

# **DOCUMENT “A”**

## **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

April 7, 2009

File Number: 4561-3-1189

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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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated November 24, 2008, 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 Manager of the Project Assessment Section every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent shall establish a benchmark water level of Lake Finn during the late spring (i.e. month of May) by anchoring a graduated iron rod in the lake bottom. The proponent shall ensure that any water extraction (i.e. pumping) from Lake Finn does not result in a drop in water depth exceeding **40 cm (15 ¾ inches)** from the benchmark level established above. The proponent shall also contact the Region 1 (Bathurst) Office of the Department of Environment at (506) 547-2092 **before and after any water is** pumped from the lake to arrange for a site visit by an inspector to verify the water level. If the Department concludes that the water extraction activities are resulting in significant impacts to the water level within the lake, the Department may adjust the above permitted decrease in water level accordingly.
5. Any further work conducted in the canal and reservoir areas within the vicinity of Finn Lake will require monitoring by a licensed archaeologist. The proponent must also be particularly vigilant in examining the surface of the peat and soil for cultural material as new layers are removed in the eastern-most block of Partie Nord. Anything found must be reported to the Project Executive – Archaeological Resources at (506) 453-3014.
6. Authorization from the Department of Natural Resources (DNR) will be required for any in-fall or outfall pipeline located on submerged Crown lands. For information on Crown land tenures, please contact the Land Use Application Service Centre at 1-888-312-5600 or visit DNR's website at [www.gnb.ca/0263](http://www.gnb.ca/0263).

7. An *Approval to Construct and Operate* must be obtained from the Project Assessment and Approvals Branch of the Department of Environment prior to the commencement of any on-site activities. Please contact Mr. André Fortin, Approvals Coordinator, at (506) 444-3287, for further information.
8. The water quality of the effluent from the sedimentation pond during discharge events shall meet the suspended solid level of 25 mg/L.
9. 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.).
10. Trucks transporting peat must be properly covered to reduce wind blown particulate.
11. No stockpiling of peat shall occur within 30 metres of any watercourse.
12. 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.