

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original Dated December 16, 2005*

Russell Lake West Wetland Alteration Clayton Developments Limited, Proponent

Dartmouth, Nova Scotia

The Russell Lake West Wetland Alteration (the Undertaking), proposed by Clayton Developments Limited (the Proponent) located in a general industrial (I-2) zoned area, in Dartmouth, Nova Scotia, is given environmental assessment approval pursuant to Section 13(1)b of the *Environmental Assessment Regulations*. The 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, extension, 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 Environmental Assessment Approval shall expire within two years of the date of its issuance unless the Proponent commences work on the Undertaking by the end of the two year period, 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 NSEL.

2.0 Wetland Function

- 2.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval:
- temporal and spatial details on control mechanisms, pertaining specifically to the wetland infilling, berm construction, and pipe installation, including professional engineering design details of erosion and sedimentation controls/mechanisms to be implemented, maximizing the use of the remaining portion of the wetland to improve drainage quality and retain wetland functions;
 - a Wetland Compensation Plan, detailing measures proposed in sections 5.3.2 and 6.0 of the EA registration document, developed in consultation with NSEL and NSDNR.

3.0 Hydrology

- 3.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval:
- temporal and spatial details on control mechanisms, pertaining specifically to the wetland infilling, berm construction, and pipe installation, including professional engineering design details on the Stormwater Management controls to be installed, as to balance pre and post construction flows
 - an acceptable Contingency Plan that meets NSEL's Contingency Planning Guidelines (September 2004) or equivalent, and addresses accidental releases of dangerous goods or waste dangerous goods, including but not limited to, procedures for responding to incidents occurring during off-work hours (i.e. evenings, weekends, holidays); and
 - an approved surface water monitoring program for construction and post-construction phases of the project.

3.2 All discharges from the Site must meet the NSEL requirements.

4.0 Archaeological and Heritage Resources

4.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture & Heritage, and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological Site or artifact unearthed during any phase of the proposed project.

Kerry Morash
Minister of Environment and Labour