

**DOCUMENT "A"**

**MINISTER'S DETERMINATION  
CONDITIONS OF APPROVAL**

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

April 23, 2018

File Number: 4561-3-1476

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 the Department of Environment & Local Government (DELG).
3. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated September 2017 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, DELG every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must apply design criteria to project elements owned and maintained by the Department of Transportation and Infrastructure (DTI) as approved by DTI, as well as finalize responsibilities for future maintenance and liability of these elements through discussions with DTI's Buildings Group, Special Project Development Branch at (506) 612-1141.
5. The proponent must complete follow up field surveys assessing wetland function, flora, and fauna, as well as the potential presence and/or use of the project area by Species at Risk (SAR) and/or Species of Conservation Concern (SOCC) prior to commencing construction activities with the potential to affect wetland flora or fauna, SAR, and/or SOCC.
6. Prior to commencement of any alterations within 30 m of a provincially regulated wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit (WAWA Permit)* from DELG. Please contact the Director, Source and Surface Water Management Branch, DELG at (506) 457-4850.
7. For those potentially affected wetlands where the *Federal Policy on Wetland Conservation (FPWC)* is applicable and avoidance is deemed not possible, a detailed Wetland Compensation Plan must be submitted to, and approved by, the Director, EIA Branch, DELG. The Plan must contain a description of potential project impacts, the reasons why avoidance and minimization of impacts were determined to not be possible, as well as

proposed mitigation measures and/or compensation. All loss of wetland habitat will require Wetland Compensation at a 2:1 ratio. The Wetland Compensation Plan shall be submitted within 6 months of the Determination for those wetland areas permanently impacted by the project, and the Plan shall be implemented and completed within 18 months of approval of the Plan.

8. The proponent will implement a wetland follow up plan to ensure monitoring of all wetlands directly or indirectly impacted by project activities. Monitoring will assess whether wetland function has changed, and monitoring reports shall be submitted to DELG. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate a loss of wetland function.
9. To reduce impacts on wetland habitat, equipment must be stationed and/or operated under frozen conditions, with the use of swamp mats, or by any means that adequately displace the weight of the equipment.
10. Runoff protection, including silt fencing, must be placed and maintained during construction. Any soil areas must have cover re-established prior to silt fencing being removed.
11. Material stripped from the project site during construction will be re-used where practical to avoid importing invasive plant species to the project site. The contractor will be required to wash equipment prior to it being brought to the site, and identified invasive species will be removed and disposed of under the supervision of professionals.
12. All construction activities with significant potential to impact wetland flora or fauna, SAR, and/or SOCC must be conducted outside of bird breeding season mid-April to late August. The proponent may apply to the Director, EIA Branch, DELG to undertake specific construction activities during bird breeding season. The application must clearly demonstrate the timing, nature, and location of proposed construction activities as well as why it is understood that the proposed activities lack significant potential to impact wetland flora or fauna, SAR, and/or SOCC.
13. The proponent must ensure that all contractors working at the site are familiar with, and comply with, the requirements of the *Migratory Birds Convention Act* (MBCA) and associated Regulations.
14. The proponent must engage a qualified professional archaeologist to undertake archeological monitoring of any area excavated within 80 m of a watercourse/water body or 100 m of a confluence (i.e., areas with an elevated archaeological potential). As per Section 9 of the *Heritage Conservation Act*, any person who discovers an archaeological object, burial object, or human remains is required to report the discovery to the Minister of Tourism, Heritage and Culture as soon as practicable at (506) 453-2738.
15. The proponent must publicly advertise as well as host a community meeting(s) to share the finalized design plans and recreational visions for the project's two engineered ponds.
16. An updated Environmental Management Plan (EMP) for construction activities must be developed by the proponent outlining environmental protection commitments and mitigation measures. This plan must be submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of construction activities.
17. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements and the measures outlined in the EMP.

18. 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 at P.O. Box 6000, Fredericton, NB, E3B 5H1.