

## DOCUMENT "A"

### MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

19 April 2012

File Number: 4561-3-1312

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 June 2011 and subsequent addendums, 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 Environmental Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met;
4. An *Approval to Construct and Operate* shall be required from DENV for the construction and operation of the peat bog development. For more information please contact the Manager, Industrial Approvals Section, at 453-7945;
5. The proponent must obtain permission from NB Power to use the existing transmission line right-of-way;
6. The construction of the access road must maintain hydrological connectivity, and all mitigation measures must be used to minimize its potential impacts, wherever it bisects or impacts a regulated or unregulated wetland area;
7. All appropriate precautions and mitigation measures must be employed to ensure the protection of migratory bird species and bird species at risk, as identified during the EIA, during the construction and operation of this project;
8. A rare plant survey of the bog area for the species at risk plant *Listera australis* (southern twayblade) must be completed prior to commencing peat harvesting. The survey must be completed by a botanist, and must propose mitigation methods to preserve individual plants if any are discovered onsite. The survey must be submitted for review, and be approved by, the

Manager of the Environmental Assessment Section, prior to commencing peat harvesting;

9. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent shall provide written notice of the conditions to the lessee, controller, or purchaser, and
10. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.