

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act
January 31, 2018
File Number: 4561-3-1453

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 & Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated January 2017, 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 of the Environmental Impact Assessment (EIA) Branch, Department of Environment & Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. Prior to commencing the project, the proponent must have an approved Environmental Management Plan (EMP) that includes but is not limited to:
 - a. Erosion and sedimentation control measures, and for any aspect of the project that has the potential to deposit sediment into any adjacent watercourses, the EMP shall include spill prevention measures, hazardous materials management (e.g. fuels, lubricants, hydraulic oil, waste oil etc.) and clean-up directives.
 - b. Emergency Response Plans to be put in place in the event of an accident.
 - c. The proponent must report all spills of hazardous material, including petroleum products to DELG's Region 2 Office at 506-778-6032 during normal work hours or, to the Canadian Coast Guard at 1-800-565-1633 after hours.
 - d. Mitigation measures specific to noise, dust, and other air emissions.
 - e. Mitigation measures specific to endangered or at-risk species that were identified as potentially inhabiting the project area.
 - f. Mitigation measures specific to working within wellfield protected areas including but not limited to:
 - i. No hydrocarbons or chemicals stored within zones A and B of Henderson #2 well, as well as within Zone B of Springvale and Napan wells.
 - ii. No re-fuelling of vehicles or equipment within zones A and B of Henderson #2 well, as well as within Zone B or Springvale and Napan wells.
 - iii. No vibratory compaction will take place within 15m (50 feet) of any well.
 - iv. No pile driving will be allowed within 60m (190 feet) of any well.

- v. Ditches along both sides of the highway must be built to direct surface water runoff away from the municipal wells.
 - vi. The ditch along both sides of the Highway must be lined with impervious fabric through Zone A of Henderson #2 well.
 - vii. A crash intervention barrier (e.g. guide rail or other) shall be installed through zone A of Henderson #2 well.
 - viii. There will be no tree clearing in Zone A of the Springvale well.
5. Prior to commencing any work within any Municipal Wellfield Protected Area, the proponent shall submit a Groundwater Monitoring Plan to the Director, Environmental Impact Assessment Branch for review and approval, which must include baseline, construction and post construction monitoring for the Springvale, Napan, Hydro and Henderson #2 wells.
 6. The proponent shall obtain an Exemption to the *Wellfield Protected Area Designation Order – Clean Water Act*, for project activities within Zones A and B of any designated Municipal Wellfield Protected Area. For more information, please contact the Wellfield Protection Program Officer, DELG, at 453-6470.
 7. The proponent shall conduct water quality sampling and undertake a pre-construction survey for all wells within 500 m of the RoW where blasting will take place. The results of the sampling and well assessment shall be submitted to the Director, EIA Branch, DELG prior to the commencement of blasting/construction activities.
 8. Should any groundwater wells be significantly impacted (quality or quantity) as a result of the project activities, the proponent shall remediate or replace the water supply well, unless it can be definitively demonstrated by the proponent that these impacts are not related to project activities.
 9. Should the proponent encounter any abandoned water wells during project work, the well(s) must be decommissioned according to the Department of Environment and Local Government *Guidelines for the Decommissioning (abandonment) of Water Wells*: <http://www2.qnb.ca/content/dam/qnb/Departments/env/pdf/Water-Eau/DecommissioningWaterWells.pdf>.
 10. Prior to the commencement of any activities within 30 meters of a watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit*. For more information, please contact the Director, Source and Surface Water Management Branch, DELG at (506) 444-5149.
 11. Follow up and monitoring of all wetlands directly or indirectly impacted by project activities shall be required to measure whether the wetland function has changed. Monitoring reports shall be submitted to the Director, EIA Branch, DELG, in years 1, 3 and 5 following completion of construction. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function.
 12. The proponent shall prepare a Wetland Compensation Plan to offset direct loss of regulated wetland habitat. The plan must demonstrate a 2:1 compensation of restored wetland to impacted wetland. The compensation plan shall be submitted to the Director, EIA Branch, DELG for review and approval within 1 year of the date of this Determination.

13. The proponent must notify the Manager of Regulatory Services, Archeological Services Branch, Department of Tourism, Heritage and Culture at (506) 453-2738 at least two weeks prior to commencing work as the Manager will make arrangements to undertake archeological monitoring of any ground disturbing activities. Please note:
 - a. The proponent must have a permitted professional archaeologist and an indigenous archaeological field technician present during all ground disturbing activities in areas where archaeological monitoring is required in the Archaeological Assessment Report.
 - b. If it is suspected that remains of archaeological significance are found while implementing project work, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit shall be contacted at (506) 453-2738.
14. The proponent shall ensure that any proposed project modifications are submitted for review and approval to the Director, EIA Branch, DELG, prior to implementing the changes.
15. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.
16. 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 at P.O. Box 6000, Fredericton, NB, E3B 5H1.