

# Environmental Assessment Approval

Approval Date: MAR 12 2015

**Brierly Brook Quarry**  
**Nova Construction Co. Ltd., Approval Holder**  
**Antigonish County, Nova Scotia**

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The Brierly Brook Quarry (the "Undertaking"), proposed by Nova Construction Co. Ltd. (the "Approval Holder"), Antigonish County, Nova Scotia is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the *Environmental Assessment Regulations*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Document.

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## Terms and Conditions for Environmental Assessment Approval

### 1.0 General Approval

- 1.1 The Environmental Assessment Approval for the project is limited to the project as described in the Registration Document. Any proposal by the Approval Holder for expansion, modification or relocation of any aspect of the project from that proposed in the Registration Document shall be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 1.2 The Approval Holder shall within two years of the date of issuance of this approval, commence work on the Undertaking unless granted a written extension by the Minister.
- 1.3 The Approval Holder shall not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 1.4 The Approval Holder implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment (NSE).

### 2.0 Surface Water Resources

- 2.1 The Approval Holder shall not undertake any quarry related activities within 30

metres of a watercourse unless otherwise approved by NSE. No development or removal of vegetation within this 30 metre buffer is permitted unless otherwise approved by NSE.

2.2 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall submit to NSE for review and approval:

a) a surface water monitoring plan including sampling locations and parameters;

b) an erosion and sediment control plan;

c) a stormwater management plan including details regarding the plans for monitoring, maintenance and upgrading of the flow retention/siltation treatment areas. Design criteria shall recognize increased likelihood of more intense precipitation events in coming decades; and

d) a water quality and quantity monitoring plan that details the pre- and post-development water quality and quantity monitoring program.

2.2.1 Upon review and approval of the plans listed in 2.2 above, the Approval Holder shall implement the plans, provide any information requested by NSE related to the plans, and make any necessary modifications to the plans as required by NSE.

2.3 All surface water protection and management programs shall be updated/revised to reflect the progressive development of the quarry. This is to take place over the lifetime of the Undertaking, at a schedule acceptable to NSE, and revised as approved by NSE.

### **3.0 Wetlands**

3.1 The Approval Holder shall not undertake any quarry related activities within 30 metres of a wetland unless otherwise approved by NSE. No development or removal of vegetation within this 30 metre buffer is permitted.

3.2 Prior to altering any wetland, the Approval Holder shall obtain an approval in accordance with the Activities Designation Regulations and the Approval and Notification Procedures Regulations.

### **4.0 Groundwater Resources**

4.1 The Approval Holder, as part of the application for amendments to the Part V Amendment under the *Environment Act*, shall submit to NSE for review and approval:

a) a groundwater monitoring program including location of monitoring wells and monitoring parameters. This program shall be designed to evaluate potential impacts to both groundwater levels and groundwater quality; and

b) a monitoring program to determine the potential for and extent of sulphide bearing material and plan to manage any exposed acid generating material and

associated drainage (in consultation with NSE).

- 4.1.1 Upon review and approval of the programs listed in 4.1 above, the Approval Holder shall implement the programs, provide any information requested by NSE related to the programs, and make any necessary modifications to the programs as required by NSE.
- 4.2 The Approval Holder shall not excavate below the watertable, unless otherwise approved by NSE.
- 4.3 The Approval Holder shall replace, at their expense, any water supply which has been lost or damaged as a result of quarrying operations to the satisfaction of NSE.

## **5.0 Flora and Fauna**

- 5.1 Prior to construction, the Approval Holder shall consult with DNR Wildlife and produce a moose monitoring plan to the satisfaction of the DNR Wildlife Division.
  - 5.1.1 The Approval Holder shall advise NSE of the completion of the approved plan in 5.1, and shall implement the plan, provide any information requested by NSE related to the plan, and make any necessary modifications to the plan as required by NSE.
- 5.2 No blasting is permitted between January 1 and March 30, unless otherwise approved by NSE, to reduce the impacts on overwintering deer in the surrounding area.
- 5.3 The Approval Holder shall provide effective mitigation and protection for run off from the site in storm surge and other heavy rain events to ensure no siltation occurs in Briery Brook or its tributaries to protect Endangered Wood Turtles and their habitat. Standards for siltation protection will be determined in consultation with NSE and DNR Wildlife Division.
- 5.4 All turtles sighted in normal operations shall be reported immediately to the NSDNR Regional Biologist.
- 5.5 Clearing vegetation shall be conducted outside of the breeding season for most bird species (April 1 to August 15), unless otherwise approved by NSE.
- 5.6 Prior to construction, the Approval Holder shall provide DNR Wildlife Division with digital way points and shape files revealing precise locations for all S1, S2 and S3 Atlantic Canada Conservation Data Center listed species, identified during field work within the area proposed for development. The Approval Holder shall report to NSE that the files have been provided to DNR.

## **6.0 Noise and Dust**

- 6.1 The Approval Holder, as part of the application for amendments to the Part V approval under the *Environment Act*, shall provide for review and approval, an updated blasting plan. The plan shall include an updated pre blast survey for structures and water supplies within 800 metres of the blast area, a detailed blast monitoring plan, and a full blast damage response policy as required by NSE.

- 6.2 The Approval Holder shall develop and implement an air quality and/or dust monitoring plan, at the request of NSE. This plan shall include but not be limited to sampling locations, parameters, monitoring methods, protocols and frequency.
- 6.3 The Approval Holder shall develop and implement a noise monitoring plan, at the request of NSE.
- 6.4 Upon review and approval of the plans listed in 6.1, 6.2, and/or 6.3 above, the Approval Holder shall implement the plans, provide any information requested by NSE related to the plans, and make any necessary modifications to the plans as required by NSE.

## **7.0 Archaeological and Heritage Resources**

- 7.1 The Approval Holder shall cease work and contact the Coordinator, Heritage Division, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the find is of suspected or certain Mi'kmaq origin, the Approval Holder shall also contact the Executive Director of the Kwilmu'kw Maw-klusuaqn Negotiation Office.

## **8.0 Public Engagement**

- 8.1 At the request of NSE, the Approval Holder shall develop and submit to NSE, a complaint resolution program to address public concerns associated with the Undertaking. The complaint resolution program shall include but not be limited to the appointment of a contact person designated to deal with concerns from the public.
- 8.2 Upon review and approval of the program listed in 8.1 above, the Approval Holder shall implement the program, provide any information requested by NSE related to the program, and make any necessary modifications to the program as required by NSE.
- 8.2 The Approval Holder shall appoint a contact person designated to deal with complaints from the public, and shall provide the contact person information to NSE 30 days prior to the commencement of any work. Records of these complaints and associated actions shall be made available to NSE upon request.
- 8.3 At the request of NSE, the Approval Holder shall form a Community Liaison Committee (CLC). The NSE Guidelines for the Formation of a Community Liaison Committee should be used for guidance. The Approval Holder shall operate the CLC for the duration of the Undertaking and until released in writing by NSE.

## **9.0 First Nation and Aboriginal Engagement**

- 9.1 At the request of NSE, Approval Holder shall develop and implement a Mi'kmaq Communication Plan for the Undertaking, which will include a process for communicating project details and seeking input from the Mi'kmaq community.
- 9.2 Upon review and approval of the plan listed in 9.1 above, the Approval Holder

shall implement the plan, provide any information requested by NSE related to the plan, and make any necessary modifications to the plan as required by NSE.

## **10.0 Contingency Plans**

- 10.1 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall submit to NSE for review and approval a contingency plan that meets NSE's Contingency Planning Guidelines and addresses (including but not limited to):
- a) accidental occurrences, and includes the location of spill equipment kept on-site and emergency phone numbers;
  - b) training to be delivered to staff, including contractors;
  - c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays);
  - d) impacts to watercourses and water resources and domestic water supplies;
  - e) releases of dangerous goods or waste dangerous goods;
  - f) potential fire at the facility (to be reviewed and approved by the local fire and emergency service providers);
  - g) petroleum and hazardous material spills and surface water control structure failure; and
  - h) such other information as required by NSE.
- 10.2 Contingency plans shall be updated/revised to reflect the progressive development of the quarry. This is to take place over the lifetime of the Undertaking, at a schedule acceptable to NSE, and revised as approved by NSE.
- 10.3 Upon review and approval of the plan listed in 10.1 above, the Approval Holder shall implement the plan, provide any information requested by NSE related to the plan, and make any necessary modifications to the plan as required by NSE.
- 10.4 Refuelling shall not be conducted within 100 metres of any surface water resource, unless otherwise approved by NSE.

## **11.0 Quarry Development and Reclamation**

- 11.1 The Approval Holder, as part of the application for amendments to the Part V Approval under the *Environment Act*, shall provide for review and approval a preliminary reclamation plan that includes progressive reclamation and details of future land use.

- 11.2 Reclamation plans shall be updated/revised to reflect the progressive development of the quarry. This is to take place over the lifetime of the Undertaking, at a schedule acceptable to NSE, and revised as approved by NSE.
- 11.3 Upon review and approval of the plan listed in 11.1 above, the Approval Holder shall implement the plan, provide any information requested by NSE related to the plan, and make any necessary modifications to the plan as required by NSE.
- 11.4 Quarry expansion approval is subject to progressive reclamation at the existing site being completed to the satisfaction of NSE. Re-vegetation will be limited to the use of native species unless otherwise approved by NSE
- 11.5 Quarry operations shall be completed and reclaimed to the satisfaction of NSE and other appropriate regulatory departments.



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Randy Delorey, MLA  
Minister of Environment