

Document A – Minister’s Determination Conditions of Approval

Pursuant to Regulation 87-83 under the Clean Environment Act

May 30, 2023 - File Number: 4561-3-1593/ SR 044032

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. In the event the project is commenced (i.e., partially completed) and becomes inactive for a period of five years or more after commencement, 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.
4. The proponent shall adhere to all obligations, commitments, monitoring, and mitigation measures presented in the EIA registration document dated June 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.
5. The proponent must ensure that all project activities are conducted in compliance with the *Migratory Birds Convention Act* and associated Regulations.
6. The proponent must ensure that all project activities are conducted in compliance with both the federal and provincial *Species at Risk Act* and associated Regulations.

7. The proponent and contractor is required to have a spill response plan prepared in the event of an unplanned release, which will include maintaining appropriate spill kits on site, employee training, and will report any spills to the appropriate authority (Grand Falls DELG regional office or the 1-800-565-1633 toll free number).
8. The maximum allowable pumping rate for Well RW1 (well ID #66163 on PID 35202605) is 250 igpm (1636 m³/day). A flowmeter must be installed on the well and the water usage data recorded daily (minimum 5days/week). The flowmeter data must be submitted to DELG in an annual report submitted to the Director of the EIA Branch by March 31st of every year.
9. If at any time the proponent wants to increase the approved maximum allowable pumping rate of Well RW1 or requires a new water supply well, then DELG must be contacted as further hydrogeological testing and other information may be required.
10. At a minimum, the raw water from production Well RW1 must be sampled every two years for general chemistry, trace metals, and microbiology (or equivalent potable well water lab sampling package). The water quality data must be submitted to the DELG in the annual report as indicated in Condition 8.
11. The wellhead protection measures that have been identified in the EIA Registration document and subsequent correspondence must be instituted on the production well and any monitoring wells.
12. 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 the Director, EIA Branch, 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.
13. Within 3 months from the date of this Determination, the proponent must submit to the DELG, and receive approval of, a decommissioning plan, with timelines, for any wells that will not be used for production or monitoring purposes. All wells must be decommissioned as per the current version of the *DELG Guidelines for the Decommissioning (Abandonment) of Water Wells and Boreholes*.
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, of the 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.

