

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

July 13, 2018

File Number: 4561-3-1452

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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 Environmental Impact Assessment (EIA) Registration document dated December 2016 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 Director of the EIA Branch, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
 4. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent must provide written acknowledgement to DELG from the lessee, controller or purchaser confirming that they will comply with the commitments made during the registration review and with the Conditions of this Determination. The information must be addressed to the Director, EIA Branch, DELG.
 5. The current Peat Lease from Department of Energy and Resource Development must be amended to include the expansion area on Crown Land before any work can be initiated in the expansion area. Please contact Resource Exploration and Development Division, Department of Energy and Resource Development at (506) 453-3826 for further information.
 6. Les Tourbières Berger Ltée's current DELG *Approval to Operate* for harvesting peat on Bog 324W must be amended to include the expansion area. Please contact the DELG Authorizations Branch at (506) 453-7945 for more information.
 7. The Environmental Protection Plan (EPP) including both Les Tourbières Berger Ltée's owned private lands (EIA #4561-03-1470) and leased Crown Lands must be followed, maintained and updated as necessary throughout the life of the project.
 8. Water quality will be monitored following the approved schedule and results must be submitted to the Director, EIA Branch, DELG for subsequent review by the Technical Review Committee.

9. The proponent is responsible for ensuring that all developers, contractors, workers, and operators associated with the project are familiar with, and comply with the requirements of the *Migratory Birds Convention Act*, the federal and provincial *Species at Risk Acts* and associated *Regulations*.
10. If it is suspected that remains of archaeological significance are discovered on site, as per the New Brunswick *Heritage Conservation Act* (2010) all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture shall be contacted at (506) 238-3512 for further direction. In addition, the EPP's Emergency Response Plan for the accidental discovery of archaeological/heritage resources must be implemented.
11. A natural, undisturbed buffer zone has been established adjacent to Kouchibouguac National Park and must be maintained as indicated on Figure 1 of the Environmental Protection Plan (EPP, April 2018), as well as the attached map Lease #11 Extension Development Plan - Kouchibouguac Park (February 1, 2018) indicating buffer measurements; however, an adaptive management approach will be adopted throughout the life of the peat operation:
 - a. The proponent will continue their partnership and communication with Kouchibouguac National Park staff and will address issues throughout the life of the peat operation, if they come up. Updates regarding any activity related to this condition shall be submitted annually by December 31st of each calendar year to the Director, EIA Branch, DELG.
 - b. The proponent will review the current literature and research on bog buffers, bog hydrology, peat development potential impacts, bog associated species at risk, government and jurisdictional standards, peat development best management practices, etc., one year prior to any future ground disturbance in the sector near the Park boundary to assess the efficacy of the established Park buffers. A summary of the literature review along with an updated recommended buffer zone adjacent to the Park shall be sent to the Director, EIA Branch, DELG for review and approval by December 31st in the year prior to ground disturbance near the Park.
12. Given that peatland reclamation/restoration will occur over many years and available options/methods may change, the proponent will adjust reclamation/restoration procedures and methods based on the current knowledge and practices at the time when each field is retired. The proponent will provide reclamation/restoration plans, including a schedule and proposed post-restoration monitoring, at least 6 months prior to conducting restoration work for review and approval to the Director, EIA Branch, DELG.
13. Roads must be restored as part of the reclamation/restoration plan unless a valid rationale for keeping the road(s) is presented by the proponent and accepted by the Director, EIA Branch, DELG. If roads are not restored, then wetland compensation will be required and a wetland compensation plan must be submitted for review and approval along with the reclamation/restoration plan to the Director, EIA Branch, DELG.
14. To ensure that First Nations are meaningfully engaged in ongoing planning, development and delivery of project activities and environmental monitoring, a First Nations Engagement Strategy must be developed and maintained by the proponent in conjunction with First Nations. The Engagement Strategy will be provided to the Director, EIA Branch, DELG, for review within 6 months of the date of this Determination and will include a reporting schedule. The proponent has agreed to: engage in meaningful dialogue with First Nations throughout the life of the project; explore mutually beneficial opportunities; and provide appropriate measures to prevent negative impacts on Aboriginal and treaty rights.

15. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.