

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*

August 28, 2019

File Number: 4561-3-1510

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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 (DELG).
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment (EIA) registration document dated November 2018 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 EIA Branch of the DELG every six months from the date of this Determination until such a time as the Director determines it is no longer required.
 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 within 30 meters of the find and the Department of Tourism, Heritage and Culture shall be contacted as soon as practicable at (506) 238-0438 for further instructions.
 5. The maximum allowable pumping rate for well PW1 on PID 20655668 is 26.4 igpm (2.0 L/s), for well PW2 on PID 20770954 is 26.4 igpm (2.0 L/s), and for well PW3 on PID 20656427 is 13.2 igpm (1.0 L/s). The total daily allowable water withdrawal from all 3 wells combined is 196.4 m³/day. A flowmeter must be installed on each production well and the water usage data recorded daily (minimum 5 days/week). The daily water withdrawal data for each well must be submitted annually to the Director of DELG’s EIA Branch by December 31st of each year.
 6. The Director of DELG’s EIA Branch must be contacted as further hydrogeological testing and other information may be required, should the proponent at anytime wish to:
 - a. increase the approved maximum allowable pumping rate of wells PW1, PW2, and/or PW3;
 - b. and/or increase the total daily water withdrawal amount for the wells;
 - c. and/or require a new water supply well.
 7. In the event of a complaint by a neighbouring water user that the construction or operation of the water supply wells has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify the Director of DELG’s EIA

Branch. If it is determined that the proponent is responsible for any negative impacts, 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.

8. The wellhead protection measures that have been identified in the EIA Registration document and subsequent correspondence must be instituted on the production wells.
9. At a minimum, the raw water in each of the 3 production wells (PW1, PW2, and PW3) must be sampled monthly for microbiology and annually for general chemistry and trace metals. The water quality data must be submitted to the Director of DELG's EIA Branch annually by December 31st of each year.
10. The flowmeter and/or water quality reporting requirements may be altered in the future upon request pending approval from the Director of DELG's EIA Branch.
11. Any wells that will not be used for production or monitoring purposes must be decommissioned according to the attached DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells*, which are also available online: <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/DecommissioningWaterWells.pdf>.
12. Any potable water systems using more than 50 m³/day must be regulated according to the *Water Quality Regulation – Clean Environment Act*. Since the three supply wells are expected to have a yield of more than 50 m³ of water per day, the proponent must apply to DELG's Authorizations Branch for an *Approval to Operate* for the appropriate conditions to be determined. For more information, please contact the DELG Authorizations Branch at (506) 453-7945.
13. The proponent shall provide a Campground Signage Plan to mitigate idling and trespass to be reviewed and approved by the Director of DELG's EIA Branch. The proposed plan will include but is not limited to: A draft of the signs limiting idling to 5 minutes, a draft of the no-trespass signage, and a map that shows the proposed placement of the signage at the campground. The plan shall be submitted to the Director for review and approval on or before November 30, 2019. The approved plan shall be completed on or before December 28, 2019, or a date approved by the Director of DELG's EIA Branch.
14. Migratory birds, as well as their eggs, nests, and chicks are protected as per the *Migratory Birds Convention Act*. Under Section 6 of the *Migratory Birds Regulations* (MBR), no person shall disturb, destroy or take a nest or egg of a migratory bird; or 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 current MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other economic activities.
 - a. The proponent shall ensure that all project related activities are in compliance with the *Migratory Birds Convention Act* (<http://laws-lois.justice.gc.ca/PDF/M-7.01.pdf>) and associated regulations.
 - b. The proponent must ensure that no litter (including food scraps) is left in coastal areas by staff or clients.

- c. The proponent must ensure that all reasonable precautions are taken by staff to prevent fuel leaks from equipment, and contingency plans in case of oil spills must be prepared.
15. The proponent shall ensure that all project related activities are in compliance with the *Species at Risk Act* (SARA) <http://laws-lois.justice.gc.ca/PDF/S-15.3.pdf>.
16. The proponent must apply for and obtain a valid *Watercourse and Wetland Alteration Permit* prior to the commencement of any work in or within 30 m of a regulated wetland or watercourse.
17. 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 of DELG's EIA Branch.
18. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.