

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
May 3, 2016
File Number: 4561-3-1264

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 entitled, "Groundwater Exploration Water Supply Source Assessment Step One Application and EIA Registration Penobscus Regional Water System – Lindys, New Brunswick – July 9, 2010" registered on July 13, 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 6 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, operation or maintenance of the proposed development, as per the Heritage Conservation Act (2010), all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit shall be contacted at (506) 453-3014.
5. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service consulted for advice ((902) 426 – 9152). The proponent shall ensure that activities are conducted in a manner that would be in compliance with the Migratory Birds Convention Act.
6. The proponent shall apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from DELG for any activities conducted within 30 metres of a watercourse or wetland, prior to the commencement of the Project. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DELG, at (506) 457-4850.
7. The maximum allowable pumping rate for well 11-1 is 100 igpm (7.6 L/s), and would be limited to a maximum of 8 hours per day (equivalent water withdrawal of 218 cubic metres per day). A flowmeter must be installed on this well and data must be recorded daily (for a minimum of 5 days/week) to ensure that this pumping rate is not exceeded.

8. Daily flowmeter and water level data must be submitted to DELG annually in a format prescribed in the *Approval to Operate* for the water system.
9. Water levels must be continuously monitored in the production well 11-1 and in the observation well 11-2. A low level shut-off must be installed in well 11-1 at a depth of 21.5 m below the top of casing.
10. After well 11-1 is commissioned and one years' worth of data (water usage, water levels, and water quality) has been collected, the proponent must submit a report prepared by a qualified Hydrogeologist evaluating the performance and sustainability of the well and detailing any issues. The maximum allowable pumping rate and pumping hours for the well may be revised based on the results of this report.
11. If at any time a higher pumping rate or longer pumping hours are required, an application must be sent to DELG with supporting information and further hydrogeological testing may be required.
12. If the water quantity or quality in a private well (located within the wellfield protected area) is found to be persistently or permanently adversely affected by the operation of the production well, it will be the proponent's responsibility to remedy the situation to the satisfaction of DELG. This may include, but is not limited to, replacing or modifying the construction of the affected well, modifying the pumping schedule of the proponent's water supply well, or connecting affected homes to the new water supply.
13. The proponent shall develop and execute a private well monitoring program that is approved by the Director of the Impact Management Branch of DELG.
14. The proponent shall formally request that the *Wellfield Protection Program / Wellfield Protected Area Designation Order (WfPADO)* process be initiated prior to bringing the new production well online.
15. The proponent shall complete a wellfield protection study within three months of bringing the well online. The Terms of Reference for this study will be provided by DELG.
16. The proponent shall prepare an Environmental Management Plan (EMP) that will outline all environmental project related commitments identified during the EIA review process. The EMP must be submitted to the Manager of the Environmental Assessment Section for review and approval prior to the commencement of project activities.
17. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.