

# DOCUMENT "A"

## MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

6 July 2009

File Number: 4561-3-1170

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 August 21<sup>st</sup>, 2008, 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 Project 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. The proponent shall contact the Department of Fisheries and Oceans (DFO) at (902) 426-9832 at least 10 days before the onset of construction. A copy of the DFO letter of advice, dated December 18<sup>th</sup>, 2008, should be kept on-site at all times.
5. The proponent shall contact Mr. Marc Martin, District Transportation Engineer (Moncton) at 856-2000 prior to the onset of construction to review the project in greater detail.
6. The proponent shall contact the Moncton office of the Department of Agriculture and Aquaculture (DAA), at 856-2277, to determine if a treed buffer surrounding the subject property is required, and if so, what minimum buffer width is to be maintained.
7. The proponent shall inform prospective landowners of the agricultural nature of the surrounding land uses, and the potential for odours, dust and other agricultural-related issues on neighbouring properties. This should include information pertaining to the Agricultural Operation Practices Act, available at 1-888-622-4742.
8. All works within 30 metres of a watercourse or wetland are subject to the *Watercourse and Wetland Alteration Regulation*. Any proposed works within these areas or within the 30-metre regulated buffer requires permitting through the DENV Watercourse and Wetland Alteration (WAWA) Program. These areas may also be subject to additional assessment under the *Environmental Impact Assessment Regulation*. It is the responsibility of the proponent to ensure that all regulatory requirements are met prior to development within these areas. Please contact Frederic Paillard, Moncton office of the DENV, at 856-2374.

9. Although no archaeological sites are presently recorded at this location, there still exists the possibility of encountering unrecorded archaeological resources (of historic and prehistoric significance) during excavation activities. If the proponent suspects the discovery of remains of archaeological significance, all excavation must cease and the Archaeological Services Unit, Heritage Branch (WC&S) should be contacted immediately at 453-3014.
10. Prior to the development of future phases of this project, the proponent shall contact the Manager, Project Assessment Section at 444-5382 to determine the requirements for *Water Supply Source Assessments* (following the DENV-EIA guidelines). The results of any assessments shall be submitted for review and approval to the Manager before future phases can proceed.
11. This Determination is based on current groundwater and climatological conditions. Should water quantity and/or quality problems arise in the future, further groundwater investigation may be required, as well as a possible modification of the development plan for the remaining lots.
12. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.