

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

January 12, 2006

File Number: 4561-3-1037

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 the Environment and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document (dated 11 April 2005), as well as to those from all subsequent correspondence and reports 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 Project Assessment Branch every 12 months from the date of this Determination (i.e.: December 15, 2005) until such a time as the construction is complete and a Certificate of Approval to Operate has been issued for this facility.
4. Obtain an Approval to Construct and Operate for the project from the Department of the Environment and Local Government prior to the start of any work on site. Please contact the Director of the Approvals Branch, Department of the Environment and Local Government for additional information (506 444-4599).
5. In order to prevent or correct any potential negative impacts, a surface water quality monitoring program shall be developed and implemented during construction and continued during operation of the site. This program will require the monitoring of the sedimentation ponds as well as the nearby East and South Branch Portage Rivers. Sampling stations upstream and downstream of the development shall be included in this plan. If the monitoring program shows that the peat bog exploitation is causing impacts to the watercourse, modifications to the project may need to be undertaken. The above program will have to be submitted to the Director of the Approvals Branch, Department of the Environment and Local Government along with the application for the Approval to Construct and Operate for this facility. A copy of the program is also to be submitted to the Director of the Project Assessment Branch, Department of the Environment and Local Government.

It is recommended that the water sampling be done in accordance with the *Guidelines for peat mining operations in New Brunswick*. Analysis of the sample for suspended sediments, minerals and pH will be required as a minimum. In addition, during harvesting operations, the monitoring results will need to be in accordance with the *Canadian Council of Ministers of the Environment guidelines for the protection of aquatic life*.

6. In order to ensure and to eliminate the possibility of drying out the headwaters of the East

Branch Portage River above the current proposed location of the sedimentation pond located in Phase XX (as identified in Attachment 1 of the August 12, 2005 correspondence), a hydrological follow-up program will be required. The follow-up program will begin prior to the commencement of peat exploitation on the north-western side of the bog and will continue for the entire first year of operation (as a minimum). If the follow-up program shows that the peat bog exploitation is causing the drying-out of the watercourse, modifications to the project may need to be undertaken. The follow-up program is to be submitted to the Director of the Project Assessment Branch, Department of the Environment and Local Government for review prior to the start of peat harvesting near the north-western side of the bog.

7. A monitoring program will be required from the proponent in order to prevent or correct any potential negative impacts to the plant species identified as sensitive and/or of special status. (i.e.: *Woodwardia virginica* and *Betula michauxii*). This program shall be based on the correspondence dated October 4, 2005 as part of the EIA process and will be need to be submitted to the Director of the Project Assessment Branch of the Department of the Environment and Local Government for review prior to the start of peat harvesting at the site.
8. Submit an application for a Watercourse and Wetland Alteration Permit from the Department of the Environment and Local Government before commencing any work on site. For additional information please contact the Watercourse and Wetland Alteration Program Section of the Department of the Environment and Local Government at (506) 457-4850.
9. In order to ensure that any dust produced during peat extraction is maintained at an acceptable level, the vacuum harvesters will need to be outfitted with adequate dust control equipment (e.g.: cyclones on exit air ducts, dust collectors, modifications to the air exhaust system, etc.).
10. No harvesting of peat will be permitted within 100 m of the Lac des Irlandais in the Southeast portion of the peatland and within 50 m of the unnamed lake in the western portion of the peatland.
11. This project is subject to the requirements of the *Water Classification Regulation*. Please contact the Sustainable Planning Branch, Department of Environment and Local Government in this regard at (506) 457-4846.
12. The level of suspended solids at the discharge point of the sedimentation ponds shall not exceed 25 mg/l, even after heavy rains.
13. Trucks transporting peat must be properly covered to reduce wind blown particulate.
14. Forty-eight hours prior to initiating any construction activities please contact the DFO Area Habitat Coordinator (DFO, Tracadie, NB) at (506) 395-7722.
15. The proponent will accommodate residents requesting the opportunity to hunt on or near the areas of peat harvesting during periods of operation (more specifically for waterfowl hunting near the Lac des Irlandais). In order to ensure that the safety of the workers on the peatland is respected, discussions will be undertaken between hunters and the proponent and if required protocols will be mutually established to accommodate both parties.

16. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resources Manager of the Archaeological Services Unit, Heritage Branch of the Culture and Sport Secretariat, shall be contacted at (506) 453-2756.