

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

January 31, 2022

File Number: 4561-3-1545

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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment review. 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 and Climate Change.
3. 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 (87-83) – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
4. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated July 7, 2020 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 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.
5. A copy of the registered subdivision plan(s) once completed must be provided to the Director of the EIA Branch, DELG.
6. An *Approval to Construct* from the Authorizations Branch of DELG must be obtained prior to the commencement of construction of the peat development and an *Approval to Operate* must be obtained prior to the commencement of peat harvesting operations. A financial security deposit will be required as part of the *Approval to Operate* for the peat operation. A *Watercourse and Wetland Alteration (WAWA) Permit* will be required for any alteration(s) in, or within, 30 metres of a watercourse or wetland that is not included in the Approval(s).
7. Prior to the disposal of sediment at the gravel pit, located outside the land exchange on Crown lands, a *Licence of Occupation* from the Department of Natural Resources and Energy Development is required.

8. A Restoration Plan must be prepared for the peat development in the event that the operation is abandoned or proposed to be decommissioned without being converted into the future cranberry development. The Restoration Plan must be submitted within 6 months of the date of this Determination to the Director, EIA Branch, DELG for review and must receive approval. Should the development be abandoned or decommissioned in the future, the Restoration Plan will need to be updated and re-submitted for review and approval by the Director in advance of any restoration activities commencing.
9. An Environmental Management Plan (EMP) for the construction and operation of the peat development must be prepared and submitted to the Director, EIA Branch, DELG for review and must receive approval prior to commencing construction. The EMP must include, but is not limited to, an Environmental Protection Plan (EPP) as per the EIA Branch sector guidelines, "*Additional Information Requirements for Peat Development Projects*", as well as project specific mitigation, monitoring plans (e.g. plans for annual inspections for archaeological material, etc.), contingency plans and emergency response plans (e.g. Emergency Management Plan in case of accidental archaeological finds, etc.). The approved EMP must be available, at all times, to all on-site personnel.
10. Prior to commencing construction activities related to peat development, the local District Engineer with the provincial Department of Transportation and Infrastructure (DTI) must be contacted to ensure that DTI concerns are addressed. Any concerns regarding additional transportation issues that the proponent is aware of must be disclosed to the District Engineer.
11. A detailed project description for the cranberry development must be submitted for review and subsequent approval to the Director, EIA Branch, DELG a minimum of six months prior to, and no more than one year prior to, the commencement of construction activities related to the cranberry development, including conversion of peat fields. The project description must take into account the requirements of the day and include, but is not limited to, any additional information required as per the most up-to-date EIA Branch sector guidelines for cranberry operations; any outstanding questions/requirements not addressed during the EIA review; a Restoration Plan for restoring cranberry beds to fully functioning wetlands in the event the operation is abandoned or decommissioned; a Wetland Compensation Plan, including a monitoring plan for any restoration; and any additional assessments, information, or requirements (e.g. EMP, etc.) required by the Director, EIA Branch, DELG to assess the potential interactions between the proposed project and the environment and/or to mitigate potential impacts. All information will be reviewed based on the knowledge, acts, regulations, and policies of the day.
12. 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.
13. 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.
14. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.