

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

25 September 2013

File Number: 4561-3-1340

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 and Local Government;
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated 15 April 2012 and subsequent addendums, as well as all those identified in subsequent 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 Manager of the Environmental Assessment Section of the Department of Environment and Local Government (DELG) upon meeting all Conditions herein;
4. An application for the modification of the *Certificate of Approval to Operate* shall be required for this project. Please contact André Fortin, DELG at 444-3287;
5. A sedimentation pond maintenance plan shall be developed and submitted to the Manager, Environmental Assessment Section, for review and approval prior to the construction of the sedimentation pond. The sedimentation pond maintenance plan shall include, but not be limited to, the proposed methods and timing for cleaning, monitoring sludge accumulation, outflow water quality, and shall contain the following:
 - a) During the peat extraction phase, cleaning of the sedimentation pond shall be carried out at least twice a year, even if the volume of accumulated sludge is less than half of the pond volume;
 - b) Regular maintenance/cleaning operations shall take place in middle-to-late fall and following spring freshet. Additional cleaning operations shall be conducted based on periodic evaluations of the settling ponds;
 - c) Settling ponds shall be inspected and photographed every week during the peat extraction phase. Additional inspections are carried out following episodes of intense precipitations;

6. Under the new Fisheries Act, there is a requirement to notify the Department of Fisheries and Oceans of any harmful alteration, or disruption or any destruction of fish habitat that has not been authorized. Such notifications should be directed to the Area Chief, DFO, Tracadie-Sheila, NB. The Area Chief can be reached at (506) 393-3036;
7. Ditches shall not intersect watercourses—i.e. effluent waters from ditching or settling ponds shall not be discharged directly to watercourses;
8. The project shall not dewater any headwater streams;
9. Peat piles shall be located downwind of any lake/pond to be retained to prevent organic matter from blowing into the lake/pond;
10. Environmentally Significant Area (ESA) #395 “Northwest Kouchibouguac Bogs”, including bog 324E may not be impacted by this development. This ESA consists of a number of large and small bogs which have been set aside as buffers for Kouchibouguac National Park;
11. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
12. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.