

Document A – Minister’s Determination Conditions of Approval

**Pursuant to Regulation 87-83 under the Clean Environment Act
June 2, 2023 - File Number: 4561-3-1596 – SR: 046022**

- 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 The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated July 6, 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.
- 4 Supplemental site-specific reports shall be submitted for review and approval by the Director, EIA Branch, DELG, prior to decommissioning of any individual well. Reports must describe the existing environment at each well site including all site-specific environmental, archaeological, and socio-economic constraints that could be impacted by the decommissioning of each well, as well as anticipated potential impacts and associated mitigation, and any site-specific decommissioning methodology. It is recommended that these be submitted in phases, corresponding with the wells planned for decommissioning in a given year. Reports should be submitted at least 6 months prior to decommissioning of any individual well.

- 5 Baseline sampling of all potable wells within 500 m of any oil and gas wells must be completed prior to decommissioning. Any existing monitoring wells present at the well pads should also be sampled for prior to decommissioning. Please refer to Appendix 9 of the *Responsible Environmental Management of Oil and Natural Gas Activities in New Brunswick UPDATED Rules for Industry* for a list of sampling procedures and parameters. Sampling results must be submitted to DELG within 6 months of decommissioning each respective well.
- 6 An Environmental Management Plan (EMP) must be submitted to the Director, EIA Branch, DELG, for review and approval prior to project commencement. The EMP should include all mitigation committed to during the EIA Review, as well as contingency plans for incidents that could occur during project implementation (e.g. spills, wildlife encounters, etc.).
- 7 A surface water monitoring plan must be submitted to the Director, EIA Branch, DELG, for review and approval prior to project commencement. The plan must include sampling any watercourses and wetlands within 150 m of each well and must identify specific sampling locations.
- 8 At each individual well head, if there is a positive indication of gas migration, or contamination of groundwater, then the proponent must notify the Director, EIA Branch, DELG, as further site assessment and corrective action may be required at the discretion of the Director, EIA Branch, DELG.
- 9 Prior to decommissioning, the well licensee must receive Approval for an amendment to a well licence from the Department of Natural Resources and Energy Development (NRED). An application to amend a well licence shall be submitted to the Resource Tenure Coordinator within the Resource Development Branch and shall include the following documentation: updated programs noting the specific changes; design justifications for proposed changes; proof that future wellbore integrity is not compromised, and any other information the Minister of NRED considers necessary. Please note that NRED's well licence amendment approvals will include conditions related to Surface Casing Vent Flow (SCVF) and Gas Migration (GM) testing, as well as repair requirements should SCVF or GM be detected.
- 10 In addition to all application requirements of the Minister of Natural Resources and Energy Development, the proponent shall provide to NRED evidence of liability insurance coverage in the amount of \$10 million. The proponent shall also provide notice to NRED of any changes to their insurance coverage. All documentation shall be submitted to the Resource Tenure Coordinator within the Resource Development Branch. Her Majesty the Queen in Right of the Province of New Brunswick must be named as an "additional-insured" in the policy. A copy of the summary page of the policy and the certificate of insurance must be provided prior to the issuance of the well licence amendment.
- 11 Prior to commencing decommissioning activities, the proponent must apply for and obtain an *Approval to Construct* from the Authorizations Branch of the Department of Environment and Local Government (DELG). Please contact the Authorizations Branch at (506) 453-7945 for more information.

- 12 Any impacts discovered as a result of the Environmental Site Assessment must be reported to DELG using the Historical Contamination Site Registration Form, and the Environmental Site Assessment report must be submitted for review. Contaminated soils and groundwater must be cleaned up and/or managed as per the current version of the *New Brunswick Guideline for the Management of Contaminated Sites*. Please contact the Authorizations Branch for further information. Additionally, Site Assessment reports for all wells must be included in the 'completion reports' submitted each year as per Section 2.3.7 of the July 2022 EIA Registration Document.
- 13 A Wetland Delineation Report must be submitted for review and approval to the Director, EIA Branch, DELG at least 2 months before the proposed date of decommissioning of any individual well.
- 14 Any alterations taking place within 30 metres of any wetland or watercourse require a valid *Watercourse and Wetland Alteration (WAWA) Permit* under the *Watercourse and Wetland Alteration Regulation – Clean Water Act*.
- 15 Wetland compensation at a 2:1 ratio must be provided for the areas of wetlands that are permanently impacted. A Wetland Compensation Plan must be submitted for review and approval to the Director, EIA Branch, DELG, or arrangements can be made through a Wetland Compensation Consultant who may be able to provide compensation on behalf of the proponent. Note that a WAWA Permit application will be placed on hold until either a compensation plan or confirmation of payment to a Wetland Compensation Consultant is provided.
- 16 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.
- 17 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.
- 18 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.
- 19 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.