

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
January 31, 2023 - File Number: 4561-3-1576 (SR# 022002)**

- 1 In accordance with section 6(6) of the *Environmental Impact Assessment (EIA) Regulation – Clean Environment Act*, 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 – 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 EIA registration document dated February 2022, 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.
- 4 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 – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
- 5 The proponent must adhere to all the commitments, protection measures, mitigations and activities provided in the Environmental Protection Plan submitted and approved during the EIA review.

- 6 A Watercourse and Wetland Alteration (WAWA) Permit shall be obtained prior to conducting any alterations in or within 30 metres of a watercourse or wetland which meets DELG's definitions. If activities, such as peat harvesting, are covered under the Approval to Construct/Operate, the conditions of the Watercourse and Wetland Alteration Permit will be included in the Approval and shall be strictly followed.
- 7 All permanent wetland impacts associated with the project that cannot be fully restored post-construction will require wetland compensation at a 2:1 ratio.
- 8 All wetland impacts associated with the access road upgrades will also require compensation at a 2:1 ratio. If restoration of the road itself is proposed as the compensation option at the end of the project operation, the area to be restored within the wetland shall be double the area which was impacted. A wetland compensation plan must be submitted for review and approval along with the reclamation/restoration plan to the Director, EIA Branch, DELG, within 6 months of the date of this determination.
- 9 Roads built as part of this project must be restored as part of the reclamation/restoration plan unless an alternate rationale for keeping the road(s) is presented by the proponent and accepted by the Director, EIA Branch, DELG. If roads are not restored to wetland, then wetland compensation will be required.
- 10 Given that peatland reclamation/restoration will occur over many years and available technologies/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 updated 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 ceasing peat extraction in each area.
- 11 The final Peatland 6 Development Plan shall be adhered to and any proposed changes to the layout and project description must be submitted to the Director, EIA Branch, DELG for review and approval.
- 12 To ensure that First Nations are meaningfully engaged, the proponent must adhere to the agreements and commitments made with First Nations during the consultation undertaken as part of the EIA review. These agreements are between the proponent and First Nations and include the commitment to continue to engage in meaningful dialogue with First Nations and to consider and respond to information brought forward by First Nations.
- 13 The proponent must conduct a plant survey for Southern Twayblade and submit the results to the Director, EIA Branch, DELG for review and approval prior to widening the access road to Peatland 6, in areas around Wetland 7, Wetland 10 and Wetland 21, as identified during the EIA review. The Southern Twayblade survey must cover a minimum of 30 metres from the road alignment. In the event Southern Twayblade is found, further restrictions to road design may be imposed.



- 14 The proponent must apply for and obtain a Peat Lease under the *Quarriable Substance Act* prior to commencing the undertaking. The proponent must contact the Department of Natural Resources and Energy Development Peat Resource Specialist at (506) 259-5903 to obtain information on the Peat Lease application process.
- 15 The proponent must submit to the Director, EIA Branch, DELG an Archaeological Impact Assessment completed by a permitted archaeologist for review and approval in advance of conducting work within in an area assessed as having elevated potential (e.g., within 80 m of a watercourse/waterbody and within 100 m of a confluence).
- 16 An Access Road Permit or Certificate of Setback may be required if the proponent plans to construct a new additional access road, use an existing access road, or build a structure near DTI roads. The proponent must consult the DTI District 2 Miramichi Office at (506) 778-6046.
- 17 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.
- 18 The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.
- 19 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.

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