

DOCUMENT "A"
MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

October 15, 2010

File Number: 4561-3-1257

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated April 9, 2010, as well as all those identified in all 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 (DENV) 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, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at (506) 453-3014.
5. Section 6(6) of the *Water Quality Regulation 82-126* under the Clean Environment Act requires that an application for an approval shall be made at least ninety (90) days prior to the construction, modification or operation of a source, wastewater works or waterworks. Application forms or additional information may be obtained by contacting the Impact Management Branch at (506) 453-7945.
6. The maximum pumping rate for the well PW-1 cannot exceed 321 igpm or 2101 m³/day. In addition, PW-1 is to be equipped with a flow meter and the daily water usage is to be recorded. The water level in the well and the conductivity must be monitored with measurements taken a minimum of once per day (five days/week). The daily water usage data, water levels and conductivity data is to be included in the annual report submitted to the Department as part of the *Approval to Operate*.
7. Should the proponent wish to increase the pumping rate of PW-01 above 321 igpm or 2101 m³/day, a new Registration under the *EIA Regulation* and an additional hydrogeological assessment will be required.

8. The proponent will submit a Well Decommissioning Plan which identifies all water wells on-site (both freshwater and saltwater wells) and outlines a decommissioning schedule for abandoned wells on the property. In addition, any monitoring, observation or test wells drilled as a part of this project which will no longer be in use shall be decommissioned by a licensed Water Well Driller as per the *Guidelines for the Decommissioning (Abandonment) of Water Wells*.
9. If the water quantity or quality in a private well is found to be persistently/permanently adversely affected by the operation of well PW-1, it will be the proponent's responsibility to remedy the situation to the satisfaction of all parties. This may include, but is not limited to, modifying the pumping rate or schedule of well PW-1, or replacing or modifying the construction of the affected well(s) and includes providing an interim water supply to the affected well owner(s).
10. The outfall pipe must be extended beyond the mean low water mark prior to operation of the facility. In addition, the proponent must apply for and obtain authorization from the New Brunswick Department of Natural Resources (DNR) for any activity or infrastructure on submerged Crown Land or below the ordinary high water mark. Please contact the Land Use Application Service Centre at 1-888-312-5600 or visit the DNR website at www.gnb.ca/0263 for information on land use application packages.
11. T
The proponent must apply for and obtain an approval pursuant to the Navigable Waters Protection Act (NWPA) for the extension of the outfall pipe. Please contact the Navigable Waters Protection Program at Transport Canada at P.O. Box 1013, Dartmouth, NS, B2Y 4K2 or by phone at (902) 426-2726, by fax at (902) 426-7585 or by email at nwpcdar@tc.gc.ca
12. As per Sections 4 and 6 of the Aquaculture Act, the proponent must apply for and obtain an Aquaculture License from the Department of Agriculture and Aquaculture to undertake aquaculture activities.
13. The proponent must apply for and obtain a *Watercourse and Wetland Alteration (WAWA) Permit* from the Department of Environment for any activities conducted within 30 m of a watercourse or wetland, prior to the commencement of Project. For additional information, please contact the Manager of the Watercourse and Wetland Alteration Program, DENV, at (506) 457-4850.
14. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the Project comply with the above requirements.

