

Document A – Minister’s Determination Conditions of Approval

Pursuant to Regulation 87-83 under the Clean Environment Act

May 16, 2022 - File Number: 4561-3-1523

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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. 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. In the event the project is commenced (i.e. partially completed) and becomes inactive for a period of five years or more after commencement, 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.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated May 15, 2019, 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 all the Conditions have been met or until it is deemed by the Director to be no longer required.
5. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.

6. 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.
7. A Peat Lease must be obtained from the Department of Natural Resources and Energy Development (NRED) before any work can be undertaken on Crown land. For more information, please contact NRED's Resource Tenure Section at (506) 453-3826.
8. An Environmental Management Plan (EMP) must be submitted and approved by the Director, EIA Branch, DELG prior to the start of any construction activities related to this project. For more information, please contact the EIA Branch at (506) 444-5382.
9. A wildlife monitoring plan must be submitted and approved by the Director, EIA Branch, DELG prior to the start of any construction activities. This plan can either be incorporated into the EMP required as per Condition # 8 of this document or it can be provided as a standalone document. For more information, please contact the EIA Branch at (506) 444-5382.
10. 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 six months prior to conducting restoration work.
11. 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 consultation undertaken as part of the EIA review. These agreements are between the Proponent and First Nations and include a commitment to continue to engage in meaningful dialogue with First Nations and to consider and respond to information brought forward.
12. 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.
13. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG for review and approval prior to implementing the changes.
14. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements.