

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

March 27, 2014

File Number: 4561-3-1255

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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 March 24, 2010, 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. The maximum pumping rate for Well # 5 is 166.5 igpm (12.6 L/s). The well must be equipped with a flowmeter and data must be recorded in order to ensure that the maximum pumping rate is followed. A low-level shut-off probe must be installed at a depth of 28.4 m (93.2 ft) below the top of casing in order to keep the water level above mean sea level. The water level of the well must be monitored on an on-going basis (minimum of five days per week). Pumping and water level data must be included in the annual report that is submitted to DELG's Water and Wastewater Management Section.
 6. In addition to water quality sampling that will be required as part of the Approval to Operate once Well # 5 has been commissioned, monthly sampling will be required for arsenic, chloride and conductivity for a minimum of one year. After one year, an interpretation of the results must be submitted to DELG and a request can be made at that time to reduce the monitoring requirements if warranted. Such a request will have to receive approval from the Manager of DELG's Environmental Assessment Section.
 7. The maximum pumping rate for Well # 7 is 75 igpm (5.7 L/s). The well must be equipped with a flowmeter and data must be recorded in order to ensure that the maximum pumping rate is followed. A low-level shut-off probe must be installed at a depth of 25.5 m (83.6 ft) below the top of casing in order to keep the water level above mean sea level. The water level of the well must be monitored on an on-going basis (minimum of five days per week). Pumping and water level data must be included in the annual report that is submitted to DELG's Water and Wastewater Management Section.

8. In addition to water quality sampling that will be required as part of the Approval to Operate once Well # 7 has been commissioned, monthly sampling will be required for manganese, chloride and conductivity for a minimum of one year. After one year, an interpretation of the results must be submitted to DELG and a request can be made at that time to reduce the monitoring requirements if warranted. Such a request will have to receive approval from the Manager of DELG's Environmental Assessment Section.
9. Appropriate authorization for the final construction and the operation of the well must be obtained from DELG prior to bringing the well online. For additional information, please contact the manager of DELG's Water and Wastewater Management Section at (506) 453-7945.
10. If at any time the proponent wishes to increase the pumping rates of the wells, a request must be submitted, along with supporting data, to the Manager of DELG's Environmental Assessment Section, who will have to approve any such request before any pumping rates can be increased. Additional hydrogeological assessment may be required. For additional information, please contact the Manager at (506) 444-5382.
11. It is understood that Well # 6 will not be used as a municipal water supply well and it will be turned over to the landowner for use as a domestic well. This well must be tagged and the well log must be submitted to DELG for entry into the Groundwater Information Management System (GWIMS) Database.
12. Wells 11-03, 11-04, and 12-02 must be decommissioned as per the attached DELG Guidelines for Decommissioning (Abandonment) of Water Wells. Once the wells have been decommissioned, the details must be submitted to DELG.
13. The proponent will be held responsible for any negative impacts to nearby private water wells due to the construction or operation of wells # 5 and # 7. The proponent will be required to provide a temporary water supply for short-term impacts, or to repair, remediate, or replace any permanently impacted well(s), which might include, but is not limited to, deepening a well or drilling a new well.
14. The Town of Bouctouche must adopt a Resolution of Council to request the designation of the wellfield area under the *Clean Water Act* prior to bringing the water sources on-line. Also, the Town of Bouctouche will have to complete a wellfield protection study update within three months of the date of this Determination, as per Terms of Reference that must be established by DELG before the study update can begin. For additional information, please contact DELG's Drinking Water Source Protection Section at (506) 457-4846.
15. A wildlife mitigation plan must be submitted for review and must receive approval from the Manager of DELG's Environmental Assessment Section before the start of any project-related construction activities. The purpose of this plan is to prevent the incidental killing of wood turtles during all phases of the project. In particular, measures to avoid impacts to active nest sites must be included in the plan. Nesting for wood turtles begins in June, in open sandy areas, with most hatchlings emerging by the end of September. Wood turtles may also attempt to nest in sandy soil piles that are often created during construction activities. A provision of the plan must be that any potential nesting activity must be reported to the Department of Natural Resources' Species at Risk Program (506-453-3826) and that these areas must be avoided until a method to proceed is approved. The potential for road mortalities must also be addressed in this plan.
16. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements.