

Environmental Assessment Approval

Approval Date: OCT 28 2005

Nictaux Pit Development Project

Ward Aggregates Ltd., Proponent

Nictaux, Annapolis County,
Nova Scotia

The Nictaux Pit Development (the "Undertaking"), proposed by Ward Aggregates Ltd. (the "Proponent"), Nictaux, Annapolis County, is approved pursuant to Section 13(1)(b). 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, by-laws, guidelines, policies or standards before commencing work on the Undertaking. It is the responsibility of the Proponent 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 Information.

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 Proponent for expansion, modification or relocation of any aspect of the project from that proposed in the registration document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 The Proponent shall within 2 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 Proponent 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 Proponent shall implement all mitigation and commitments in the Registration Document, unless approved otherwise by the NSEL.

2.0 Groundwater Resources

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval:
 - a) details of a groundwater monitoring program including location of monitoring wells and parameters. This program shall be designed to confirm impacts to both groundwater levels and groundwater quality. Based on the results of the monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL. This program shall be resubmitted over the lifetime of the project, at a schedule to be established by the NSEL, and revised as determined by the NSEL.
 - b) a contingency plan to address impacts to groundwater.
 - c) details of a monitoring program to determine the potential for and extent of sulphide bearing material and a plan to manage any acid generating material exposed and associated drainage.
 - d) the Proponent shall not carry out excavation below the water table without written approval from NSEL. In the event that this request is made, the Proponent shall undertake additional investigations to determine a) whether the extraction of the material will negatively impact the inflow of groundwater to the wetlands; and b) the width of buffer needed to ensure groundwater inputs are sufficient to maintain the ecological character of the wetlands.

3.0 Surface Water

- 3.1 All discharges from the site must meet the NSEL requirements.
- 3.2 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval:
 - a) details regarding erosion and sediment control protection
 - b) hydrological details of the proposed flow retention structures

- c) respecting pre and post development flows
- c) details regarding the monitoring, maintenance and upgrading of the flow retention structures
- d) details regarding the program to monitor surface water, including location and parameters. Based on the results of monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.

- 3.3 All surface water protection and management programs shall be resubmitted over the lifetime of the project, at a schedule to be established by the NSEL, and revised as determined by the NSEL.
- 3.4 The Proponent shall not undertake any pit related activities within 30 metres of a watercourse without receiving all necessary approvals and/or authorizations from NSEL and all other applicable jurisdictions.
- 3.5 The Proponent shall not undertake any pit related activities within 60 metres of Kempt Brook. Equipment refuelling will not be undertaken within 100 metres of the stream (as committed to in the EA Registration Document).

4.0 Terrestrial Resource

- 4.1 The Proponent shall develop and reclaim the proposed gravel pit in the northern portion of the property in a progressive manner to enable Slim-leaf witchgrass to return /regenerate.
- 4.2 The Proponent shall not undertake any pit related activities within 50 metres of Wetlands 1, 2 and 3.
- 4.3 The Proponent shall contact NSDNR's Regional Biologist regarding mitigative options for Wood Turtles (including exclusion fences).

5.0 Aquatic Resources

- 5.1 The Proponent shall complete further fish and fish habitat surveys to DFO's satisfaction, prior to gravel extraction from the southern extraction area.
- 5.2 The Proponent shall explore options to rehabilitate Kempt Brook through the adjacent property in order to restore fish habitat to the upper reaches of Kempt Brook.

6.0 Public Consultation

- 6.1 The Proponent shall form, at the request of the NSEL, a Community Liaison Committee (CLC) in consultation with the NSEL and with municipal and community representatives. The NSEL *Process for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.

7.0 Archaeological Resources

- 7.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, and the Executive Director, Confederacy of Mainland Mi'kmaq, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

8.0 Transportation

- 8.1 The Proponent shall address transportation related concerns by ensuring that:
- a) dust on pit site roads will be stabilized using water or other means as required by the NSEL
 - b) site staff will ensure that trucks are free of loose material before leaving the pit site
 - c) ongoing vehicle inspections shall be undertaken to ensure that all contracted haulers have properly functioning engine noise muffling devices and other operating equipment
 - d) trucking contracts stipulate adherence to speed limits, use of tarpaulins, vehicle maintenance requirements and periodic inspections.

9.0 Noise and Dust

- 9.1 All equipment is to be operated with standard noise suppression exhaust systems and kept in good repair.
- 9.2 Petroleum products shall not be used as a dust suppressant.
- 9.3 The Proponent shall monitor for noise and dust at the request of the NSEL.
- 9.4 The Proponent shall participate in future airshed management programs as required by the NSEL.

10.0 Pit Plan and Operation

- 10.1 The Proponent shall operate the pit within all NSEL requirements.
- 10.2 The Proponent shall plan and design the pit according to the *NSEL Pit and Quarry Guidelines*, 1999, and/or current version.
- 10.3 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by the NSEL.
- 10.4 The Proponent, as part of the application for Part V Approval, shall provide for review and approval:
 - a) a plan completed by a licensed surveyor delineating the boundaries of the pit and identifying all pertinent structures.
 - b) details of site development
 - c) details of stockpiling (aggregate, sediment removed from settling ponds, and overburden piles), including, as a minimum, stockpile locations, stockpile volumes, length of duration of any stockpiling activity on-site, and erosion protection measures
 - d) plans for shutdowns
- 10.5 All plans related to pit operation shall be resubmitted over the lifetime of the project, at a schedule to be established by the NSEL, and revised as determined by the NSEL.
- 10.6 The Proponent shall apply for renewals to the Part V Approval at intervals established by the NSEL and provide additional information as deemed necessary by the NSEL.

11.0 Site Reclamation

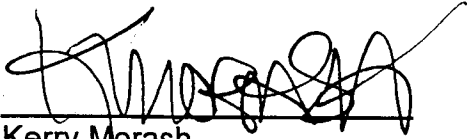
- 11.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, shall provide for review and approval a preliminary reclamation plan, that includes progressive reclamation.
- 11.2 Pit operations must be completed and reclaimed to the satisfaction of the NSEL and other appropriate regulatory departments.

12.0 Contingency Plans

- 12.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide an acceptable contingency plan that meets NSEL's Contingency Planning Guidelines, September 2004 and

addresses:

- a) accidental occurrences, including but not limited to contingencies for spills, including spill equipment kept on-site and location of emergency phone numbers
- b) training to be delivered to staff
- c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).



Kerry Morash
Minister of Environment and Labour