

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act
19 March 2015
File Number: 4561-3-1356

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated 14 December 2012 and subsequent addendums, 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, Environmental Assessment Section, Department of Environment and Local Government (DELG) upon meeting all Conditions herein.
4. Prior to any activity on site, the following items must be completed by the proponent and approved in conjunction with the City of Moncton:
 - i. The Tentative Plan for the overall subdivision concept must be submitted and approved by both the Development Officer, City of Moncton, and the Manager, Environmental Assessment Section, DELG;
 - ii. The engineering design, detailed drawings, construction schedule and Stormwater Management Plan for the entire property must be submitted and approved by both the City of Moncton and the Manager, Environmental Assessment Section, DELG;
 - iii. The proponent must enter into a Subdivision Agreement with the City of Moncton for Phase #1 of the Approved Tentative Plan and must receive the mandatory required Development Permit.
5. A Watercourse and Wetland Alteration Permit from DELG is required prior to ground disturbance/alteration in and within 30 metres of the wetland on site, and the application must include the items in Condition #4.
6. The proponent will submit a Wetland Compensation Plan to the Manager, Environmental Assessment Section, DELG for review and approval prior to the onset of construction. This Plan shall provide compensation for a loss of up to 6.2 hectares of wetland at a ratio of 2:1 (ie: 12.4 hectares of total compensation required). The Wetland Compensation Plan shall be implemented and completed within 18 months of approval of the Plan.

7. The proponent is responsible for ensuring that all developers, contractors and operators associated with the project are familiar with, and comply with the requirements of the federal Migratory Birds Convention Act and the Species at Risk Act and associated *Regulations*. In addition, the proponent must take the following regional information into consideration during all aspects of the project:
 - i. Information regarding regional nesting periods can be found at <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>. Some species protected under the Migratory Birds Convention Act may nest outside these timeframes and may need to be addressed;
 - ii. Further information and advice on migratory birds and incidental take can be found at <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-14> .
8. A breeding bird survey of the entire project area must be conducted and submitted to the Manager, Environmental Assessment Section, DELG for review and approval prior to project commencement on the ground. The results of the survey may require project design changes and/or additional mitigation measures, if deemed necessary.
9. All mitigation measures included in the registration document and subsequent correspondence shall be employed to minimize impacts to migratory birds and species at risk in the vicinity of the project area.
10. 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 Manager of the Archaeological Services Unit, New Brunswick Department of Tourism, Heritage and Culture shall be contacted at (506) 453-3014 for further direction.
11. In the event of the sale, lease, or any other conveyance or change of control of the Project, 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 Manager, Environmental Assessment Section, DELG.
12. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.