

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

June 19, 2015

File Number: 4561-3-1394

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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 EIA registration document dated September 2014 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 of the 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.
 4. If it is suspected that remains of archaeological significance are found during construction, as per the Heritage Conservation Act, all activity shall be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Tourism, Heritage and Culture, shall be contacted at (506) 453-3014.
 5. The additional bird survey referenced in GEMTEC Limited's May 27, 2015 report must take place in June 2015, and the results of the survey, as well as any proposed applicable mitigative measures, must be provided by July 15, 2015 to the Manager of DELG's Environmental Assessment Section for review and approval. Please note that additional conditions might be imposed as part of that approval based on the results of the survey.
 6. If any additional topsoil is required for either the construction or the operation of this facility, it must not be removed from agricultural lands, whether such lands are located nearby or outside of the immediate area, and whether the topsoil is obtained by the proponent or provided by an outside contractor.
 7. The maximum allowable pumping rate from Well # 3 is 1.95 m³/min (515 USgpm). The well

must be equipped with a flowmeter and the water usage must be recorded daily (for a minimum of five days per week) to ensure compliance with this pumping rate condition.

8. Wells # 1 and # 4 are not approved for production purposes and can only be used for monitoring. If at any time an additional water supply is required, DELG must be contacted as additional hydrogeological testing might be required before the pumping rate of Well # 3 can be increased or before a new well can be approved for use.
9. Well # 3 cannot be used for potable purposes until water quality testing shows that it meets the Canadian Drinking Water Quality Guidelines.
10. For long-term monitoring, water quality samples (general chemistry, trace metals, and microbiology) must be collected from Well # 3 (before any treatment) at least once per year. In addition, water levels in Wells # 1 and # 4 must be monitored a minimum of once per week. This information, along with the flowmeter data from Well # 3, must be submitted to DELG in the form of an annual report, which is due by March 31 of each year. The annual report must clearly indicate the daily water withdrawal amount for Well # 3, water level trends in Wells # 1 and # 4, and any changes in raw water quality over time.
11. In the event of a complaint from a neighbour that the operation of this facility's water supply 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 facility is responsible for any such 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.
12. Any waste produced at the blueberry facility must be disposed of at an appropriate facility that has the applicable approvals from DELG. Additionally, if any material from the blueberry facility is brought to a composting facility, it must be ensured that the composting facility has the appropriate approvals from DELG.
13. The proponent must enter into discussions with the New Brunswick Department of Natural Resources (NBDNR) regarding the most appropriate form of land tenure for the Crown lands that will be involved as part of this project. The applicable authorizations must subsequently be obtained from NBDNR prior to any activities taking place on Crown lands.
14. 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 from the lessee, controller or purchaser confirming that they will comply with the conditions of this Determination to the Manager of DELG's Environmental Assessment Section.
15. The proponent shall ensure 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*.
16. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above requirements.