

Environmental Assessment Approval

Approval Date: *Original Dated: August 20, 2007*

Lovett Road Aggregate Pit Expansion

Shaw Resources, Proponent

**Coldbrook, Kings County
Nova Scotia**

Lovett Road Aggregate Pit Expansion (the “Undertaking”), proposed by Shaw Resources (the “Proponent”), in Kings County, Nova Scotia 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 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 Proponent 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 Proponent must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment & Labour (NSEL).

2.0 Surface Water

- 2.1 The proponent, as part of the application for Part V approval under the Environment Act, must provide for review and approval:
- a) Details regarding a program to monitor surface water, including monitoring locations and parameters, as well as potential impacts to Tupper Brook. 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.
 - b) Details of the erosion and sediment control plan, including locations where overburden piles will be placed.
- 2.2 All surface water protection and management programs must be resubmitted over the lifetime of the project, at a schedule to be established by NSEL, and revised as determined by NSEL.
- 2.3 The proponent must not undertake any pit related activities within 55 metres of a watercourse.
- 2.4 The Proponent, as part of the application for Part V approval under the Environment Act, must provide for review and approval an acceptable contingency plan for accidental occurrences that meets NSEL's *Contingency Planning Guidelines* and addresses:
- a) Locations for spill equipment kept on-site
 - b) Emergency contact procedures
 - c) Training to be delivered to staff
 - d) Procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays)
- 2.5 The proponent must not allow equipment to be left on site after project activities have halted for the day, or allow equipment to be maintained or fuelled on site.

3.0 Groundwater

- 3.1 The Proponent, as part of the application for Part V approval under the *Environment Act*, must provide for review and approval:
- a) Details of a well survey plan for residences with wells located within 250 meters of the excavation boundary.
 - b) Details of a groundwater-monitoring program including 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 Proponent must make necessary

modifications to mitigation plans and/or pit operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL. The program must be resubmitted over the lifetime of the project, at a schedule established by NSEL, and revised as determined by NSEL.

3.2 The Proponent must replace, at their expense, any water supply that has been lost or damaged as a result of extracting aggregate and rectify the problem to the satisfaction of NSEL.

3.3 The Proponent shall not excavate below the water table, and shall submit details of how potential interaction with the water table will be monitored and prevented.

4.0 Wildlife & Habitat

4.1 The proponent must maintain all existing treed buffers surrounding the project area and roadways, unless otherwise approved by NSEL.

4.2 Clearing and grubbing of areas to be used in project operations must be conducted outside of the breeding season for most bird species (April 1 to August 1), unless otherwise approved by NSEL.

5.0 Rare Flora

5.1 The proponent must not use pesticides or herbicides within 55 meters of a wetland or established riparian zone, unless otherwise approved by NSEL.

6.0 Archaeological & Heritage Resources

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

7.0 Noise, Vibration & Dust

7.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval, a detailed dust management program including dust management measures and techniques, and protocols for determining when management measures will be used, as well as, details of a complaint resolution program whereby public concerns are tracked and resolved in a satisfactory manner.

7.2 Petroleum products shall not be used as a dust suppressant.

7.3 The Proponent shall monitor for noise and dust at the request of the NSEL.

7.4 All equipment is to be operated with standard noise suppression exhaust systems and

kept in good repair.

- 7.5 The Proponent must form a Community Liaison Committee (CLC) prior to site preparation activities to facilitate communications between the company and the community.

8.0 Site Reclamation & Operations

- 8.1 The Proponent must plan and design the pit according to NSEL *Pit and Quarry Guidelines*, (1999).
- 8.2 No hazardous materials or petroleum products are to be stored on the site unless otherwise approved by NSEL.
- 8.3 All plans related to pit operation must be resubmitted over the lifetime of the project, at a schedule to be established by NSEL, and revised as determined by NSEL.
- 8.4 The Proponent, 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.
- 8.5 Pit operations must be completed and reclaimed to the satisfaction of NSEL and other appropriate regulatory departments.
- 8.6 Project areas must be reclaimed with native grasses and trees and with species not known to be invasive, additional standard measures should be implemented to ensure that invasive species will not be introduced into the project area, including regular inspection and cleaning of equipment.

Original Signed By:

Mark Parent
Minister of Environment and Labour