

## Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act  
September 29, 2022 - File Number: 4561-3-1571 – SR 011003**

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- 1 In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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 (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – 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 – 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 EIA registration document dated December 9, 2021 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, 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 The Proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.

- 6 The Proponent must ensure that all project activities are conducted in compliance with the federal and provincial *Species at Risk Act* and associated Regulations.
- 7 Any alterations taking place in or within 30 metres of any wetland or watercourse require a valid Watercourse and Wetland Alteration (WAWA) Permit under the *Watercourse and Wetland Alteration Regulation (REG # 90-80)* of the *Clean Water Act*.
- 8 Wetland compensation at a 2:1 ratio must be provided for the areas of wetlands that will be permanently impacted within all delineated wetlands. A Wetland Compensation Plan (WCP) must be submitted to and approved by the Director, EIA Branch, DELG or arrangements can be made through a Wetland Compensation Consultant who may be able to provide compensation on your behalf. A WCP or confirmation of payment to a Wetland Compensation Consultant is required prior to a WAWA Permit being issued.
- 9 A Wetland Monitoring Plan (WMP) must be submitted within 6 months of the date of this Determination to the Director, EIA Branch, DELG for review and approval. The WMP is to describe the planned methodology for monitoring of potential residual impacts to the remaining wetland area, and its functions. The Wetland Ecosystem Services Protocol for Atlantic Canada (WESP-AC) is the recommended wetland functional assessment methodology. In general, wetland monitoring programs are required to:
- establish baseline conditions through an initial delineation and functional assessment (i.e. WESP-AC);
  - monitor wetland boundaries and functions (through WESP-AC and potentially other methods) that may have been affected over time since the commencement of the project (i.e., experiencing residual effects); and,
  - adaptively manage potential residual effects by proposing mitigation measures to address any changes if applicable.
- 10 Wetland Monitoring Reports (WMRs) will be required to be submitted to the Director, EIA Branch, DELG at each monitoring year (i.e., years 1, 3 and 5 from the date of the onset of initial construction) to summarize methods and results. The WMRs should also provide a recommendation for next steps in the monitoring program. It should be noted that the wetland monitoring program is intended to be an adaptive management approach; therefore, monitoring plans, restoration, mitigation, compensation, etc. may be required to be adjusted, pending the results of the monitoring reports. Digital copies of the report must be submitted in PDF or Word format with accompanying GPS data and associated metadata/attribute data of the wetland boundaries for review and approval.
- 11 Prior to the beginning of Phase I Infrastructure Construction, please contact the Authorizations Branch, DELG to confirm there are no components of the proposed construction which may require issuance of an *Approval to Operate* and/or *Approval to Construct* under the *Water Quality Regulation*. The Authorizations Branch may be reached at (506) 453-7945.
- 12 The subdivision development plans, including drainage plans, will need to be reviewed and approved by the City of Moncton as per the standard development review process.

- 13 An Environmental Management Plan (EMP) must be prepared and submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of any project related activities.
- 14 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.
- 15 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.
- 16 The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.