

Regulatory Considerations for Cranberry Growers in New Brunswick

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Regulatory Considerations for Growers

Environmental Issues

- Environmental Assessments
- Other Environmental Considerations
- Wetland Policy

Other Development Issues

- Licenses to occupy land and other permits for test-pitting
- Negotiation of leases or property purchase
- Business organization
- Zoning
- Stumpage fees and permits for lumber removal
- Compensation and permitting for sand removal
- Roadwork authorizations
- Construction contracts
- Cross-border issues
- Employment and occupational health & safety

Environmental Assessments

EIAs/EAs are planning tools used to identify and assess potential environmental impacts, including identification of mitigation measures.

Provincial EIA

- *Clean Environment Act – Environmental Impact Regulation*
- Determination Review; Comprehensive Review
- “Undertakings”: transfer of water between drainage basins; impacts wetlands; impacts unique, rare or endangered environmental features; daily use of water greater than 50 cubic metres per day
- *Additional Information Requirements for Cranberry Operations* (v. 05-04-07)

Federal EA

- *Canadian Environmental Assessment Act*
- Screening; Comprehensive Study; Panel Review
- “Triggers”: Federal funding; *Fisheries Act* authorization; *Navigable Waters Protection Act* authorization

Ocean Spray Pleasant Ridge Cranberry Farm:

EIA Determination Review – registered 18/12/2008; approved 05/29/2009

EIA/EA Requirements

Requirement	Correlative Actions
Project Description	<ul style="list-style-type: none"> • describe location/ physical environment, project components, construction, operation, decommissioning, emergency planning
Potential Environmental Interactions and Mitigation Measures	<ul style="list-style-type: none"> • water balance calculations and stream flow testing • fish habitat surveys • rare species analysis • rare plant surveys • migratory bird surveys • archaeological field investigations • check zoning and land use regulations • integrate use of peat in design • identify wetland rehabilitation opportunities • develop monitoring plans (e.g., TSS, rare species, stream flow maintenance, groundwater levels, water quality standards) • submit diagrams for any watercourse alteration
Public Consultation	<ul style="list-style-type: none"> • notification (newspapers, contact with special interest groups) • conduct public meetings • First Nation consultation
Follow-up	<ul style="list-style-type: none"> • develop Environmental Protection Plan • designate Environmental Inspector • educate workforce

Other Environmental Considerations

WAWA Permit

- *Clean Water Act – Watercourse and Wetland Alteration Regulation*
- NB ENV review (maybe DFO and NB DNR) – several weeks to 2 months
- Vegetation clearing, soil excavation, construction or landscaping activities within 30 metres of a watercourse or a wetland
- Likely applicable to test-pitting in addition to general development

Pesticide and Fertilizer Use

- Pleasant Ridge development is based on controlled, closed loop system
- Other designs must consider Provincial and Federal authorizations for discharge

Wetland Issues

- New Brunswick Wetland Policy
- Wetland avoidance by design, especially Provincially Significant Wetlands
- Incorporation of rehabilitation in design

Federal Letters of Advice

- Use to determine whether a *CEAA* trigger may apply
- Incorporate as early as possible in design process

New Brunswick Wetland Policy

Wetland Conservation Policy, 2002

- No net loss
- Multi-purpose function of wetlands
- Historical and on-going loss creates need for protection
- Some wetlands should be designated as “significant”
- Co-management and partnerships is essential to wetland conservation

EIA Additional Information Requirements

- Bogs vs other wetlands
- Priority for peat mining [note: peat mining bog restoration]
- Ecoregions 5 & 6

On the Horizon

- Review of Pleasant Ridge experience for streamlining environmental permitting processes in New Brunswick

Conclusion: Tips for Growers coming to New Brunswick

- Plan early
- Stay informed on the science and policy
- Establish local contacts to assist in scheduling site selection, test-pitting and broader environmental surveys
- Factor environmental and other considerations into site selection and farm design