

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
February 7, 2020
File Number: 4561-3-1512

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 and Local Government (DELG).
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, “*Domain Nature Estates Subdivision Expansion, Greater Lakeburn, NB, dated December 7, 2018*”, 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 Environmental Impact Assessment Branch of DELG every 6 months from the date of this Determination until such a time that all the Conditions have been met.
4. The proponent shall ensure that no more than 65 building lots are built for the Domain Nature Estates Subdivision Expansion. The proponent shall follow the subdivision plan entitled: “*EIA Registration Nature Estates Expansion, Site Plan Showing Revised Lot Layout, developed by FISHER ENGINEERING LTD., dated Nov 19, 2019*”.
5. The proponent shall ensure that if a nest or chick of a migratory bird is detected during project construction, work in the area shall be halted and CWS shall be consulted for advice (Environmental Emergencies 1-800-565-1633). Furthermore, the proponent must ensure that all project-related activities comply with the *Migratory Birds Convention Act*.
6. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act (2010)*, all activity shall be stopped near the find and the Director of the Archaeological Services Branch, Department of Tourism, Heritage and Culture shall be contacted at (506) 453-3014.
7. The proponent shall ensure that prior to any ground disturbing activity within a wetland or provincially recommended buffer, archaeological testing is conducted in accordance with the report entitled “*Archaeological Assessment of a Proposed Residential Development in Melanson Settlement, NB, dated May 20, 2019*”. The archaeological testing report must be submitted to the Director of the Environmental Impact Assessment Branch of DELG for review and approval prior any work within a wetland or provincially recommended buffer.
8. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration (WAWA) Permit*. Wetland compensation will be required for all mapped/regulated wetlands as per the regulated

wetlands map dated prior to January 1st, 2020. All loss of regulated wetland habitat requires Wetland Compensation at a 2:1 ratio (3440 sq. metres). A Wetland Compensation Plan shall be submitted to the Director, Surface Water Protection Branch, DELG within 6 months of determination for those regulated wetland areas permanently impacted by the project. The plan shall be reviewed and approved by the Director, Surface Water Protection Branch, DELG prior to commencement of the project.

9. The proponent shall provide a Wetland Monitoring Plan which will monitor wetland function at 1, 3 and 5 year intervals from the date of the onset of initial construction which will be submitted to the Director, Surface Water Protection Branch, DELG for review and approval to confirm that no more than 4% of the unmapped wetland area is permanently impacted, and to confirm that the naturalized stormwater management ponds are providing wetland functions. Mitigation may be required for any further impacts to unmapped wetlands based on results of the monitoring plan.
10. The proponent shall be aware of the *Agricultural Operations Practices Act (AOPA)* and the protection from liability that it provides to farmers who follow acceptable agricultural practice. The proponent shall inform all potential property owners of this legislation. More information about this protection from liability in nuisance is located at <http://www.qnb.ca/0173/liability.pdf>.
11. In the event that any neighbouring well is impacted by the implementation of the project, the proponent shall remediate or if necessary replace that well. The proponent shall also provide an alternate source of water to affected residents until such time as water quality/quantity is restored or replaced.
12. The proponent must notify any potential homeowner about the possible need for water treatment so that they are fully aware of the water quality issue and can plan for the expense of water treatment.
13. The proponent must notify any potential homeowner that closed loop and open loop earth energy systems using drilled wells are prohibited. The proponent shall also add a restrictive covenant prior to selling any of the building lots that prohibits the use of open loop earth energy systems and the installation of vertical configured closed loop ground source heat pump systems. Closed loop earth energy systems may be permitted by the proponent provided that they are horizontal configured closed loop ground source heat pump systems in accordance with the requirements of the most current version of the ANSI/CSA standard *C448 Series-16 Design and Installation of Ground Source Heat Pump Systems for Commercial and Residential Buildings* as well as the *National Building Code*.
14. An Environmental Management Plan (EMP) must be developed for the Project. The EMP must be submitted to the Director of the Environmental Impact Assessment Branch of DELG for review and approval prior to commencement of the project. This plan should include, but is not limited to:
 - a. site specific Environmental Protection Plan (EPP), linking mitigation to location, monitoring plans (compliance and Environmental Effects Monitoring (EEM));
 - b. contingency plans for clearing, construction, and operation/maintenance of the project;
 - c. contingency plans for encounters with Species at Risk or of Conservation Concern (e.g., Wood Turtles);
 - d. a detailed sedimentation and erosion control plan, including frequency of monitoring (e.g., define "routinely"); and
 - e. an Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of DELG, the Department of Health, and any downstream water users in the event of environmental emergencies, details of appropriate spill response equipment on site, etc); and

f. Refueling and maintenance of equipment best practices.

15. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m from any surface water bodies and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
16. The proponent shall ensure that all hydroseed mixes shall contain a variety of species of plants native to the general project area. Should seed mixes for herbaceous native species for the area not be available, plants used in revegetation efforts must not be invasive.
17. The proponent shall ensure that any proposed project modifications or future expansions are submitted for review and approval to the Director of the Environmental Impact Assessment Branch of DELG, prior to implementing the changes.
18. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.