteration Permit from the Department of the Environment and Local Government before commencing any work on site. For additional information please contact the Watercourse and Wetland Alteration Program Section of the Department of the Environment and Local Government at (506) 457-4850.
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 as well as the potential impacts and the mitigation measures that will be undertaken in the event of an accumulation of peat dust as well as changes in the water quality in nearby watercourses due to the construction/operation of the peat 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. In order to ensure that any dust produced during peat extraction is maintained at an acceptable level, the vacuum harvesters will need to be outfitted with adequate dust control equipment (e.g.: cyclones on exit air ducts, dust collectors, modifications to the air exhaust system, etc.). Please submit details concerning the vacuum harvesters and more specifically the equipment proposed to minimise dust to the Director of the Approvals Branch, Department of the Environment and Local Government along with the application for the Approval to Construct and Operate for this facility prior to the start of peat extraction.
10. The outlet and effluent from the sedimentation ponds must not be within the 30 m buffer zone for watercourses. In addition it is recommended that there be no alteration of the vegetation within the 30 m buffer zone (for watercourses). If it is necessary to modify the vegetation in this buffer zone the disturbed surfaces are to be stabilised as soon as possible.
11. No harvesting of peat will be permitted within 50 m of the lake at the northeast of the peatland. In addition, no outlet or effluent from the sedimentation ponds will be permitted within the buffer zone of this lake (i.e.: 50 m from the lake).
12. A monitoring program will be required from the proponent in order to evaluate the effectiveness of the buffer zone on the north end of the peatland for the survival of the plant species found to be sensitive and/or of special status (i.e.: *Platanthera blephariglottis*). This program shall be submitted to the Director of the Project Assessment Branch of the Department of the Environment and Local Government for review prior to the start of peat harvesting at the site.
13. 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.
14. The level of suspended solids at the discharge point of the sedimentation ponds shall not exceed 25 mg/l, even after heavy rains.
15. Trucks transporting peat must be properly covered to reduce wind blown particulate.

16. Forty-eight hours prior to initiating any construction activities please contact the DFO Area Habitat Coordinator (DFO, Tracadie, NB) at (506) 395-7722.
17. 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 Director of the Project Assessment Branch, Department of the Environment and Local Government prior to the well being used.
18. 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.