

DOCUMENT "A"

**MINISTER'S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

March 7, 2014

File Number: 4561-3-1365

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 implement measures to require adherence by all contractors, sub-contractors and workers on this project, to all obligations, commitments, monitoring and proposed mitigation measures presented in the EIA registration document dated September 11, 2013, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent must 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 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. An Environmental Management Plan (EMP) shall be submitted for review, and be approved by, the Manager of the Environmental Assessment Section, NB DELG. The EMP shall demonstrate mitigation measures for all aspects of the project including but not limited to the following:
 - a. An Emergency Response Contingency Plan(s) in case of environmental emergencies (which shall contain provisions for the immediate notification of the Dept. of Environment, the Dept. of Health, and any downstream water users in the event of overflow or other environmental emergencies, details of appropriate spill response equipment on site, etc);
 - b. On farm management techniques for prevention of spread for seed, fruit, vegetative and rootstock material;
 - c. Disposal/destruction methods of discarded seed, fruit, vegetative and rootstock material;
 - d. Refueling and maintenance of equipment;
 - e. An Environmental Effects Monitoring Plan; and
 - f. This EMP must be submitted to the Manager of the Environmental Assessment Section, NB DELG, for review and approval by **May 18, 2014**.

5. Prior to commencement of any construction activities within 30 metres of any watercourse or wetland, the proponent must obtain a *Watercourse and Wetland Alteration Permit* from the DELG. Please contact the Manager of the Surface Water Protection Section, DELG at (506) 444-5149.
6. If at any time water demand increases, in excess of 49m³/day **or** additional wells are required, the proponent must contact the Manager of the Environmental Assessment Section, DELG, to determine if further assessment is required.
7. In the event that any neighbouring well is impacted by the operation of the project, the proponent shall remediate or if necessary replace that well. The proponent shall also provide an alternate source of water to affected residents until such time as water quality is restored or replaced.
8. Routine inspection of all equipment used in the orchard and in processing (if applicable) must be conducted and any equipment leaving the site must be thoroughly cleaned to prevent unintentional movement of seed and/or plant material off-site.
9. Prior to commencement of decommissioning of the orchard and processing/storage facilities (if applicable), the proponent must submit a detailed decommissioning plan to the Manager of the Environmental Assessment Section, DELG for review and approval.
10. If it is suspected that remains of archaeological significance are discovered during construction, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Section, NB Department of Wellness, Culture and Sport, shall be contacted at (506) 453-2756 for further direction.
11. Refuelling and maintenance of equipment must take place in designated areas, on level terrain, a minimum of 30 m 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).