

DOCUMENT "A"

MINISTER'S DETERMINATION / LA DÉCISION DU MINISTRE CONDITIONS OF APPROVAL / CONDITIONS D'AGRÉMENT

Pursuant to *Regulation 87-83* under the *Clean Environment Act* /
En vertu du Règlement 87-83 de la Loi sur l'assainissement de l'environnement

December 9, 2022 / le 9 décembre 2022

File Number / Numéro du dossier: 027004

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- 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 March 21, 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 This Determination approves one phase of development, which includes the residential building referred to as "Proposed 18-unit Building #1" in the March 21, 2022 EIA Registration document. A description of all future phases must be submitted for review and receive approval from the Director, EIA Branch, DELG, prior to the start of any construction-related activities related to those phases. Reviews of future phases may require additional field information related to valued components (VC) that were not covered in the EIA Review, including but not limited to confirmation of wetland presence/absence for areas not included in the wetland surveys completed in 2021 and 2022. In addition, future phases must also consider the proposed water supply, which will involve further Water Supply Source Assessment(s), including hydrogeological assessment for any wells beyond TW22-01.
 - 5 The Department of Transportation and Infrastructure (DTI) accommodated a phased approach to the Traffic Impact Study, which involved an abbreviated desktop analysis of traffic impacts for the first 18-unit phase of development. Prior to commencement of all future phases of development, a complete Traffic Impact Study including any information DTI requests at that time must be submitted for review and receive approval from the Director, EIA Branch, DELG.
 - 6 The maximum allowable pumping rate for Well TW22-01 (on PID 00845701) is 50 igpm (327.1 m³/day or 60 USgpm). If at any time the proponent wants to increase the approved maximum allowable pumping rate of Well TW22-01, or requires a new water supply well, DELG must be contacted as further hydrogeological testing and other information may be required.

- 7 A flowmeter must be installed for well TW22-01 and the water usage data recorded daily (minimum 5 days/week). A record of the data must be readily available to DELG upon request.
- 8 If the maximum daily withdrawal of drinking water exceeds 50 m³ at any time, the proponent will be required to apply for and obtain an Approval to Operate from the Authorizations Branch of DELG, pursuant to the *Water Quality Regulation – Clean Environment Act*.
- 9 In the event of a complaint by a neighbouring water user that the construction or operation of this water supply well has negatively impacted the quality or quantity of their private water supply, the proponent must investigate the complaint and notify DELG. 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.
- 10 Well PW22-02 may be used as observation well if needed. It must be capped and protected, otherwise it must be decommissioned.
- 11 Any test wells that will not be used for production or monitoring purposes must be decommissioned as per the current version of the DELG *Guidelines for the Decommissioning (Abandonment) of Water Wells and Boreholes*. Within 3 months from the date of this Determination, the proponent must submit to DELG a decommissioning plan for any wells that will not be used for production or monitoring.
- 12 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.
- 13 Any alterations that are in or within 30 metres of a watercourse of wetland as per the *Clean Water Act* will require a *Watercourse and Wetland Alteration (WAWA) Permit*. The application for the required permit should refer to the EIA file number (027004). Submissions for all future phases will be reviewed based on DELG's Source and Surface Water Management Branch's applicable regulations and policies at the time that those phases are submitted.
- 14 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.
- 15 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.
- 16 The proponent shall ensure that all developers, contractors, and operators associated with the project comply with the above requirements.