

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

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

May 15, 2020

File Number: 4561-3-1527

-
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 (DELG).
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, "Environmental Impact Assessment - Etang Ruisseau Bay Inc. - Open Well Geothermal System – L'Étang Ruisseau Bar Ltée. - Haut Shippagan, NB. – PID 20512224 - ARC Geobac Group Inc. – July 2019", as well as all those identified in subsequent correspondence during the registration review for the project on PID 20903084. Additionally, the proponent shall submit a summary table detailing the status of each condition listed in this Determination to the Director of the Environmental Impact Assessment Branch (EIA) of DELG every 6 months from the date of this Determination until such a time that all the Conditions have been met.
 4. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act (2010)*, all activity shall be stopped within 30 meters of the find and the Manager of the Archaeological Regulatory Unit (506) 453-2738 shall be contacted for direction.
 5. The proponent shall ensure that if a nest or chick of a migratory bird is detected, work in the area shall be halted and the Canadian Wildlife Service of Environment and Climate Change Canada be consulted for advice by contacting their main office in Sackville, New Brunswick: (506) 364-5044. The proponent shall ensure that activities are conducted in a manner that would be in compliance with the *Migratory Birds Convention Act*.
 6. The maximum allowable pumping rate from the source well (salt water well) on PID 20903084 is 200 USgpm (166.5 igpm, 757 L/min, 12.6 L/sec).
 7. The source well must be equipped with a flowmeter and the water usage recorded daily (minimum 5 days/week), to ensure compliance with the pumping rate.
 8. The proponent shall ensure that the water level in the source well is monitored at least once a day (minimum of 5 days/week).

9. The proponent shall ensure that a report on water usage, water levels, and water quality is submitted annually to DELG. The report must include the raw data, along with data trending, an interpretation of the data, and an evaluation on whether the water usage is causing any negative impacts to the potable well or the local potable aquifer. The annual report is due by March 1 for the previous years monitoring.
10. The proponent shall ensure that the water quality of the source well (salt water well) and the on-site potable water well (re-drilled dug well) are tested a minimum of once per year. The source well must be sampled and tested for general chemistry and trace metals, while the on-site potable water well must be sampled and tested for generally chemistry, trace metals, and microbiology.
11. If there is a complaint that the operation of the salt water source has had a negative impact on neighbouring water users, the proponent must investigate the complaint and may be required to mitigate the situation. This may include, but is not be limited to, provide bottled water for a temporary impact, or deepening a well or drilling a new well for any permanently impacted water supplies.
12. As a minimum, all onsite wells will require a vermin proof cap and the cap shall be locked; the ground surface around the wellhead must be sloped away from the well so there is no pooling of water around the wellhead; the well must be clearly marked so that its location can be seen even under snow cover; and it must have a barricade to protect it from being damaged.
13. If at any time the proponent wants to increase the pumping rate of the source well or requires an additional water supply (i.e. new well), a water supply source assessment/additional studies may be required, and the proponent must obtain written approval from the Director of the EIA Branch, DELG, prior to any changes being initiated.
14. The proponent shall ensure that any proposed project modifications or future expansions are submitted for review and approval to the Director of the EIA Branch, DELG, prior to implementing the changes.
15. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.