

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

May 1, 2007

File Number: 4561-3-1111

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated January 22, 2007, 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 Project Assessment Branch every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that the remains of archaeological significance are found during construction of the project, Archaeological Services Unit, Heritage Branch, Wellness, Culture and Sport, shall be contacted immediately at (506) 453-2756.
5. Baseline water quality data shall be collected for 7 private wells located within 500 m of the development boundary (6 wells located along Losier Road, and 2 wells located on Route 11). The results of the baseline sampling are to be submitted to the Director of the Project Assessment Branch prior to the start of any activity on Bog #536. In the event that the water quantity or quality of neighboring residential wells is impacted by operations related to this facility (as raised by the residents(s)), it will be the proponent's responsibility to investigate and potentially rectify the situation. The proponent must immediately notify the Manager of the Water Sciences Section Department of Environment (506-457-4844), of any complaints received regarding water quantity or quality problems. If an agreement as to the cause of water problems cannot be reached between the proponent and the resident(s), the Department will provide independent third party arbitration.
6. No harvesting of peat will be permitted within 100 m of Lac Losier.
7. The proponent shall obtain a Watercourse and Wetland Alteration Permit from the Department of Environment for the installation of any culverts during construction of the access road, prior to the commencement of access road construction. Please contact Mr. Denis Deveau, Regional Director responsible for the Watercourse Alteration and Wetlands program at (506) 457-4850 for further information.

8. An Approval to Construct and Operate must be obtained from the Approvals Branch of the Department of Environment prior to the commencement of any on-site activities.
9. The water quality of the effluent from the sedimentation ponds shall meet the suspended solid levels (25 mg/l), and water chemistry levels as outlined in the *CCME Water Quality Guidelines for Protection of Aquatic Life* and the *Guidelines for the Peat Mining Operations in New Brunswick*. A surface water quality monitoring plan shall also be developed for the sedimentation ponds and the nearby watercourses. The plan must be submitted for review by the Director of the Project Assessment Branch, Department of Environment, and must receive approval prior to the commencement of construction of the proposed peat operation. A copy of the monitoring plan and the sampling results shall also be submitted to Ms. Carole Godin, Habitat Assessment Biologist, Gulf Region, Department of Fisheries and Oceans; ph: (506) 851-2485; fax: (506) 851-6579; email: godinc@dfo-mpo.gc.ca.
10. In order to ensure that any dust produced during peat extraction is maintained at an acceptable level, all vacuum harvesters will need to be outfitted with adequate dust control equipment (i.e. cyclones on exit air ducts, dust collectors, modifications to the air exhaust system, etc.).
11. Trucks transporting peat must be properly covered to reduce wind blown particulate.
12. No stockpiling of peat shall occur within 30 metres of any watercourse.
13. The proponent shall conduct a fish and fish habitat survey, and water quality survey of Lac Losier. The survey shall include: photo documentation of the lake (and the unnamed watercourse to the east), a characterization of the habitat including lake depth and substrate, water chemistry profile, and a reasonable attempt at a fish presence/absence characterization (which will require a Scientific Fish Collection Permit from DFO). The results of this study must be submitted for review to Director of the Project Assessment Branch, Department of Environment, and must be approved prior to the commencement of construction of the secondary drainage network, or any other works that could result in runoff being directed towards Lac Losier.
14. Access to the site during the construction of phase 1 (peripheral ditches) shall be from Losier Road, and shall not involve the crossing of any watercourses.
15. The proponent must carry out the 4th set (late spring) of baseline water quality sampling for the two unnamed streams. The results of this sampling must be submitted to the Director of the Project Assessment Branch, Department of Environment, as an attachment to the information requested in #13 above.
16. An Environmental Protection Plan (EPP) shall be developed for the proposed project and shall address construction activities, emergency measures (i.e. spills of petroleum products or hazardous material) that will be implemented during the site preparation and construction, as well as the mitigation measures that will be undertaken in the event that the water quality of the effluent from the sedimentation ponds does not respect water quality guidelines. The EPP should also address the mitigation action in the event that there is a change in water quality in Losier Lake and/or the two unnamed watercourses as a result of the operation of the bog. The EPP shall

be submitted to the Director of the Project Assessment Branch, Department of Environment, and must receive approval prior to the commencement of any construction activities.

17. The Oceans and Habitat Area Chief, Mr. Ernest Ferguson, Department of Fisheries and Oceans Tracadie-Sheila, shall be notified 48 hours prior to the commencement of any project works. Mr. Ernest Ferguson can be reached at (506) 395-7722.