

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
November 3, 2023 - File Number: 4561-3-1589 – SR: 024005**

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. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, 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.
4. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the initial EIA registration document dated June 16, 2022, and the revised EIA registration document dated October 12, 2022, 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.

5. A final subdivision plan for phase 1 of this project, which will consist of 26 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. Further, subdivision plans and additional water supply source assessments for any future phases must 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.
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. The hydrogeological assessment completed as part of the EIA review for this project evaluated the water usage for 26 lots. Development beyond these 26 lots would require further assessment/submission of additional information for review and approval by the Director, EIA Branch, DELG.
8. Water treatment will likely be required to address exceedances of some parameters identified during the EIA review. To inform homeowners, a statement must be included on all subdivision plans registered by the proponent for the Hylyne Estates residential development to inform future homeowners of the potential need for water treatment. This statement should advise all new homeowners that a potable water quality analysis (including general chemistry, trace metals, and microbiology) from an accredited laboratory should be completed prior to consumption to determine if water treatment is required.
9. Alterations that are in or within 30 metres of a watercourse or wetland that meet the definition as per the *Watercourse and Wetland Alteration Regulation* (Reg. # 90-80) under the *Clean Water Act* will require a Watercourse and Wetland Alteration (WAWA) permit prior to conducting any work/alteration. The WAWA application for the required permit should refer to the EIA file number (024005/4561-3-1589).
10. The lots shall be designed to ensure there is sufficient developable area for the respective homes and their associated infrastructure including water wells, onsite sewage systems and all stormwater management infrastructure, outside of all regulated areas under the *Clean Water Act* (watercourses, wetlands, and their 30 metre buffers).
11. All loss of wetland area and/or function requires Wetland Compensation at a 2:1 ratio. A condition of the Watercourse and Wetland Alteration (WAWA) application will require that a Wetland Compensation Plan be submitted for all wetland areas and/or functions permanently impacted by this project. For more information on wetland compensation, please refer to the Compensation General Guidance (<https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Wetlands-TerreHumides/WetlandCompensationGeneralGuidance.pdf>).

12. 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 EIA file (024005/4561-3-1589).
13. An Environmental Management Plan (EMP) must be submitted to the Director, EIA Branch, DELG, for review and approval prior to the commencement of project-related construction activities. This plan must include, but not necessarily be limited to, the previously identified mitigation measures, as well as a stormwater management plan that must include an indication of any proposed infrastructure (i.e., retention ponds, ditches, outfalls, etc.) in relation to regulated features under the *Clean Water Act*.
14. 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.
15. 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.
16. The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.