



Environment
Office of the Minister

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Our File number:
40100-30-232
10700-40-50076

APR 26 2016

Mr. Frank Lieth, Vice President
1200 Urban Centre Drive
Birmingham, Alabama
USA 35242

Dear Mr. Lieth:

Re: Environmental Assessment – Black Point Aggregates Inc.
Black Point Quarry Project, Guysborough County, NS

The environmental assessment of the proposed Black Point Quarry Project in Guysborough County, Nova Scotia has been completed.

This is to advise that I have approved the above project in accordance with Section 40 of the *Nova Scotia Environment Act*, S.N.S., 1994-95 and subsection 13(1)(b) of the *Environmental Assessment Regulations*, N.S. Reg. 348/2008, made under the Act. Following a review of the information provided by Black Point Aggregates Inc., and the information provided during the government and public consultation of the environmental assessment, I am satisfied that any adverse effects or significant environmental effects of the undertaking can be adequately mitigated through compliance with the attached terms and conditions.

This approval is subject to any other approvals required by statute or regulation, including but not limited to, approval under Part V of the *Environment Act* (Approvals and Certificates section).

If you have any questions regarding the approval of this project, please contact Peter Geddes, Director, Policy and Planning, at (902) 424-6250 or via email at Peter.Geddes@novascotia.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Miller', written over a horizontal line.

Margaret Miller, MLA
Minister of Environment

Encl.

c: Peter Geddes

Environmental Assessment Approval

Approval Date: **APR 26 2018**

**Black Point Quarry Project
Black Point Aggregates Inc., Approval Holder
Guysborough County, Nova Scotia**

The Black Point Quarry Project (the "Undertaking"), proposed by Black Point Aggregates Inc. (the "Approval Holder"), Guysborough 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.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking 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 Undertaking from that proposed in the Registration Document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 1.2 The Approval Holder must, 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 must 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 must 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 must 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 the Part V Approval under the *Environment Act*, must submit to NSE for review and approval:
 - a) a surface water monitoring plan including sampling locations, parameters and frequency of sampling. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations to the satisfaction of NSE;
 - 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 must recognize increased likelihood of more intense precipitation events in coming decades and meet discharge criteria per NSE requirements ; and
 - d) details of pre- and post-development water quality and quantity monitoring program. Sampling methods and/or protocols must be provided to the satisfaction of NSE.
- 2.3 All surface water protection and management programs must 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 must provide GIS shape files and metadata for all wetlands that were delineated for this Undertaking, and for compensation purposes, to NS Department of Natural Resources (NSDNR)-Wildlife Division and the NSE Wetland Specialist.
- 3.2 The Approval Holder must 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.
- 3.3 The Approval Holder must provide cross-drainage (not a single culvert) under roads through wetlands so that hydrologic linkages on both sides of the road are maintained.
- 3.4 Prior to application for a wetland alteration approval, the Approval Holder must develop a Wetland Compensation Plan. The Wetland Compensation Plan and associated reporting requirements must be developed to the standards as defined by NSE and establish specific objectives intended to prevent the net loss of wetlands in accordance with the Nova Scotia Wetland Conservation Policy.

Based on the results of the measures taken to offset losses of wetland and or wetland functions and services, the Approval Holder must make necessary modifications to compensation plans, and/or site operations, to the satisfaction of NSE.

- 3.5 The Approval Holder must implement and adhere to the Wetland Compensation Plan once finalized and approved by NSE.
- 3.6 Following the development of the Wetland Compensation Plan and prior to any wetland alteration, the Approval Holder must obtain an approval in accordance with the Activities Designation Regulations and the Approval and Notification Procedures Regulations.
- 3.7 The Approval Holder must develop and implement a wetland monitoring plan to be approved by the NSE Wetland Specialist.

4.0 Groundwater Resources

- 4.1 The Approval Holder, as part of the application for the Part V Approval under the *Environment Act*, must submit to NSE for review and approval:
 - a) a groundwater monitoring program including the location of monitoring wells and monitoring parameters. This program must be designed to evaluate potential impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Approval Holder must make necessary modifications to mitigation plans and/or quarry operations, if required, to prevent unacceptable environmental effects, to the satisfaction of NSE. This program shall be updated upon application for amendments to the Part V approval or other frequency as determined by NSE; 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).
- 4.2 The Approval Holder must not excavate below mean sea level, unless otherwise approved by NSE.
- 4.3 The Approval Holder must 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 The Approval Holder must develop a lighting plan for the Undertaking area that minimizes and manages lighting impacts on migratory birds and breeding birds. The lighting management for operations should consider fog impacts exacerbated by lighting during mid-May through June 10th which is an especially sensitive window in spring migration. Any mortality of Leach's Storm Petrels must be reported to NSDNR-Wildlife Division and Canadian Wildlife Services immediately.
- 5.2 Prior to blasting, the Approval Holder must submit a blasting management plan developed in consultation with NSDNR-Wildlife Division, to NSE. This plan is to

optimize blasting and align a monitoring approach to determine impacts in relation to nesting seabirds.

- 5.3 The Approval Holder must maximize the coastal buffer (i.e. between the coastal shore side of the project and the Project components) to the satisfaction of NSE and NSDNR-Wildlife Division. The buffer must be a minimum of 30 metres in the plant operations areas and 75 metres in all other areas, except where needed for the access road; to install and maintain erosion and sediment discharge control measures; for the ship loading conveyor; and for the marine terminal. Native vegetation within the coastal buffer must not be disturbed.
- 5.4 Clearing and grubbing of vegetation must be conducted outside of the breeding season for most bird species (April 15 to August 15), unless otherwise approved by NSE.
- 5.5 Prior to construction, the Approval Holder must provide NSDNR-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 development area. The Approval Holder must report to NSE that the files have been provided to NSDNR-Wildlife Division.

6.0 Noise and Dust

- 6.1 The Approval Holder, as part of the application for the Part V Approval under the *Environment Act*, must provide for review and approval, a blasting plan. The plan must include a 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 must develop and implement an air quality and/or dust monitoring plan, at the request of NSE. This plan must include but not be limited to sampling locations, parameters, monitoring methods, protocols and frequency. Based on the results of the monitoring programs as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE.
- 6.3 The Approval Holder must monitor noise levels, at the request of NSE. Based on the results of monitoring program as proposed, the Approval Holder must make necessary modifications to mitigation plans and/or operations as required by NSE.

7.0 Archaeological and Heritage Resources

- 7.1 Prior to construction, the Approval Holder must develop and implement a Cultural Resource Management Plan and complete required additional archaeology work to the satisfaction and approval of Nova Scotia Department of Communities, Culture and Heritage.
- 7.2 The Approval Holder must cease work and contact the Special Places Coordinator, Cultural Heritage and Development Division, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the

Undertaking. If the find is of suspected or certain Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Maw-klusuaqn Negotiation Office and the Chief of Sipekne'katik First Nation.

8.0 Public Engagement

- 8.1 The Approval Holder must operate the Community Liaison Committee (CLC) for the duration of the Undertaking and until released in writing by NSE.
- 8.2 At the request of NSE, the Approval Holder must provide records of the CLC including meeting minutes, complaints and associated actions.
- 8.3 The Approval Holder must develop a complaint resolution plan to address all concerns associated with the Project. The Approval Holder must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

9.0 First Nation and Aboriginal Engagement

- 9.1 The Approval Holder must develop and implement a Mi'kmaq Engagement Strategy for the Undertaking, which will include a process for a communicating project details and seeking input from the Mi'kmaq community.

10.0 Contingency Plans

- 10.1 The Approval Holder, as part of the application for the Part V Approval under the *Environment Act*, must 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;
 - h) impacts on birds and associated habitats on which they depend. The marine oil spill emergency measures plan and petroleum products management on the Undertaking site should be developed with NSE, Environment Canada-Canadian Wildlife Service and Fisheries and

Oceans Canada; and

i) such other information as required by NSE.

- 10.2 Contingency plans must 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 Refuelling must 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 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 must 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 Quarry operations must be completed and reclaimed to the satisfaction of NSE, NSDNR and other appropriate regulatory departments.



Margaret Miller, MLA
Minister of Environment