

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

December 2, 2019

File Number: 4561-3-1500

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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 EIA registration document dated August 15th, 2018 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 Environmental Impact Assessment (EIA) Branch of the 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 discovered during construction, operation, or maintenance of any part of the proposed project, as per the New Brunswick *Heritage Conservation Act*, all activity shall be stopped within 30 metres of the find and the Director of the Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-2738 for further direction.
 5. An *Approval to Construct* must be obtained prior to the start of construction activities, and an *Approval to Operate* will subsequently have to be obtained prior to the start of any operational activities at the bog. For more information, please contact DELG’s Authorizations Branch at (506) 453-7945.
 6. A Peat Lease must be obtained from the New Brunswick Department of Natural Resources and Energy Development (NBDNRED) before any work can be undertaken on Crown land. For more information, please contact NBDNRED’s Resource Tenure Section at (506) 453-3862.
 7. An Environmental Management Plan must be submitted and must be approved by the Director of DELG’s EIA Branch prior to the start of any construction activities related to this project. This Plan must include the water quality monitoring plan, as discussed during the course of the EIA review. For more information, please contact the EIA Branch at (506) 444-5382.
 8. 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, for review and approval to the Director, EIA Branch, DELG, at least 6 months prior to conducting restoration work.

9. Roads built as part of this project 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.
10. As part of the reclamation/restoration plan, consideration must be given to using pollinator plants in revegetation efforts, if the use of such plants is possible in spent peat bogs.
11. To ensure that First Nations are meaningfully engaged, the proponent must adhere to agreements and commitments made during the course of the EIA review. These agreements include: engage in meaningful dialogue with First Nations; explore mutually beneficial opportunities; and provide appropriate measures to prevent negative impacts on Aboriginal and treaty rights.
12. 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.
13. All encounters with species at risk must be reported to the New Brunswick Department of Natural Resources and Energy Development and Environment and Environment and Climate Change Canada's Canadian Wildlife Service.
14. 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 of DELG's EIA Branch.
15. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.