

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

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

May 17 2017

File Number: 4561-3-1443

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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.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the Environmental Impact Assessment Registration document dated September 2, 2106 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 Manager of the Environmental Assessment Section, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
 4. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof, the proponent must provide written acknowledgement to DELG from the lessee, controller or purchaser confirming that they will comply with the commitments made during the registration review and with the Conditions of this Determination. This requirement includes responsibility that may be shared and/or transferred to a *Corporation* under the New Brunswick Condominium Property Act (C-16.05). The information must be addressed to the Manager, Environmental Assessment (EA) Section, DELG.
 5. The proponent must include a reference to the EIA file number and the Conditions of Approval in any Declaration under the Condominium Property Act (C-16.05).
 6. The Environmental Protection Plan (EPP), Stormwater Management Plan (SWMP) and Emergency Response Plan (ERP) must be updated as committed to, and the final plans shall be available on site and followed by the proponent and all contractors, sub-contractors and workers on this project.

7. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30m from any surface water bodies and potable water supply wells, on a prepared impermeable surface with a collection system to contain oil, gasoline and hydraulic fluids. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).

Any subsurface disturbance related to the installation of the septic tanks and the motel footings, as well as any future subsurface disturbance of the lot within 80m of the shoreline should be monitored by a professional qualified Archaeologist. A ditching bucket must be used to remove soils (in sandy deposits) in 10cm increments from the surficial layer, down.

8. If it is suspected that remains of archaeological significance are discovered during construction, operation or maintenance of the proposed development, as per the New Brunswick Heritage Conservation Act (2010) all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture shall be contacted at (506) 238-3512 for further direction.
9. The maximum allowable pumping rate from well PW1 (well tag ID 0054760) is 68 igpm (309 L/min) with a maximum allowable daily water withdrawal of 38 m³/day. The well must be equipped with a flowmeter and the water withdrawal recorded daily (minimum of 5 days/week) in order to show compliance with the pumping rate restriction.
10. The water level in the pumping well PW1 and the observation well OBS1 (well tag ID 0054761) must be monitored with water level measurements taken a minimum of once daily and the data recorded.
11. A water quality monitoring device will be installed in the PW1 well to detect any potential increase in salinity. Measurements must be taken a minimum of once daily and the data recorded. If salt water intrusion is detected, appropriate measures must be taken to modify the water supply and any remedial measures, if required, must be developed in collaboration with DELG.
12. Once the water supply is operational, a raw water sample (before any disinfection or treatment) must be collected from PW1 for general chemistry (including bromide), trace metals, and microbiology a minimum of once per year.
13. Annual flowmeter, water level, conductivity and water quality data must be submitted to the Manager, EA Section, DELG along with a discussion of the data to show compliance with pumping conditions and water quality trends over time. The report on the previous year's data is due by March 1st of each year.
14. Observation well OBS2 (located under the building footprint) must be decommissioned according to the DELG *Guideline for the Decommissioning (abandonment) of Water Wells*.
15. The proponent must ensure that pumping well PW1 is constructed and the casing elevation is high enough that the well is protected from water inundation and damage due to flooding and storm surges.

16. Before the condominium water supply is brought on-line a baseline water quality sample must be collected from both private wells (i.e. the old well and the new well) located on PID 00874925 (3790 Hwy 134). Samples must be collected for general chemistry (including bromide), trace metals, and microbiology. A copy of the results must be given to the homeowner and submitted to the Manger, EA Section, DELG.
17. Before PW1 may be used as a water supply it must be disinfected according to the AWWA Standard and a water sample must be collected for general chemistry (including bromide), trace metals, and microbiology. A copy of the results must be submitted to the Manger, EA Section, DELG and the Department of Health for approval before the water supply can be used.
18. If the proponent wants to increase the pumping rate from the well or if an additional water supply well is needed in the future, then they must contact the Manger, EA Section, DELG as additional hydrogeological testing may be required.
19. The proponent is responsible for any negative impacts to neighbouring water wells due to the operation of PW1 for this development.
20. The proponent is responsible for ensuring that all developers, contractors and operators associated with the project are familiar with, and comply with the requirements of the Migratory Birds Convention Act and the Species at Risk Act and associated *Regulations*.
21. Test pits must be dug to assess soil conditions in the vicinity of the final location for the wastewater treatment system. The data must be submitted for review and approval to the Manager, EA Section, DELG and for distribution to the TRC. In addition, any future changes to the approved design of the wastewater treatment system will need to be submitted for review and approval.
22. The wastewater treatment system must be inspected annually to determine any maintenance requirements, including, but not limited to, the removal of accumulated sludge. Two effluent samples should be analysed annually (spring and fall) for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS), and the results submitted to the Manager, EA Section, DELG.
23. All electrical components of the wastewater treatment system and the building will be located above 4.3m geodetic elevation representing the highest storm surges predicted to occur by 2100 due to climate change.
24. The proponent must follow the Regional Service Commission 7 requirements for inclusion of flood mitigation measures to address sea level rise.
25. No infilling can occur seaward of the straight line drawn between Point A and Point B as identified on the map "*Seagull Condo Measurements*" plan (December 8, 2016).
26. Any alterations within 30m of the Shediac River are subject to the *Watercourse and Wetland Alteration Regulation* 90-80, of the Clean Environment Act and may require a permit from DELG.
27. The proponent shall ensure that all developers, contractors and operators associated with the project comply with the above requirements.