

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

1 April 2010

File Number: 4561-3-1241

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 October 21st, 2009, and subsequent addenda, 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 Environmental 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. An Environmental Management Plan (EMP) shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, DENV, prior to the onset of construction. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
 - a) An erosion and sedimentation prevention and control strategy;
 - b) An Emergency Response contingency plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of the Dept. of Environment, City of Saint John, and any downstream water users in the event of overflow or other environmental emergencies, details of appropriate spill response equipment on site, etc);
 - c) Refueling and maintenance of equipment, etc.
5. A Wetland Compensation Plan, subject to the requirements of the *2005 DNR Draft Wetland Mitigation Guidelines*, shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, within 6 months of the date of this Determination, and must be completed within 12 months of this date.
6. A Buffer Restoration Plan shall be submitted, for review and be approved by, the Manager of the Environmental Assessment Section, prior to the onset of construction and work must be completed concurrently with the construction of the project.

7. A Stormwater Drainage Plan shall be submitted, for review and be approved by, the Manager of the Environmental Assessment Section, prior to the onset of construction. This Plan shall require that all surface run-off from the parking lot be directed to an oil-water separator (i.e. Stormceptor) for treatment prior to discharge.
8. The proponent shall erect a permanent fencing structure adjacent to the parking lot, as a barrier between the parking lot and the wetland buffer.
9. A guard rail at the cul-de-sac end of Royal Parkway shall be installed to prevent encroachment, illegal dumping of fill, and snow storage in the wetland and buffer, with the exception of access to the snow storage area (currently near the building) that must be located outside of the wetland and buffer.
10. The culverts passing under the Royal Parkway extension shall be at a minimum 750mm in diameter.
11. Prior to the commencement of any activities within 30 meters of a watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit*. Please contact the Manager, Watercourse and Wetland Alteration Program, DENV, at 444-5149 for more information.
12. The proponent shall ensure that an updated development plan is approved by City of Saint John Planning Department and all municipal zoning requirements are adhered to, prior to the onset of construction.
13. 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 that he has come upon remains of archaeological significance, all excavation shall cease and the Archaeological Services Unit, Heritage Branch (WC&S) shall be contacted immediately at 453-2756.
14. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.