

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

May 4, 2015

File Number: 4561-3-1378

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 February 27, 2014 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 and Local Government (DELG) every six months from the date of this Determination until such a time as all the Conditions have been met.
4. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-3014.
5. Prior to the development of any phases of the subdivision beyond the first phase, a proposed subdivision plan, as well as a desktop review of existing well information, must be submitted for review and must receive approval from the Manager of the Environmental Assessment Section of DELG. Additional hydrogeological assessment (i.e., a pumping test) will be required and will have to be approved by the Manager prior to the development of more than 73 lots as part of this project. However, if the results of any desktop reviews of existing well information for any future phases indicate that the predictions and/or conclusions of the original April 2014 hydrogeological assessment were inaccurate, the Manager may require additional hydrogeological assessment at that time, even if the project has not yet reached 73 lots.
6. The submission of proposed subdivision plans must also include information regarding potential wood turtle habitat. Wider buffer zones might be required for certain watercourses in order to protect turtles and their habitat. Any encounters with wood turtles must be reported to the Department of Natural Resources' Species at Risk Program, which can be contacted at (506) 453-3826.
7. The registered subdivision plans for future phases, as well as the deeds for individual lots, must

include information alerting potential landowners of the regulatory requirements for any activities within 30 m of a watercourse or a wetland.

8. The registered subdivision plans and the deeds for individual lots must also disclose the potential need for water treatment, especially due to the potential for elevated levels of arsenic. Consequently, potential landowners should be advised that wells should be tested prior to consumption to determine if any specific parameters require treatment and that wells should subsequently be tested regularly (i.e., twice a year, in the spring and the fall) to ensure they are safe. In addition, potential landowners must be informed that all wells must be constructed according to the *Water Well Regulation – Clean Water Act*, which outlines minimum setback distances and minimum casing and grouting requirements. For this development, it is recommended that the well casings be extended into well-competent bedrock and that the entire annular space be grouted. Furthermore, potential landowners should be informed that wells with water-bearing fracture zones within shale layers might contain naturally occurring dissolved gases, including methane, and that when water turbulence or temperature increases, methane gas might be released from the water either in the well, in the pressure tank, or at different points of the residential water distribution system. Measures for releasing the gas at one of these locations might be required.
9. While there are no regulated wetlands in the first phase of this project, Watercourse and Wetland Alteration (WAWA) Permits will be required for any activities within 30 m of wetlands in future phases. In addition, a wetland compensation plan will have to be submitted for review and will have to receive approval from the Manager of DELG's Environmental Assessment Section prior to any activities in future phases that will have permanent impacts on regulated wetlands. The plan will have to be submitted within six months of the initiation of wetland disturbance and it will have to provide compensation at a ratio of 2:1 for restored wetland to permanently impacted wetland.
10. 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 of DELG's Environmental Assessment Section.
11. The proponent shall ensure that all developers, contractors, and operators associated with the project are familiar with and comply with the requirements of the Migratory Birds Convention Act and the Species at Risk Act and associated *Regulations*.
12. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements.