

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to the *Environmental Impact Assessment Regulation – Clean Environment Act*
June 17, 2022
File Number: 4561-3-1448

1. In accordance with section 6(6) of the *Environmental Impact Assessment Regulation – Clean Environment Act*, 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. Commencement is defined as the start of project-related physical construction activities as identified during the Environmental Impact Assessment (EIA) review. Should commencement not be possible within this time period, the undertaking must be registered under the *Environmental Impact Assessment Regulation – Clean Environment Act* again, unless otherwise stated by the Minister of Environment and Climate Change.
3. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated September 30, 2016, 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, EIA Branch, 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 or until it is deemed by the Director to be no longer required.
4. A final subdivision plan for Phase 1 of this project, which will consist of nine lots, must be submitted for review and must receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities. Subdivision plans and additional water supply source assessments for all additional future phases will also have to be submitted for review and receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities associated with those future phases. To accommodate development, there must be enough buildable area outside of the delineated wetlands on each individual lot in all phases.
5. This *Certificate of Determination* only applies to the Wilsey Heights and Wilsey Woods Subdivisions, as described in the September 30, 2016 EIA registration document and in subsequent correspondence. It does not apply to the previously proposed Meadow Lands Subdivision, which was withdrawn from the scope of this project by the

proponent. A new EIA registration would be required should the Meadow Lands Subdivision be reconsidered in the future.

6. If it is suspected that remains of archaeological significance are discovered during construction, operation, maintenance or during any other project related activity, as per the *New Brunswick Heritage Conservation Act*, all activity shall be stopped near the find and the Archaeology and Heritage Branch, New Brunswick Department of Tourism, Heritage and Culture (THC), must be contacted immediately at (506) 453-2738 for further direction.
7. An Environmental Management Plan (EMP) must be submitted for review and must receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities for this project. The EMP must include, among other elements, plans for wildlife management detailing how contact with wildlife (including, but not limited to, birds and wood turtles) will be handled.
8. A drainage design plan must be submitted for review and receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities for Phase 1, and for all future phases.
9. All onsite sewage systems must be approved by the Department of Public Safety and must be installed by a licensed installer.
10. Each individual subdivision lot will require an Access Road Permit from the New Brunswick Department of Transportation and Infrastructure (NB DTI) prior to the start of residential construction. Furthermore, all aspects of the project will have to comply with applicable NB DTI-related legislation. For more information, please contact the NB DTI District Engineer in Fredericton at (506) 453-2611.
11. A protocol for a post-construction breeding bird survey must be submitted for review and receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities. Upon completion of this survey, the results will have to be submitted for review and approval to the Director, EIA Branch, DELG, Should the survey results determine there are residual adverse effects to birds, additional mitigative measures may be imposed by the Director..
12. A full wetland delineation report (including photos of the wetlands and test pits, data sheets, soil types, and a description of the environment) and full functional assessments of all mapped and unmapped wetlands affected by the project must be submitted and must receive approval from the Director, EIA Branch, DELG, prior to the approval of future phases involving activities in or within 30 metres of wetlands.
13. All loss of regulated wetland habitat as mapped on GeoNB at the time of registration (2016) requires wetland compensation at a 2:1 ratio. A wetland compensation plan must be submitted for review and must receive approval from the Director, EIA Branch, DELG, prior to the approval of future phases that involving activities within 30 m of wetlands mapped on GeoNB in 2016.

14. A valid Watercourse and Wetland Alteration (WAWA) Permit must be obtained prior to conducting any alterations in or within 30 metres of a watercourse or wetland according to the following definitions. Watercourses in New Brunswick are defined as a feature in which the primary function is the conveyance of water, which includes: a) the bed, banks, and sides of any watercourse that is depicted on the New Brunswick Hydrographic Network layer (available on GeoNB Map Viewer); b) the bed, banks, and sides of any incised channel greater than 0.5 metres in width that displays a rock or soil (mineral or organic) bed that is not depicted on the New Brunswick Hydrographic Network layer; water/flow does not have to be continuous and may be absent during any time of year; or c) a natural or man-made basin (i.e., lakes and ponds). Wetlands in New Brunswick are defined as land that has the water table at, near, or above the land's surface, or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytic vegetation, and various kinds of biological activities adapted to the wet environment.
15. Restrictive covenants must be included in the deeds for individual lots containing delineated watercourses and/or wetlands to inform landowners that WAWA Permits are required prior to undertaking any alterations in or within 30 metres of a watercourse and/or wetland, and that the applications for any such permits should make reference to this EIA file (# 4561-3-1448).
16. Restrictive covenants must be included in the deeds for all individual lots restricting the clearing of green spaces in order to preserve as much bird habitat as possible.
17. Restrictive covenants must be included in the deeds for all individual lots to inform potential homeowners about the possible need for water treatment. Potential homeowners must also be reminded that any wells must be properly constructed according to the *Water Well Regulation – Clean Water Act* with minimum setback distances maintained, minimum casing and grouting requirements respected, and the water tested prior to consumption to determine if any specific parameters require treatment. Future residents should also be advised to have their water tested regularly (i.e., twice a year, in the spring and the fall) to ensure it is safe and to monitor their water quality and quantity to be aware of any changes to the groundwater resource.
18. 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, EIA Branch, DELG.
19. The proponent shall ensure that any proposed project modifications or future expansions are submitted to the Director, EIA Branch, DELG, for review and approval prior to implementing the changes.
20. The proponent must ensure that all developers, contractors, and operators associated with the project comply with the above requirements.