

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
October 5, 2022 - File Number: 4561-3-1594**

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 July 5, 2022, 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. 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*, all activity shall be stopped within 30 meters of the find and the Manager of the Archaeological Regulatory Unit, Department of Tourism, Heritage and Culture (506) 453-2738 shall be contacted for direction.
6. A *Watercourse and Wetland Alteration (WAWA) Permit* must be obtained prior to conducting any alterations in or within 30 metres of a watercourse or wetland which meets DELG’s definitions.

7. The existing private access road and existing culverts were installed without a valid WAWA permit. As a result, the proponent is required to complete a hydrology assessment to upgrade the existing culverts and to determine the number of cross drainage culverts required as a result of the private access road construction. The assessment will also determine the total area of impacted wetland and the work required to bring the private access road in compliance with the *Clean Water Act* and the *Watercourse and Wetland Alteration Technical Guidelines*. The work required shall be conducted on or before September 30th, 2023. A valid WAWA Permit shall be applied for and obtained prior to conducting the work.
8. Wetland compensation at a 2:1 ratio shall be provided for all permanent impacts to the wetland resulting from the private access road. For existing permanent wetland impacts resulting from the private access road, confirmation of wetland compensation shall be submitted by the proponent to the Director of the EIA_Branch no later than 3 months from the issuance of the *Certificate of Determination*. In addition, wetland impacts that are confirmed based on the results of the hydrology assessment to upgrade existing culverts; to add cross drainage culverts, and associated infrastructure (i.e., rip-rap) shall be identified in a compensation plan and shall be submitted by the proponent to the Director of the EIA Branch no later than 1 year from the issuance of the *Certificate of Determination*. Wetland compensation shall be provided through the WAWA permit application process.
9. All wetland impacts as a result of development on lots 1 through 5 shall be compensated at a 2:1 ratio. This compensation shall be provided by the proponent, the building lot owner, or both, through the WAWA Permit for each lot.
10. The proponent shall ensure that all plans of survey or subdivision generated as a result of this undertaking are stamped in a visible location with the following statement in bold text. Note: A wetland is located on the property. A WAWA Permit is required before the property can be developed. Permanent impacts to the wetland will require wetland compensation at a 2:1 ratio. For further information, contact the Source and Surface Water Management Branch at (506) 457-4850. Any WAWA Permit application should refer to Environmental Impact Assessment file number 4561-3-1594.
11. Restrictive covenants must be included in the deeds for all building lots containing delineated watercourses and/or wetlands to inform landowners of the presence of the watercourses and/or wetlands and of the following associated requirements: a WAWA Permit is required prior to undertaking any alterations in or within 30 metres of a watercourse and/or wetland; the application for any such permit should make reference to EIA file (#4561-3-1594), and wetland compensation will be required for any permanent impacts to the wetland.
12. As per the Operational Practice for Development Within 30 Metres of a Watercourse, no infilling or new structures (i.e. dwellings or associated structures) will be permissible within the 30 metre regulated buffer of the watercourse located on lot 4 (measured from the shoulder of the bank). Lot 4 requires sufficient buildable area outside the watercourse and its 30-metre buffer as per the *Provincial Subdivision Regulation – Community Planning Act*. Prior to developing lot 4, an updated site plan must be submitted to the Director, EIA Branch, DELG for review and approval.

13. The proponent must ensure that the access road final built elevation is above the projected flood elevation for the year 2100 Flood with Climate Change.
14. A restrictive covenant must be included in the deeds for all building lots requiring that all permanent infrastructure including driveways, electrical systems, onsite septic systems, potable water source well heads, or water treatment facilities (if any) are located above the projected flood elevation for the year 2100 Flood with Climate Change.
15. The proponent shall ensure that any proposed project modifications or future expansions not included in the original plan are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
16. 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.
17. The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.