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September 29, 2017

Ms. Christie Ward
Project Manager
Environment and Local Government
Marysville Place
P. O. Box 6000
Fredericton, NB
E3B 5H1

Re: EIA Registration – “The Crossing” Ashburn Road Development

Ms. Ward;

Horizon Management Ltd. is pleased to submit this response to the comments received from the Technical Review Committee reviewing the Environmental Impact Assessment registration for the “The Crossing” Ashburn Road Development, Saint John, New Brunswick.

The registration was submitted on November 15, 2016 and we received comments from the TRC on December 22, 2016, January 20, 2017 and February 9, 2017. Attached is a combined listing of the three TRC Comments followed by our response and followed up with supporting studies and reports.

We look forward to a timely review of this submission. As discussed, if a meeting with some of the members of the Technical Review Committee would assist in expediting the review of this project, we would welcome such an effort.

Yours truly,

Horizon Management Ltd.

John Wheatley

The Crossing – Ashburn Road Development

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December 22, 2016

File 24561-3-1450

Troy Northrup, President/CEO
Horizon Management Ltd.
479 Rothesay Ave, NB E2L 4G7

Mr. Northrup:

RE: (EIA) Registration #4561-3-1450 Ashburn Road Development – “The Crossing”:

Members of the Technical Review Committee (TRC) have reviewed the registration document dated November 23, 2016. Upon completion of its review, the TRC has generated the following list of questions/concerns which must be addressed before a decision can be made regarding this project. Please refer to the date of this letter, and the following number scheme when providing your response.

1. The proponent will be required to submit the following studies to the undersigned for review by the Technical Review Committee: Traffic Impact Study, Site Servicing Study and Stormwater Management Study.

Answer: The subject studies are attached as Appendices 1,2 and 3.

2. The proponent mentions that an Open House was held in March of 2016. In addition, the proponent will be required to complete all the minimum public involvement requirements specified in Appendix C of the *Guide to Environmental Impact Assessment in New Brunswick* (<http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/GuideEnvironmentalImpactAssessment.pdf>). Upon completion of this requirement, the proponent must submit a Public Involvement Summary Report to the undersigned for review and approval. This summary report should include the results of the March 2016 Open House events.

Answer: The Public Involvement Summary Report has been submitted as Appendix 4.

3. The proponent must contact the Atlantic Coastal Action Program (ACAP) Saint John (contact information below) as part of public consultation. The community group has invested time and funding into restoration efforts for Marsh Creek over the last several years and will likely be interested in the project.

Atlantic Coastal Action Program – Saint John
Graeme Stewart-Robertson, Executive Director
Mailing address:
139 Prince Edward Street, Suite 323
Saint John, New Brunswick
E2L 3S3
Tel/Tél: (506) 652-2227
Fax/Télé: (506) 801-3810
Email/Courriel: office@acapsj.org

Answer: ACAP Saint John has been actively consulted on this project through the development and will continue to be through design & construction.

4. Based on the information provided, the Aboriginal Affairs Secretariat (AAS) offers the initial view that there will be no obligation regarding the Crown's Duty to Consult as there is no apparent adverse impact to Aboriginal or treaty rights as a result of this project however; should additional information on potential impacts to Aboriginal or treaty rights be brought forward, AAS requires notification. AAS also requests the proponent to respond to the following questions:
 - a. Were any First Nations notified of the Open House?
 - b. Is there potential for this project to impact Aboriginal fisheries in the Bay of Fundy and surrounding areas?

Answer: Contact has been made with Kimberley Allen and Fiona Deschenes at the Aboriginal Affairs Secretariat as part of the Public Involvement process. This connection will be maintained through the remainder of this process.

- a. Public Notice of the Open House was sent out through local media. Individual organizations were not specifically notified.*
- b. There is no reason to believe that impacts from the proposed project would extend to Aboriginal fishing area in the Bay of Fundy.*

5. Although there is no apparent adverse impact to Aboriginal or treaty rights, the proponent may provide project information to First Nation communities. For more information, please contact AAS at (506) 462-5177.

Answer: Contact has been made with Kimberley Allen and Fiona Deschenes at the Aboriginal Affairs Secretariat as part of the Public Involvement process. This connection will be maintained through the remainder of this process.

6. The proponent should be made aware that migratory birds, their eggs, nests, and young are protected under the Migratory Birds Convention Act (MBCA). Migratory birds protected by the MBCA generally include all seabirds (except cormorants and pelicans), all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). The list of species protected by the MBCA can be found at: <https://www.ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1>. Bird species not listed may be protected under other legislation.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

7. Please note that under Section 6 of the *Migratory Birds Regulations (MBR)*, it is forbidden to disturb, destroy, or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

8. Furthermore, Section 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:
 - a. "5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.
 - b. (2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds."

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and

Appendix # 5.

9. It is the responsibility of the proponent to ensure that activities are managed so as to ensure compliance with the MBCA and associated regulations.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

10. The proponent should be aware of the potential applicability of the Canadian Environmental Protection Act (CEPA). CEPA enables protection of the environment, and human life and health, through the establishment of environmental quality objectives, guidelines and codes of practice and the regulation of toxic substances, nutrients, emissions and discharges from federal facilities, and disposal at sea.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Canadian Environmental Protection Act. Reference TRC Comment # 25 and Appendix # 5.

11. It is not possible to adequately evaluate the potential effects of the project on migratory birds, species at risk, and species of conservation concern, based on the limited information provided. The proponent has undertaken the first step in obtaining information on species at risk (SAR) and species of conservation concern potentially occurring in the area by obtaining information from the Atlantic Canada Conservation Data Centre (AC CDC). The proponent should additionally contact provincial wildlife biologists, as well as local naturalists. The proponent should also obtain data from Nature Counts (Website: <http://www.birdscanada.org/birdmon/default/searchquery.jsp>) which provides location data for certain migratory bird species at risk and colonial nesters, which was collected during field work for the 2nd Maritimes Breeding Bird Atlas (MBBA): <http://www.mba-aom.ca>). It should be noted that this more specific data is not directly available on the website of the MBBA, and that not all MBBA SAR data is yet available from the AC CDC, so must be ordered from Nature Counts. By contacting Nature Counts, the proponent may therefore be able to obtain data that is much more site-specific than the more general information in the MBBA square if data was collected from their project area during the field work of the MBBA.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

An ACCDC Report was received, and is included in the Rare plant Survey and the Wetland Delineation and Functional Assessment, Appendix # 7 As well as data from Nature Counts was obtained, Appendix # 10 and fauna observations were made during the Wetland Delineation and Functional Assessment (see Appendix 7)

12. Desktop information should then be supplemented by field surveys by professional biologists (with expertise at conducting the types of surveys required) at the appropriate time of year in habitats potentially harbouring species at risk and species of conservation concern. The fact that a species has not been confirmed in an area does not necessarily mean that it does not occur there, especially if habitat appropriate for that species is available. The results of the surveys, as well as detailed mitigation measures with special emphasis on avoidance of impacts, should be provided to the appropriate regulatory agencies for review.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

An ACCDC Report was received, and is included in the Rare plant Survey and the Wetland Delineation and Functional Assessment, Appendix # 7 As well as data from Nature Counts was obtained, Appendix # 10 and fauna observations were made during a Wetland Delineation and Functional Assessment (see Appendix 7)

13. It is recommended that a detailed description of wildlife use of the project area be provided, along with the results of the desktop review, field survey methodology, and field survey results. These can then be used to evaluate the potential effects, including potential cumulative effects of the proposed project on birds, and to develop mitigation measures.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

An ACCDC Report was received, and is included in the Rare plant Survey and the Wetland Delineation and Functional Assessment, Appendix # 7 As well as data from Nature

Counts was obtained, Appendix # 10 and fauna observations were made during a Wetland Delineation and Functional Assessment (see Appendix 7).

14. Clearing vegetation may cause disturbance to migratory birds, and may inadvertently cause the destruction of their nests and eggs. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region, as well as waterfowl in wetland areas. Disturbance of this nature would be most critical during the breeding period. The breeding season for most birds within the project area occurs between April 5th and August 30st in this region, however some species protected under the MBCA do nest outside of this time period. Please see the webpage "General Nesting Periods of Migratory Birds in Canada" (Website: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=4F39A78F-1>) for more specific information concerning the breeding times of migratory birds. This project area falls within or near zones "C3" and "C4".

*Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 And Appendix # 5
An ACCDC Report was received, and is included in the Rare plant Survey and the Wetland Delineation and Functional Assessment, Appendix # 7 As well as data from Nature Counts was obtained, Appendix # 10 and fauna observations were made during a Wetland Delineation and Functional Assessment (see Appendix 7).*

15. Environment and Climate Change Canada provides the following recommendations:
- a. To avoid the risk of nest destruction, the proponent should avoid vegetation clearing and field burning during the most critical period of the migratory bird breeding season (see above).
 - b. To develop and implement an environmental management plan that includes appropriate preventive measures to minimize the risk of impacts on migratory birds (See "Planning ahead to reduce risks to migratory bird nests", PDF: <http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=50C4FE11-801E-4FE3-8019-B2D8537D76CF>). It is the responsibility of the individual or company undertaking the activities to determine these measures. For guidance on how to avoid the incidental take of migratory birds nests and eggs, please refer to the *Avoidance Guidelines* (Website: <http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=AB36A082-1>). The management plan should include processes to follow should an active nest be found at any time of the year.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal,

Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this project with specific reference to the Migratory Birds Convention Act. Reference TRC Comment # 25 and Appendix # 5.

16. A variety of species of plants native to the general project area should be used in revegetation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.

Answer: *Noted*

17. Certain species of migratory birds (e.g. Bank Swallows) may nest in large piles of soil left unattended/unvegetated during the most critical period of breeding season (April 5th through August 30th). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential for erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as the Bank Swallow, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

Answer: *Noted*

18. See also the attached guidance concerning beneficial management practices that should be considered for implementation when designing mitigation measures for Bank Swallows.

Answer: *Noted*

19. Measures to diminish the risk of introducing invasive species should be developed and implemented during all project phases. These measures could include:
 - a. Cleaning and inspecting construction equipment prior to transport from elsewhere to ensure that no vegetative matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles prior to transport).
 - b. Regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife to ensure that vegetative matter is not transported from one construction area to another.

Answer: Noted. It is the Proponent's intention to adhere to all relevant Federal, Provincial and Municipal regulatory requirements. An Environmental Management Manual / Environmental Protection Plan was been prepared for this. Reference TRC Comment # 25 And Appendix # 5.

20. Attraction to lights at night or in poor visibility conditions during the day may result in collision with lit structures or their support structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserves and either die of exhaustion or be forced to land where they are at risk of depredation.

Answer: Noted

21. To reduce risk of incidental take of migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:
- a. The minimum amount of pilot warning and obstruction avoidance lighting should be used on tall structures. Warning lights should flash, and should completely turn off between flashes.
 - b. The fewest number of site-illuminating lights possible should be used in the project area. Only strobe lights should be used at night, at the lowest intensity and smallest number of flashes per minute allowable by Transport Canada.
 - c. Lighting for the safety of the employees should be shielded to shine down and only to where it is needed.
 - d. LED lights should be used instead of other types of lights where possible. LED light fixtures are less prone to light trespass (i.e. are better at directing light where it needs to be, and do not bleed light into the surrounding area), and this properly reduces the incidence of migratory bird attraction.

Answer: Noted

22. The following species at risk (as listed on Schedule 1 of the Species at Risk Act) may occur within the project area: Canada Warbler (Threatened), Olive-sided Flycatcher (Threatened) and Common Nighthawk (Threatened). Though unlikely to be found within the project footprint, these species may occur within the project area and we request that sightings be reported to ECCC-CWS.

Answer: Noted

23. There have been sightings of SARA-listed Wood Turtle (Threatened) in the area. Wood Turtle Critical Habitat is in the project watershed. Wood turtle are unlikely to be in the project area if the project is to proceed in Fall/Winter. If operations proceed in the

Spring, Wood Turtle are more likely to be in the project area and further mitigation may be required.

Answer: Noted

24. ECCC-CWS recommends that the Province of New Brunswick be consulted with respect to specific Wood Turtle mitigations and beneficial management practices.

Answer: Noted

25. Prior to commencing the project, the proponent will be required to prepare and submit an Environmental Protection Plan (EPP) to the Project Manager, Environmental Assessment (EA) Section, Department of Environment and Local Government (DELG) for review and approval.

Answer: An Environmental Management Plan / Environmental Protection Plan has been prepared (attached, Appendix #5) for review and approval of the Project Manager, Environmental Assessment (EA) Section, Department of Environment and Local Government (DELG).

26. The EPP should include a Contingency Plan that ensures all precautions will be taken by the proponent and contractors to prevent fuel leaks from equipment and oil spills. Furthermore, the proponent should ensure that contractors are aware that under the MBR, “no person shall deposit or permit to be deposited oil, oil wastes or any other substance harmful to migratory birds in any waters or any area frequented by migratory birds.” Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic fluid for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas, including shorelines and wetlands.

Answer: Noted. See Appendix #5.

27. Provisions for wildlife response activities should be identified in the Oil Spill Prevention and Response Plan to ensure that pollution incidents affecting Wildlife are effectively and consistently mitigated. The document “*Birds and Oil - CWS Response Plan Guidance*” is attached and is provided to offer guidance on the development of wildlife response activities.

Answer: Noted. See Appendix #5

28. The following information should be included in any Oil Spill Prevention and Response Plan:
- a. Mitigation measures to deter migratory birds from coming into contact with the oil.
 - b. Mitigation measures to be undertaken if migratory birds and/or sensitive habitat become contaminated with the oil.
 - c. The type and extent of monitoring that would be conducted in relation to various spill events.

Answer: Noted. See Appendix #5

29. In addition to Section 5.1 of the MBCA, ECCC administers and enforces the pollution prevention provisions of the Fisheries Act. Subsection 36(3) of the Fisheries Act prohibits “anyone from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter such water”.

Answer: Noted

30. It is the responsibility of the proponent to ensure that all reasonable measures are conducted to prevent the release of substances deleterious to fish from their proposed activities. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters.

Answer: Noted

31. Provisions for the management of hazardous materials (e.g. fuels, lubricants) and wastes (e.g. contaminated soil, sediments, waste oil) should be identified and implemented in order to ensure compliance with Section 36 (3) of the Fisheries Act, and with the Canadian Environmental Protection Act and the Migratory Birds Convention Act and their Regulations. Hazardous materials and wastes should be managed so as to minimize the risk of chronic and/or accidental releases. For example, refuelling and maintenance activities should be conducted on level terrain, at a suitable distance from environmentally sensitive areas including watercourses and wetlands, and on a prepared impermeable surface with a collection system.

Answer: Noted. See Appendix #5

32. The proponent is encouraged to prepare Contingency Plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association publication, *Emergency Preparedness and Response, CAN/CSA-Z731-03*, is a useful reference.

Answer: *Noted*

33. All spills or leaks, such as those from machinery, should be promptly contained and cleaned up (sorbents should be available for quick containment and recovery), and reported to the 24-hour environmental emergencies reporting system (Maritime Provinces 1-800-565-1633).

Answer: *Noted. See Appendix #5*

34. The proponent should note that Courtney Bay Environmentally Significant Area (ESA) is located downstream of the project area. How will the proponent prevent sedimentation runoff and other substances such as hydrocarbons from entering the watercourse within the project site that drains into Courtney Bay during construction and once the proposed development is in operation?

Answer: *Noted*

35. Archaeological Services has completed its review of EIA registration 4561-3-1450. The proponent should note that any area within 80 meters of a watercourse (or former watercourse) contains elevated archaeological potential and therefore requires an Archaeological Impact Assessment (AIA) conducted by a professional archaeologist before any ground disturbing activities are permitted in the area. In addition, there is a known archaeological site (BhDm-24) located at N45 19' 53.89 W66 1' 59.69" which has a 100m buffer zone around it where ground disturbing activities would not be permitted without an *Archaeological Site Alteration Permit* (SAP). From the plans provided, Archaeological Services was unable to determine whether the proposed development would encroach on this archaeological site or its buffer zone. Could the proponent provide a shape file of the proposed development's footprint?

Answer: *An Archaeological Assessment has been completed (see Appendix #6)*

36. The proponent should be aware that as part of its commitment to wetlands conservation, the Federal Government has adopted *The Federal Policy on Wetland Conservation* (FPWC) with its objective to "promote the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future." In support of this objective, the Federal Government strives for the goal of No Net Loss of wetland function on federal lands or when federal funding is provided. Though this project does not take place on federal lands, ECCC-CWS recommends that the goals of the policy be considered in wetland areas as a beneficial management practice. A copy of the FPWC can be found at: <http://publications.gc.ca/pub?id=9.686114&sl=0>.

Answer: Noted

37. ECCC-CWS recommends using a 30 meter buffer from the high water mark of any water body (1:100 year Flood Zone) in order to maintain movement corridors for migratory birds. Please see https://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=8D910CAC-1#_03_1_1 for further information concerning buffer zones.

Answer: Noted

38. In order to promote wetland conservation EC-CWS recommends the following:
- Developments in wetlands should be avoided.
 - Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 m should be maintained around existing wetland areas.
 - Hydrologic function of the wetland should be maintained.
 - Runoff from the development should be directed away from wetlands.

Answer: Noted

39. Is avoidance of the wetlands or portions of any regulated and unmapped wetlands possible with this development?

Answer: The preparation of the site layout will take into consideration the regulated wetlands.

40. Under the Description of the Existing Environment, Physical and Natural Features, Section 3.0 i, (Page 14), the *Preliminary Watercourse and Wetland Assessment Report* was based on field work completed in excess of ten years ago. Please be advised that a more recent assessment of the wetland boundaries and the functions of the wetlands will be required. The typical time frame for a wetland assessment is June – September. Should the proponent wish to complete a wetland assessment outside of this time frame please contact the Provincial Wetland Biologist at (506) 453-2480 to discuss potential additional requirements.
- The wetland assessment will need to include the boundaries of the mapped wetlands on the property and the location/extent of unmapped wetlands.
 - Information regarding the functions/benefits that these mapped and unmapped wetlands provide.
 - The total proposed impact area within the regulated wetland and unmapped wetlands?

Answer: A Wetland Delineation and Functional Assessment has been completed. (see Appendix #7)

41. Please provide additional information regarding the following statements:
- a. It is stated that the banks of the Little Marsh Creek will be expanded to create and urban wetland throughout the commercial site. What is the construction methodology for this process? Has it been successful in the past?
 - b. It is stated that “Efforts to enhance amphibian and reptile habitat in the Urban Wetland will also be explored”. What efforts will be explored?
 - c. In Figure 3 from the “*Preliminary Watercourse and Wetland Assessment of the Ashburn Lake Road Site*”, it states that the 38 acres to the north end of Ashburn Lake road exhibits wetland characteristics. It also states in the borehole analysis that there is peat within the soils. What measures will be done to offset potential flooding from the loss of wetland habitat and hydric soils which are currently retaining water?
 - d. It is stated that run-off waters will be directed further down marsh creek. This area is currently being used for several existing commercial developments in which there have been flooding issues in the past. There are recorded flooding problems immediately downstream and in nearby tributaries of Marsh Creek (see <http://www.elgegl.gnb.ca/0001/en/Flood/Search>). Increased volume (i.e. from paved areas) would likely aggravate the problem. This is particularly true during high tides, when drainage through the Courtenay Bay Causeway is an issue. Is the proponent aware of the present flooding issues?
 - e. While they are older, the provinces flood hazard maps of the area do show the site to be located in a flood zone, which should be addressed by the proponent.
 - f. Given the history of flooding in the surrounding area what is being proposed to mitigate any further flooding issues or any loss of wetland function as a result of this project? Please include additional information regarding the proposed summary of wetland mitigation (i.e. diagram, maps, proposed projects with DUC, etc.).

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

42. With regards to Appendix 1, the 2005 *Watercourse and Wetland Assessment Report*, TAP Environmental Resources conducted electrofishing and there were minimal species identified (three). It is important to note that the City of Saint John completed a major harbor clean-up in 2014. In other words, raw sewage is no longer being released in the Marsh Creek watershed where “The Crossing” is being proposed. Thus with the improvement in water quality, it is possible that there are more fish species present in this watershed. Since this report is over a decade old, a new watercourse and wetland assessment should be completed.

Answer: A new wetland delineation and functional assessment was completed in 2017 (see Appendix # 7) Electrofishing data from a 2013 study by ACAP Saint John has been used (see Appendix #8).

43. There was no scale provided in any of the report's figures. For Figure 1, please provide a scale, location of current watercourses (it appears as the rerouted watercourse), wetlands, names of roads / streets as well as a legend and the phases of development. For Figure 3, please provide a revised map of the proposed green space site in relation to the proposed development site and include the property boundaries and PIDs as well as a scale, location of current watercourses, wetlands, names of roads as well as a legend.

Answer: Attached is a revised Figure 1 (see Appendix 9). With respect to Figure 3, see Figures 1 & 2 in the Wetland Delineation and Functional Assessment Report, Appendix 7.

44. Under the Summary of the Environmental Impacts, Section 4.0 (Page 15), the Hydraulics and Hydrology Report was produced in 2008. Marsh creek has been subject to a lot of attention and remediation efforts since then. The hydraulics report should be reassessed/updated, or new study initiated based on current conditions and current climate data.

Answer: An updated Stormwater and Hydrology Study was completed in 2017. (see Appendix #3)

45. What is the length of channel to be cut off and the number of square meters this equates to with regard to the straightening of the "loop" in Marsh Creek between Ashburn Road and HWY 1?

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

46. What is the linear length and square meters of the tributary to be realigned as part of the development project?

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

47. Can the proponent provide photos depicting the habitat in the reaches of the watercourse to be altered?

Answer: See Attachment 2 in the Wetland Delineation and Functional Assessment, Appendix 5

48. Has the proponent determined what species are in the lake/wetland area upstream of the project locations and thus what fish may use this section of the watercourse as a corridor to the upstream environment? This can vary from the species found in the creek during spot check electrofishing.

Answer: Electrofishing data from a 2013 study on Ashburn Creek by ACAP Saint John has been used.(see Appendix 8)

49. Does the proponent plan on studying existing drainage systems to insure that they are capable of handling climate change impacts in addition to the impacts of the proposed development (or any others added since the latest studies)?

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

50. If storage techniques for floodwater are to be used, design has to be adequate to ensure that flooding is not induced or aggravated downstream or upstream of the site.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

51. The 2008 modeling study by Terrain may have been adequate at the time however; the size of the proposed development has increased significantly since Terrain completed its draft report in 2008. According to the EIA document, the proposed development will span 49 hectares and will be comprised of business, commercial as well as residential. Terrain's report states that "The Crossing" would consist of a 46,500 square meters (4.65 hectares) of commercial/business development (no residential) on 41 hectares of land. Furthermore, in Terrain's report, there is no indication that Little Marsh Creek is being realigned. This proposed realignment could change flow dynamics which in turn, would impact the accuracy of the model used in 2008. Therefore, further study will be needed to determine if the conclusion on page 18 of Terrain's report "The results obtained from the stormwater models indicate that development of The Crossing will not have a negative effect on flooding in the Marsh Creek watershed" would still apply to the updated project scope.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

52. The use of a 24-hour flood storm example may not accurately represent the potential for flooding to occur on the project site. This is a small, flat watershed with poor drainage capacity. It may be more prone to flash flooding from a brief, intense rain event. Does the proponent plan on studying this type of flooding event?

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

53. On preparation of a Storm Water Management Plan, it is recommended that the proponent consider examples from across Canada to determine the best storm water management techniques using such approaches as naturalized storm water basins, rain gardens, landscape designs, and other modifications or installations used to reduce surface water flow rates, and increase retention, infiltration, and sediment catchment.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

54. ELG recommends the proponent review the most recent AR5 New Brunswick climate change projections data and maps of 29 climate variables on the following site: <http://acasav2.azurewebsites.net/> in order to consider any projected climate change impacts on the design and build of infrastructure associated with the project. Please note that data is available for the climate meteorological station Saint John in the Excel tables.

Answer: Noted

55. The proponent is advised to apply the IDF Climate Change curves that reflect future trends of extreme rainfall patterns, referencing future climate scenarios to all infrastructure design specifications. Tools available for these calculations include the IDF Climate Change Tool produced by the University of Western Ontario. <http://www.idf-cc-uwo.ca/>. Use of the UWO IDF tool is an acceptable approach for IDF development under future climates.

Answer: Noted

56. In order to reduce risk, liability, and responsibility, the developer is advised that all infrastructure be installed at a minimum elevation that mitigates any and all possibility of flooding, contamination, and safety risks in the future. Design and installation specifications should ensure that infrastructure and other items are located completely above projected future flood elevations so that:
- a. Septic systems/municipal wastewater infrastructure remains functional at all times, and does not create any discharges into the immediate environment.
 - b. Potable water wells are not inundated and at risk of contamination.
 - c. Storm water basins do not discharge any accumulated sediments.
 - d. Habitable spaces are not impacted by water infiltrating via surface runoff, ground saturation, or septic back up, and
 - e. Electrical and plumbing systems are unaffected by projected water levels.

Answer: The Proponent has engaged a nationally recognized Consulting firm with experience in this area. All design will adhere to relevant regulatory requirements and current standards and practices.

57. ELG recommends the proponent review the sea level rise information for Zone 12, Saint John County in the Updated Sea-Level Rise and Flooding Estimates for New Brunswick Coastal Sections – Based on the *IPCC 5th Assessment Report 2014* by Réal Daigle (R. J. DaigleEnviro)

<http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/SeaLevelRiseAndFloodingEstimates.pdf>.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

58. The proponent is advised to review the recently published ‘*Implementation Framework for Climate Change Adaptation Planning at a Watershed Scale*’. The Framework lists seven steps through which a group of individuals can come together to assess and manage vulnerabilities and risks stemming from climate change at a watershed level.

http://www.ccme.ca/files/Resources/climate_change/Climate%20Change%20Adaptation%20Framework%201.0_e%20PN%201529.pdf.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

59. Please identify the intended types of climate change adaptation strategies and actions that will help to manage and reduce risks/vulnerabilities associated with inland flooding to the built infrastructure associated with the project.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

60. While it is understood that the proponent may not be the sole developer, the proponent is uniquely positioned to enable a low-carbon development (through covalence, contracts and marketing, or other such means) for all businesses and residential buildings in “The Crossing” development.

Answer: *Noted*

61. In November 2016, the Government of New Brunswick released its new *Climate Change Action Plan “Transitioning to a Low-Carbon Economy”*. The Plan is ambitious and designed to respond to greenhouse gas (GHG) emissions and climate change adaption

while taking advantage of opportunities for potential long-term job creation and stimulating investment in innovation and business development. Land-use planning and development has an important role to play in New Brunswick's transition to a low-carbon economy by reducing GHG emissions in communities through smart growth-oriented (which includes mixed-use) development patterns. Urban form and spatial planning measures can also cause transportation emission reductions and can facilitate improvements in low-carbon building construction/operation and compact design. It is well documented that the cost of inaction (i.e. not incorporating climate change into decisions); is greater than the cost of progressive action, and will be greater when a price on carbon emissions is in place in 2018. This development has the opportunity to be progressive in areas such as conservation design, energy efficiency, renewable energy and alternative transportation and that this could be a significant life-cycle cost saving and selling feature for The Crossing development. That being said, the proponent is requested to consider all beneficial greenhouse gas reduction measures and incorporate such features into the development. In cases where this is not possible, the proponent should justify the exclusion.

- a. The proponent should reduce greenhouse gas emissions during construction with measures such as limiting vehicle idling.
- b. The proponent should strive for no net loss of carbon sinks in the development area. This could be achieved through measures such as: planting tree species which sequester relatively higher quantities of carbon; increasing use of structural and appearance wood products, and incorporating green roofs.
- c. The proponent should take steps to incorporate alternative transportation in the design of the development to allow for, and encourage, use of public transit, biking, walking, electric vehicles, etc.
- d. Provinces and territories have established a goal of adopting a "net-zero energy ready" model building code by 2030. We strongly encourage all new development to strive for this goal in advance of codes, or at least improve energy performance by incorporating features which would 1) improve energy efficiency and 2) source renewable energy.
- e. To assist the proponent, the following suggestions are provided (although not exhaustive): achieve more ambitious R-values (i.e. increased insulation, triple-pane windows); use heating sources which achieve the highest level of efficiency that is economically achievable (i.e. high efficiency heat pumps); build with passive solar heating and orient structures to take advantage of the sun's energy (which in turn reduces heating demand); incorporate renewable or reduced-emission energy sources such as geothermal, solar, biomass, wood pellets, or natural gas.

Answer: Noted

62. Has the proponent considered snowmelt, frozen ground or ice effects in any of the modeling or designs?

Answer: Yes The Proponent has engaged a nationally recognized Consulting firm with experience in this area. All design will adhere to relevant regulatory requirements and current standards and practices.

63. In 2016, the proponent made an application to the City of Saint John (CoSJ) to amend the Municipal Plan designation of the subject site, and to rezone the subject site to allow for the proposed development to proceed. On April 18, 2016, Common Council gave third reading to the Municipal Plan Amendment and rezoning, and imposed a number of conditions on the rezoning of the subject lands.
- a. Please note that should a *Certificate of Determination* be issued following the EIA review of this project, the proponent will be required to satisfy the conditions imposed by the CoSJ Common Council and successfully obtain any required rezoning designation prior to commencing the project.

Answer: Noted The proponent understands that the Section 39 requirements will need to be met before commencing the project.

Stormwater Management

64. The EIA Registration Document contains a *Hydraulics and Hydrology Report* prepared by Terrain Group, dated March 6, 2008. This document relates to the hydrotechnical and stormwater management impacts of the development, which were identified as important considerations by CoSJ "City Staff" in the planning approvals process. Upon reviewing this document, City Staff note the following:
- a. This document is dated 2008, was stamped "draft" and is not sealed by a Professional Engineer. The document must therefore be updated to reflect current conditions. For example the site plan for the proposed "The Crossing" development contained in the 2008 report is different from the current proposal contained in the main EIA Registration Document and submitted as part of the 2016 planning approvals process. In addition to the differences pointed out in question 51 from the December 22, 2016 TRC letter, the following major differences are noted between the two site plans:
 - i. The recent layout contains a residential component on the north side of Ashburn Road which is not shown in the 2008 site plan.
 - ii. The stream alignment / realignment shown on the 2016/2017 concept is different than that shown on the 2008 document.

- iii. The 2016/2017 development concept appears to have more impervious area (roofs and paved parking) as compared to the 2008 development concept.
- iv. Additional information is required relating to the Terrain Report to allow for City Staff to fully understand the stormwater modelling that was done as part of this exercise. This would include: assumptions made for the modelling; additional details regarding the scenarios modelled; results at different locations and different times of the year (winter vs. summer – frozen ground impacts) and for different tidal conditions. It is noted that supporting information on the sub-watersheds that were analyzed with the model are not provided with the report. In addition, the assumptions relating to land use and the corresponding runoff coefficients made by the consultants may no longer be valid given the change in future land use outlined in new *Municipal Plan* and *Zoning By-law* that have been enacted by the City since 2012.
- v. No detailed discussion was provided regarding the calibration of the model, specifically how the modelled water elevations compare with data observed from field monitoring and how the modelled water levels compare with the Procter and Redfern mapping.
- vi. Responsibility for maintenance of any stormwater retention/detention ponds needs to be understood. In particular one of the scenarios modelled includes use of a City-owned parcel of land for additional water storage capacity: is there compensation for this use of City lands? Are there implications for adjacent properties?
- vii. How will a phased approach be taken with respect to stormwater management as the development proceeds in order to manage the stormwater requirements of the current site, phased development and adjacent impacts both upstream and downstream?

Answer: A Stormwater and Hydrology Study was completed in 2017. (see Appendix #3)

The Proponent has engaged a nationally recognized Consulting firm with experience in this area. All design will adhere to relevant regulatory requirements and current standards and practices.

65. The phasing of the site preparation (mentioned on Page 10 of the Registration Document) should be better understood, as well as the implications on water levels downstream.

- a. For example, what are the stormwater management impacts for if the entire site is grubbed and trees removed but no further development occurs?

Answer: A Stormwater and Floodplain Study was completed in 2017. (see

Appendix #3)

Issues like this will be addressed in the conditions stated in the Certificate of Determination and in subsequent Watercourse and Wetland Alterations Permits.

CoSJ Flood Risk Area By-Law

66. Portions of the proposed development site are within areas that are subject to regulation through the CoSJ's *Flood Risk Area By-law* which seeks to regulate development in the Marsh Creek Watershed in order to prevent flooding. This by-law requires that additional flood storage be developed to offset flood storage that is lost as development occurs within the Flood Risk Area. The EIA Registration Document indicates that the proposed work plan is to start in the spring of 2017 (section 2(vii) of Registration Document) by realigning the stream through straightening the loop in the watercourse on PID 00432203. It is also stated that initial development of the project will take place with this parcel of land being the hub of the development and that the infilling of lands with local aggregate to form an "aggregate mattress" will be undertaken on several parcels of land that are subject to the City of Saint John Flood Risk Areas By-law.

- a. The City of Saint John notes that this work cannot occur until the studies required by the Section 39 conditions have been completed by the developer and reviewed and approved by City staff, the City's Planning Advisory Committee and Common Council through an amendment to the conditions attached to the rezoning.
- b. As the placement of the aggregate materials constitutes a "development", permits for this work (including filling, excavating, relocating, altering land levels, etc.) such as Flood Risk Area permits cannot be issued until the required studies including the traffic impact study, servicing study, and stormwater management study are completed, a *Certificate of Determination* is issued by the Province relating to the EIA, and all other required Section 39 conditions are fulfilled through an amendment to the Section 39 conditions.

Answer: A Stormwater and Floodplain Study was completed in 2017. (see Appendix #3)

The Proponent will adhere to the City of Saint John Flood Plain Area By-Law requirements.

67. How will existing compensatory storage provided by ponds across from Jones Road be affected by the development?

Answer: A Stormwater and Hydrology Study was completed in 2017. (see

Appendix #3) These ponds will be taken into consideration during site design and layout

68. The *Flood Risk Area By-Law* requires compensatory flood storage for projects that occur within the Flood Risk Area. The report prepared by Terrain Group and attached to the Registration Document indicates there are a few ways of providing compensatory storage for this development, however; the proposal does not indicate that compensatory storage creation will initially take place and it seems that the requirements of the by-law will not be immediately addressed.
- a. Based on the information provided in the Terrain report (Section 5), it appears that compensatory storage may possibly be addressed through the eventual development of an urban wetland and a naturalized storm water pond, however, this section also indicates that it will be some time before this work will be undertaken and it seems to be connected to developing in the regulated wetland area. The *Flood Risk Areas By-law* is not based upon development of Provincially Designated Wetlands and any compensatory storage required for the flood risk area is separate from compensation required through Provincial Legislation for impacts in Provincially Designated Wetlands. *The Flood Risk Area By-law* requires that compensatory storage be provided at the same time as development occurs within the Flood Risk Areas and any such development is subject to a *Flood Risk Area Permit*.
 - b. The Terrain Report presents 4 different scenarios that were assessed with a hydraulic model. Scenario 3 involves the lower Marsh Creek parcel of land to be excavated (it is assumed that this is the parcel designated as the Eco-Park in the planning application, PID 55189385, however; it is not confirmed in the report). The scenario indicates that the proposal is to remove and dispose of 356,000 m³ of soil to create about 400,000 m³ of compensatory storage. The report does not favor this option due to the cost of excavation and disposal of soil. Another scenario, Scenario #2, involves developing “The Crossing” project but no creation of compensatory storage (the report indicates that about 17,000 m³ of storage is required) and the last scenario, Scenario #4, seems to indicate that City-owned land (PID 55024921) could also be used to provide compensatory storage. Please be advised that Scenario #2 does not meet the requirements of the *Flood Risk Area By-Law* as no compensatory storage is provided to offset that lost by the development. Scenario 4 would also not be considered at this time as it would require a decision of Common Council to provide compensatory storage on City-owned land in lieu of the proponent providing it on their land.
 - c. The Terrain report does not contain a recommended approach, based on a thorough assessment, to provide for the 17,000 cubic metres of compensatory flood storage that will be lost with completion of the development. The City requires this assessment in order to understand the impacts of the development on upstream and downstream areas of the Marsh Creek watershed and its flood storage capacity.

- d. The *Flood Risk Area By-Law* must be reviewed thoroughly by the developer's consultants and Flood Risk Areas permits must be obtained, following the required Section 39 Amendment, prior to the commencement of any development on project lands within the flood risk area. The requirements for the permit application are clearly outlined, as are the need for plans showing draining patterns in the City's *Flood Risk Area By-Law*. The applicant is required to provide the City with a proposed approach to provide the required compensatory storage. Upon receipt of this, it will be evaluated by City Staff to determine its compliance with the by-law and form part of the necessary information, in addition to the required stormwater modelling and other supporting studies, for the required amendment to the Section 39 conditions.

Answer: A Stormwater and Hydrology Study was completed in 2017 and covers the issues stated. (see Appendix #3)

General Comments:

69. A number of the studies attached to the EIA Registration Document (dated November 23, 2016) are either draft reports and/or between 8 and 11 years old. Updated and finalized professional reports must be prepared by the developer/applicant and provided to the undersigned for TRC review and comment.

Answer: An updated Stormwater and Hydrology Study was completed in 2017. (see Appendix #3)

70. Page 5 of the Registration Document mentions the economic benefits to the CoSJ. These should be evaluated in more detail once the implications for City infrastructure are better understood, and modelled for various levels of build-out.

Answer: The Proponent will work with the City of Saint John through the Section 39 process.

71. Page 10 of the Registration Document mentions construction of the main access road to the development. This intersection is already a concern and it should be anticipated that there will be significant, expensive upgrades required to accommodate the additional traffic. Responsibility for construction and ongoing maintenance costs should be understood in advance of this project proceeding. The completion of a Traffic Impact Study that would address the vehicle, transit, pedestrian and active transportation impacts of the development, and on-site circulation is a requirement of the Section 39 conditions and must be completed and approved by the City prior to any development occurring on the site.

Answer: A Traffic Impact Study was completed in 2017. (see Appendix #1) Discussions with the City and the Province are on-going with respect to cost sharing.

72. The Crossing is a major development application which required an amendment to the Primary Development Area (PDA) boundary. The PDA effectively represents the City's growth and servicing boundary over the horizon of the Municipal Plan and lands within the PDA are intended to accommodate the majority of future growth over the planning period. In reviewing the original Municipal Plan amendment and rezoning application, City staff noted further due diligence is required on behalf of the developer to assess the long term financial risks for the City with respect to future infrastructure requirements. Therefore Staff recommended a two stage development approvals process for the project. The first stage approval, granted in 2016 provided an "approval in principle" for the land use changes, with the second stage requiring the developer to complete the necessary due diligence to demonstrate the technical and servicing aspects of the project are able to be satisfied with minimal financial risk to the City. This stage two approval requires that the developer complete the necessary infrastructure

and servicing studies through a statutory amendment process to the current application prior to any development being permitted on the site. Specific servicing considerations include:

- a. Water Supply – Water capacity and fire flow requirements for the development must be verified by the developer’s engineering consultant and submitted to the City for review and approval. This includes the expected average and peak water consumption flows (domestic and fire) from this proposed development at full build-out and confirmation that there is enough capacity to support this proposed development. The developer has provided preliminary information that water servicing is available to support the development based on reduced demands from Kennebecasis Park however, this will need to be verified.
- b. Sanitary Sewer- Peak sanitary flows from the development at full build-out and assessment that existing sanitary sewers and wastewater pumping stations are capable of receiving this flow must be verified by the developer’s engineering consultant and submitted to the City for review and approval. City staff notes the existing sanitary lift station at Drury Cove was designed to accommodate the Drury Cove residential subdivision and would not be able to support this development proposal. A detailed analysis and design is required by the developer’s engineering consultant to determine what upgrades at the station and any associated piping would be necessary. Wastewater infrastructure installed to service the Drury Cove development is also subject to a development charge (lot levy) payable at the time subdivision plans are approved. The proposed development would therefore need to ensure adequate capacity to accommodate the development beyond what is required to support the Drury Cove build-out.
- c. Stormwater Management - A detailed storm water drainage plan and design report, indicating how storm water will be managed for the full build-out of the development, must be provided by the developer’s engineering consultant. In addition, the Marsh Creek Watershed must be analyzed by the developer’s engineering consultant to determine the impacts this proposed development (phased and full build-out) will have on the existing watershed. City staff notes the proposed Eco-Park provides the potential some additional compensatory storage associated with the Flood Risk Area.
- d. Traffic / Transportation – No information has been provided by the applicant regarding the transportation impacts of the development. City staff notes the proposed development may have significant impact on traffic flow that would add to existing heavy traffic flow between Highway 1 and the Kennebecasis Valley and the UNB/Regional Hospital primary development area. An in depth traffic study must be completed by the developer’s traffic engineering consultant to assess impacts and recommend possible solutions if warranted and possible. The development will require upgrading of Ashburn Road to a full suburban standard and probable intersection improvements off-site.

Answer: All of these Section 39 report requirements have been completed. (see Appendices 1, 2 & 3.

73. City staff notes the recent study completed by the province regarding the function of Route 1 and future access requirements along the corridor between the Kennebecasis Valley and Foster Thurston Drive is expected to provide input into the Traffic Impact Study required from the applicant.

Answer: exp, was responsible for the completion of both the Proponent's study and the Province's study. The data from both studies has been coordinated. (see Appendix #1)

74. The TAP Report notes extensive beaver activity on the property. This is contrary to information provided elsewhere in the EIA Registration Document. In addition, this 2005 report noted beaver dams and associated activity as causing extensive back flooding of the property. Have these conditions been rectified or do these conditions still contribute to back flooding of the property?

Answer: A new wetland delineation study conducted in 2017 show no evidence of current beaver activity. (see Appendix 7)

75. The site plans from 2008 and 2016/2017 appear to show a 0.39 hectare parcel, PID 55066278, as part of the proposed development, however this parcel is not owned by the proponent nor is it listed as one of the properties to be included in the development. Also this property was not included in the 2016 planning application. Can the proponent confirm if this parcel is part of the proposed development?

Answer: Yes

76. Table 1 below includes a list of typical permits and legislation under the mandate of the New Brunswick Department of Transportation and Infrastructure (NB DTI). Note that Table 1 is not all inclusive, and additional permits and requirements relevant to the project may be required. The proponent is requested to review the table and speak with the appropriate contact regarding the permits/legislation which may be relevant to the project.

Table 1: Permit/Legislation Requirements by the NB DTI

Permit/Legislation Requirements	NB DTI Contact	Contact Number
<i>Access Permit/Certificate of Setback</i>	Alan Kerr	506-643-7463
<i>Highway Usage Permit</i>	Peter McDonald	506-453-6724
<i>Community Planning Act</i>	Norm Cote	506-457-7559
<i>Highway Act - Transfer of Administration and Control</i>	Colleen Brown	506-444-2047

Provincial Motor Vehicle Act	Permit Office	506-453-2982
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Answer: Noted

77. *Special Permits* will be required for any transport on NBDTI designated roads that does not comply with Regulation 2001-67 under the NB Motor Vehicle Act. This Regulation includes the dimensions and mass information for legal operation on NBDTI designated roads. The proponent is requested to contact the NBDTI Permit Office as early as possible to discuss the transportation requirements for this project.

Answer: Noted

78. The proposed project location has been identified as near or within the vicinity of Routes 01, 100 and Ashburn and Jones Road NBDTI requests the proponent contact Alan Kerr, District Engineer in Saint John well in advance of beginning the project to ensure that all of the department's concerns are addressed.

Answer: Noted Discussions have been initiated with NBDTI and the concerns will be addressed.

79. NBDTI has concerns regarding the increased traffic that will result from this project as well as the potential for future flooding of NBDTI's infrastructure in the area of this proposal. NBDTI will not be responsible for any damage to infrastructure caused by this project, and may have additional questions once it has had the opportunity to review the forthcoming Traffic Impact and Storm Water Management Studies.

Answer: Noted

80. The *Work Area Traffic Control Manual (WATCM)* provides a uniform set of traffic control guidelines for all work carried out on New Brunswick provincial roads. Any work that occurs within the right-of-way of a provincial road must conform to the guidelines prescribed by this manual. A PDF version of the manual is available at <http://www.gnb.ca/0113/publications/watcm-e.asp>.

Answer: Noted

81. Trucks must adhere to legal load weight limits at all times, including spring weight restrictions when applicable. All loads are to be properly secured during transit according to the Motor Vehicle Act.

Answer: *Noted*

82. Any spillage of material that occurs during hauling must be kept to a minimum and promptly removed from the highway following appropriate safety procedures.

Answer: *Noted See Environmental Management Plan, Appendix # 5*

83. A *Highway Usage Permit* is required if the proponent intends to utilize NBDTI right-of-ways.

Answer: *Noted*

84. An *Access Road Permit* is required prior to the construction of any access roads off NBDTI road(s).

Answer: *Noted*

85. The proponent is advised to contact NBDTI as early as possible regarding any permits or approvals required. The process required for approvals can take up to several months to complete.

Answer: *Noted Such discussions have been initiated*

86. Is the proponent aware of any additional transportation issues?

Answer: *No*

Finally, some members of the TRC requested more time to review the registration document therefore; a second letter containing any remaining questions will be forthcoming in the New Year. Should you have any questions regarding this letter, please feel free to contact me at (506) 444-3382.

Sincerely,

Crystale Harty, B.Sc.
Project Manager, Environmental Assessment Section