

## **DOCUMENT “A”**

### **MINISTER’S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

July 30, 2013

File Number: 4561-3-1289

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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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated February 4, 2011 as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must submit a summary table detailing the status of each Condition listed in this Determination to the Manager of the Environmental Assessment Section (DELG) 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) must be developed for the Project. The EMP must be submitted to the Manager of the Environmental Assessment Section (DELG) for review and approval prior to commencement of the project. This plan should include, but is not limited to:
    - site specific Environmental Protection Plan (EPP), linking mitigation to location, monitoring plans (compliance and Environmental Effects Monitoring (EEM));
    - contingency plans for clearing, construction, and operation/maintenance of the project;
    - contingency plans for encounters with Species at Risk or of Conservation Concern (e.g., Wood Turtles);
    - A detailed sedimentation and erosion control plan, including frequency of monitoring (e.g., define “routinely”); and
    - An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of DELG, the Dept. of Health, and any downstream water users in the event of environmental emergencies, details of appropriate spill response equipment on site, etc); and
    - Refueling and maintenance of equipment best practices.

5. All potential future phases of the project must be submitted for review to the Manager, Environmental Assessment Section, DELG, and shall not commence until approval is granted.
6. 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*. If additional information is required, please contact the Manager of the Surface Water Protection Section, DELG at (506) 457-4850.
7. All lots adjacent to the tributary to Fox Creek will have the boundaries of the 30 m buffer clearly marked and the proponent shall inform all potential property owners of these boundaries and the legislation protecting watercourses and wetlands, including buffers. More information about this legislation can be found at <http://laws.gnb.ca/en/ShowPdf/cs/C-6.1.pdf> (New Brunswick *Clean Water Act*) and <http://laws.gnb.ca/en/showfuldoc/cr/90-80//20120501> (*Water Course and Wetland Alteration Regulation*).
8. A weekly construction schedule including identification of daily hours of construction as well as a weekly progress report must be provided to the Moncton Regional Office, DELG as well as to the Manager of the Environmental Assessment Section, DELG. All Copies of the initial construction schedule must be submitted a minimum of fourteen (14) calendar days prior to the commencement of construction.
9. The proponent shall ensure that the Environmental Protection Plan and associated contingency plans that reflect a consideration of potential accidents and malfunctions, taking into account site-specific conditions, are prepared and kept on-site during the construction and operation of this project and that all contractors and employees are aware of the requirements within.
10. The developer 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.gnb.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. If it is suspected that remains of archaeological significance are discovered during construction, operation or maintenance of the proposed development; as per the New Brunswick Heritage Conservation Act (2010) all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit of the New Brunswick Department of Tourism, Heritage and Culture (TCU), shall be contacted at (506) 453-3014, for further direction.

14. 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).