

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

December 6, 2018

File Number: 4561-3-1507

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 document titled, "Environmental Assessment Report for EIA: Repairs to Retaining Wall at 11 Southers Road, October 22, 2018", 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 of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time that all the Conditions have been met.
4. If it is suspected that objects or features of archaeological significance are found during construction or maintenance, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped immediately near the find and the Archaeological Services Branch, Department of Tourism, Heritage and Culture (THC) shall be contacted immediately at (506) 453-2738.
5. The proponent must apply for and obtain a valid *Watercourse and Wetland Alteration (WAWA) Permit* prior to the commencement of any work in or within 30 m of a regulated wetland or watercourse. For more information, please contact the Director, Source and Surface Water Management Branch, DELG at (506) 457-4850.
6. All loss of regulated wetland habitat requires wetland compensation at a 2:1 ratio. A Wetland Compensation Plan for those regulated wetland areas permanently impacted by this project shall be submitted to the Director, EIA Branch, DELG for review and approval within six months of the date of this Determination.
7. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
8. No project related activities shall occur during the breeding bird season, April 5th through August 30th.

9. The proponent shall ensure that all project activities are conducted in compliance with the federal *Species at Risk Act* and the provincial *Species at Risk Act* and associated Regulations.
10. Any sightings of Canada warbler (Threatened), bank swallow (Threatened) and olive-sided flycatcher (Threatened) or any other species at risk must be reported to Environment and Climate Change Canada's Canadian Wildlife Service Division at 1-800-565-1633.
11. 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 of DELG's EIA Branch.
12. The proponent shall ensure that any proposed project modifications are submitted for review and approval to the Director of DELG's EIA Branch prior to implementing the changes.
13. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.