

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

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

March 15, 2021

File Number: 4561-3-1466

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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 Climate Change.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated May 2017, 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, EIA Branch, Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
 4. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act* (2010), all activity shall be stopped near the find and the Manager, Regulatory Unit, Archaeology and Heritage Branch, Department of Tourism, Heritage and Culture shall be contacted at 506-453-2748.
 5. Non-wetland areas situated within 80 metres of a watercourse/waterbody and 100 metres of a confluence contain elevated archaeological potential. If ground disturbance is expected within this zone, Archaeology and Heritage Branch must be contacted to determine if an Archaeological Impact Assessment must be completed by a permitted archaeologist in advance of disturbance.
 6. The existing DELG *Approval to Construct* must be updated prior to the start of construction activities in the expansion area, and the existing *Approval to Operate* will subsequently have to be updated prior to the start of any operational activities in the expansion area. For more information, please contact DELG's Authorizations Branch at (506) 453-7945.
 7. In the future, a *Watercourse and Wetland Alteration (WAWA) Permit* is potentially required for work

within 30 metres of a wetland or watercourse if the activity is not included in the *Approval to Construct/Operate*.

8. The original Environmental Protection Plan must be updated, submitted and approved by the Director, EIA Branch, DELG prior to the start of any construction activities related to this project.
9. 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.
10. A Restoration Plan that integrates the expansion area for this project with the existing approved Restoration/Decommissioning Plan for the existing operation must be submitted to the Director, EIA Branch, DELG within 6 months of the date of this Determination.
11. Given that peatland reclamation/restoration will occur over many years and available options/methods may change, reclamation/restoration procedures and methods will be adjusted based on the current knowledge and practices at the time when each field is retired. Updated reclamation/restoration plans, including a schedule and proposed post-restoration monitoring, must be submitted for review and approval to the Director, EIA Branch, DELG, at least 6 months prior to conducting restoration work.
12. Roads built for this project must be restored as part of the reclamation/restoration plan unless a valid rationale for keeping the road(s) is submitted 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.
13. To ensure that First Nations are meaningfully engaged, the proponent must adhere to agreements and commitments made with First Nations during the course of the EIA review. These agreements include: continuing to engage in meaningful dialogue with First Nations; exploring mutually beneficial opportunities; and providing appropriate measures to identify, consider, prevent, and mitigate negative impacts, where possible, on Aboriginal and treaty rights.
14. 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.
15. In the event of a complaint by a neighbouring water user that project activities have negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify the Director of DELG's EIA Branch. If it is determined that the proponent is responsible for any negative impacts, the proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
16. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director, EIA Branch, DELG.
17. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.