

**Black Point Quarry
Mi'kmaq Engagement Strategy
and
Complaint Resolution Plan**

Prepared by

Black Point Aggregates Inc.

May 2018 updated April 2024

Table of Contents

	Page
1. Introduction	1
1.1 Context and Objectives	1
1.2 Conditions of Environmental Assessment (EA) Approval	2
2. Consultation Process.....	4
2.1 Guiding Principles	4
2.2 Consultation History to Date	5
3. Consultation Next Steps	6
4. Complaint Resolution Plan.....	6
4.1 Complaints Reporting	6
4.2 Complaint Resolution Process	7

Appendices

- A. Conditions of Federal and Provincial EA Approval
 - A1 Federal Conditions
 - A2 Provincial Conditions

 - B. Complaint Response Form
-

1. Introduction

1.1 Context and Objectives

Black Point Aggregates Inc. (BPAI), a wholly owned subsidiary of Vulcan Materials Company, will build, operate and decommission a granite quarry and marine terminal at Black Point (Chedabucto Bay) in Guysborough County, Nova Scotia.

Following approval of their Environmental Assessment (EA) in April 2016, BPAI is required to meet a number of conditions issued by the Canadian Environmental Assessment Agency (CEAA, now called the Impact Assessment Agency of Canada - IAAC) and Nova Scotia Environment (NSE, now called NS Environment and Climate Change – NSECC).

The conditions of approval are intended to ensure the project is implemented without significant adverse environmental effects. Several of these conditions reference communication, engagement or consultation with Indigenous groups, defined by CEAA-IAAC to include Membertou, Glooscap, Acadia, Annapolis Valley, Eskasoni, L'sitkuk (Bear River), Millbrook, Paqtnkek, Pictou Landing, Potlotek, Wagmatcook and Waycobah Mi'kmaq First Nations, represented by the Kwilmu'kw Mawklusuaqn (Mi'kmaq Rights Initiative) Negotiation Office (KMK), and Sipekne'katik First Nation in Nova Scotia. With changes to KMK since 2016, BPAI recognizes that separate engagement should be conducted with KMK, Millbrook, Sipekne'katik and Membertou First Nations, to the extent that these groups are interested in the project.

In particular, the *provincial* approval requests the development of a general engagement strategy with the Mi'kmaq of Nova Scotia, while the *federal* approval requires the terms of consultation to be established in advance:

NSE 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.

CEAA 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, and prior to initiating that consultation, communicate with each Indigenous group to determine the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process for full and impartial consideration of any views and information presented and the means by which each Indigenous group will be informed of how the views and information received have been considered by the Proponent.

This report, the **Mi'kmaq Engagement Strategy and Complaint Resolution Plan**, has been created to guide and document the consultation activities undertaken between the proponent and Indigenous groups. It will help define the consultation strategy before construction begins and ensure that information is exchanged on all subjects of interest to these groups, which in turn will help the proponent meet the conditions of EA approval.

1.2 Conditions of Environmental Assessment (EA) Approval

The full text of all federal and provincial conditions of EA approval are presented in **Appendix A**. The majority of these conditions do not require engagement with Indigenous communities but are provided for your interest and reference. In fact, there are two types of consultation referenced in the CEAA approval: the first encourages general information exchange on a variety of subjects (“general consultation”) while the second requires consultation on the development and implementation of specific follow up monitoring programs (“consultation on follow up programs”). Each consultation type is described below.

General Consultation

Each condition of approval that references general consultation or information exchange with Indigenous groups is listed below.

- CEAA 3.3: The proponent shall develop and implement a **fish offsetting plan** prior to construction in consultation with DFO, local commercial fishers and Indigenous groups. The plan shall identify the timelines for reporting the results of the offsetting activities to Indigenous groups and local commercial fishers.
- CEAA 3.6.3: The proponent shall **report collisions** with whales, porpoise and turtles within two hours to the Canadian Coast Guard and notify Indigenous groups in writing.
- CEAA 4.3 For wetland effects that cannot be avoided or minimized, the proponent shall, in consultation with Indigenous groups and provincial/federal authorities, compensate for **wetland functions lost**.
- CEAA 5.1: The proponent shall **notify** Indigenous groups and local commercial fishers at least 30 days in advance of **in-water construction** activities.
- CEAA 5.2: In consultation with Indigenous groups and local commercial fishers, the proponent shall establish **transportation routes** for project-related vessels between the shipping lanes and the marine terminal **to avoid shrimp trap areas**.
- CEAA 5.3: The proponent shall implement a **plan for communicating** with Indigenous groups to minimize interaction between project-related vessels and Indigenous groups. The plan shall be developed prior to construction and include procedures for sharing information on the following:
 - 5.3.1 location and timing of **project-related activities**;
 - 5.3.2 location and timing of **traditional fishing activities** by Indigenous groups; and
 - 5.3.3 ways in which Indigenous groups can provide **feedback** to the proponent **about adverse environmental effects** related to project-related marine traffic.

- CEAA 5.4: The proponent shall **notify** Indigenous groups at least 60 days in advance of vegetation clearing to allow them to **catalogue, harvest, and transplant species of importance**.
- CEAA 5.5 The proponent shall, in consultation with Indigenous groups, undertake **progressive reclamation**...by using plants that typified the habitats prior to construction.
- CEAA 6.1 Prior to construction, the proponent shall develop, in consultation with Indigenous groups and the province of NS, a **cultural resource management plan** to conduct additional archeological work in areas that may be disturbed during construction. The Proponent shall outline the methodologies and timing of the additional archeological work.
- CEAA 7.2 The Proponent shall, prior to construction, consult with Indigenous groups on the measures to be implemented to **prevent accidents or malfunctions**.
- CEAA 7.3 Prior to construction and in consultation with federal/provincial authorities and Indigenous groups shall develop an **emergency response plan**.
- CEAA 7.5 Prior to construction, the proponent shall develop and implement a **communication plan** in consultation with Indigenous groups. The communication plan shall be developed prior to construction and shall be implemented and maintained up to date during all phases of the project. The plan shall include:
 - 7.5.1 the types of **accidents or malfunctions** requiring a notification by the proponent to the respective Indigenous groups;
 - 7.5.2 the manner by which Indigenous groups shall be **notified** by the proponent of an accident or malfunction and of any **opportunities** for the Indigenous groups **to assist** in the response to the accident or malfunction; and
 - 7.5.3 the **contact information** of the representatives of the proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the proponent provides notification.

Consultation on Follow Up Programs

Federal condition of approval CEAA 2.5 requires additional consultation before certain follow up programs (such as ecological monitoring) are undertaken by the proponent¹. CEAA 2.5 reads

Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for the participation of that Indigenous group in the implementation of the follow-up program as set out in condition 2.4.

¹ A follow up program is defined in CEAA 2012, section 2(1):

follow-up program means a program for (a) verifying the accuracy of the environmental assessment of a project; and (b) determining the effectiveness of any mitigation measures.

Conditions where consultation with Indigenous groups is a requirement of a follow program are summarized below.

- CEAA 3.8: In consultation with DFO and Indigenous groups...the proponent shall develop a program to verify the Project will not result in loss of **fish or fish habitat in Reynolds Brook** upstream of Hendsbee Lake.
- CEAA 5.8: The proponent shall implement a follow-up program to verify the accuracy of the EA as it pertains to effects on moose. The proponent shall **conduct field surveys** in consultation with Indigenous groups to monitor the presence of **moose** and its habitat use.
- CEAA 5.9 Prior to construction, the proponent shall implement a follow-up program to verify the accuracy of the EA as it pertains to **effects on FSC fisheries**. The proponent shall develop and implement the follow-up program in consultation with Indigenous groups, and shall report the results to Indigenous groups.

2. Consultation Process

2.1 Guiding Principles

To fully accomplish consultation with any project stake- or rights holder (fishers, regulators, or Indigenous groups), a number of steps must be completed and the results of each step documented. As outlined in CEAA 2.2, the proponent must:

1. provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
2. provide sufficient information and a reasonable period of time to permit the party or parties being consulted to prepare their views and information;
3. provide a full and impartial consideration of any views and information presented by the party or parties being consulted; and
4. advise the party or parties that have provided comments on how the views and information received have been considered by the Proponent.

With respect to Indigenous groups in particular, the proponent (in conversation with Indigenous groups) is requested via CEAA 2.3 to establish the manner by which to satisfy the consultation requirements referred to above, including:

- a) methods of notification;
- b) the type of information;

- c) the period of time to be provided when seeking input;
- d) the process for full and impartial consideration of any views and information presented; and
- e) the means by which each Indigenous group will be informed of how the views and information received have been considered by the proponent.

These federal requirements are like those required by the Province of Nova Scotia (NSE 9.2), which require that the proponent and Indigenous groups establish a process for communicating project details and a process for seeking input from the Mi'kmaq community.

2.2 Consultation History to Date

Communication with the Mi'kmaw of Nova Scotia's has occurred on a number of occasions since the Black Point project began formally in 2011.

With respect to the specific consultation required by CEAA 2.3, letters were first sent on June 6, 2017 to KMKNO as well as the Sipekne'katik and Millbrook First Nations inviting them to establish the manner by which to satisfy the consultation requirements of CEAA 2.3. The following day (as suggested in the letter), a complete list of consultation subjects was sent by email, along with an invitation to discuss consultation methods and preferences at one of two conference calls scheduled for later that month, or at a sit-down meeting if preferred.

Conference calls were held on July 19 and 20th, 2017 with active participation from KMK. KMK indicated satisfaction with the methods proposed for consultation: as BPAI developed information or planning documents related to the project, these documents would be shared with KMK along with Sipekne'katik and Millbrook First Nations, and BPAI would then schedule follow up conversations to discuss and document First Nation responses to the information submitted. In all cases, BPAI indicated that should a group not wish to participate in a consultation event, then no action would be required although BPAI would continue to send updates and information as the project proceeds.

This process will be repeated in 2024 in order to restart and renew the Mi'kmaq engagement process. Going forward, Membertou will also be contacted separately as they are no longer represented by KMK.

3. Consultation Next Steps

As noted above, this Engagement Strategy will be re-issued to restart the outreach and engagement process. The First Nations communities who have expressed interest in this project will be consulted on a variety of subjects through the site preparation, development and operational phases of the project. Outreach efforts on each subject will be aligned with the project development schedule so the First Nation communities will receive the most timely and up-to-date information regarding BPAI's activities.

The communication system established for engagement with these communities allows BPAI to coordinate site development activities with the First Nations and provides on-going opportunities for participation as the project moves forward. BPAI representatives remain available to respond to questions or concerns and provide additional information as needed.

4. Complaint Resolution Plan

Condition of EA approval NSE 8.3 states that BPAI "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."

4.1 Complaints Reporting

Complaints can be made by any of the following methods:

- (1) calling the 24-hour incident and emergency reporting line (205.298.3189) or using the email address blackpointquarry@vmcmail.com. The person designated to deal with complaints is Atisthan Roach, Manager, Community and Government Affairs.
- (2) submitting a Complaint Response Form which is used by BPAI to document and track complaint resolution (**Appendix B**); or
- (3) reporting a complaint by speaking directly with BPAI personnel at an office location; or asking a member of the Community Liaison Committee (CLC) to assist in resolving a complaint.

Emergency Reporting Line via 205.298.3189 or blackpointquarry@vmcmail.com.

The emergency reporting line operates 24 hours a day and calls are directed to BPAI's Manager, Community and Government Affairs, who will address the reported concern within 48 hours to discuss and attempt to resolve the concern.

This telephone number is available on the BPAI website, through the CLC and is posted in various locations in Guysborough County.

Complaint Response Form (Appendix B)

The Complaint Response Form may be used to submit the complaint. These forms will be posted on the Project website and made available at the Project's temporary construction trailer/office during construction and the permanent operations and maintenance facility during operations. However, complaints do not need to be submitted using a specific form or following a specific format.

To allow BPAI to thoroughly investigate and address a concern, the complainant should provide as much information as possible including the following:

- Full Name
- Mailing address
- Phone number
- Email address (if applicable)
- Date of the situation that prompted the complaint
- Location of issue
- Detailed description of the complaint, including any information that may help to identify the source of a concern (e.g., location of dust incident, type of noise, direction relative to observation, duration, time observation was made, etc.).

Upon receipt of the complaint, a representative of BPAI will follow up with the complainant within 48 hours to confirm receipt and obtain any additional information needed to commence a proper investigation.

BPAI encourages complainants to submit complaints directly to the company to facilitate timely resolution. In the event that the Municipality or other governmental agency receives complaints directly about the Project, BPAI asks that the agency refer the complainant to the Complaint Resolution Plan and, if possible, forward the complaint to BPAI within two (2) business days of receipt.

In Person

Complaints can be received via any members of the CLC and/or communicated to BPAI's on site Facilities Manager. Depending on the nature of the complaint and/or issue, the CLC may be asked for guidance in identifying the appropriate response.

4.2 Complaint Resolution Process

BPAI is committed to addressing all complaints in an efficient and expeditious manner by implementing the following complaint response program. The company will work in good faith to resolve all complaints as soon as is practicable. However, it is important to recognize that certain issues will require more time to investigate and resolve than others. Also, in some cases, a local resident may simply want to express a concern or opinion and does not expect any further action.

In those circumstances, the conversation will be documented but no additional follow-up is required.

As noted above, a detailed description of any concern or complaint is required to allow BPAI to adequately review and assess a potential problem. Upon receiving a complaint, it will be entered into a Complaint Log, which will document the details provided by the complainant together with copies of any supporting documentation provided by the complainant or assembled by BPAI.

Once BPAI representatives have sufficient information on the nature of the complaint, they will work with the appropriate entity (other BPAI personnel, the construction contractor, a consultant or a regulator) to diagnose any potential problems and formulate a response, as applicable, to address the complaint.

Responses will be made in writing via email or verbally through a phone call depending on the nature of the complaint; however a record of the complaint and resolution action will be archived.

BPAI will make best efforts to resolve a complaint within 5 business days, but no later than 10 business days from receipt of the complaint. If the complaint is due to dust, BPAI is committed to resolving the issue promptly and will act to mitigate dust incidents no later than 24 hours after the complaint is received. It should be recognized that certain complaints may require additional time to resolve, for example if additional information must be collected or if long-lead parts or equipment must be obtained. In instances where resolution will take longer than the times outlined above, BPAI will contact the complainant, explain the situation and provide a timeframe for resolution.

Dispute Resolution and Unresolved Complaints

If BPAI and a complainant are unable to resolve a complaint within 60 days, BPAI will consult with the regulator as to a possible resolution. If an issue remains unresolved, in the opinion of the complainant, for 60 days or more, BPAI will refer the complainant to a neutral, third-party for voluntary mediation.

Appendix A

Federal and Provincial Conditions of EA Approval

A1. Federal Conditions

Decision Statement
Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012*

to
Black Point Aggregates Incorporated
c/o Frank Lieth, Vice President

1969 Upper Water Street Suite 1300, Purdy's Wharf Tower II
Halifax, Nova Scotia
B3J 3R7

for the
Black Point Quarry Project

Description of the Designated Project

Black Point Aggregates Incorporated, a wholly owned subsidiary of Vulcan Materials Company, is proposing the construction, operation and decommissioning of a granite quarry at Black Point in Guysborough County, Nova Scotia, and the construction and operation of a 200 metre-long marine terminal and load-out facility, adjacent to the quarry, in Chedabucto Bay. The quarry is expected to have a production capacity of up to 7.5 million tonnes of granite per year, over a mine life of approximately 50 years.

Conduct of the environmental assessment

The Canadian Environmental Assessment Agency (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on April 28, 2014 and submitted its report to me in my capacity as Minister of Environment and Climate Change.

Decision on environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*

In accordance with paragraph 52(1)(a) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(1) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

Decision on environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*

The carrying out of the Designated Project may require the following federal authorities to exercise a power or perform a duty or function conferred on them under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Fisheries and Oceans may issue authorization(s) under paragraph 35(2)(b) of the *Fisheries Act*.
- The Minister of Transport may approve works in and about navigable waters under subsection 6(1) of the *Navigation Protection Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(2) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

1 Definitions

- 1.1 *Agency* means the Canadian Environmental Assessment Agency.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.3 *Construction* means the phase of the Designated Project when site preparation, building or installation of any components of the Designated Project are undertaken by the Proponent.
- 1.4 *Days* means calendar days.
- 1.5 *Decommissioning* means the phase of the Designated Project where the Proponent has permanently ceased commercial production and has commenced removal from service of any components of the Designated Project, and continues until the site is restored.
- 1.6 *Deleterious substance* means “deleterious substance” as defined in section 34 of the *Fisheries Act*.
- 1.7 *Designated Project* means the Black Point Quarry Project as described in section 2 of the environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80064).
- 1.8 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.

- 1.9 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.11 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.13 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.14 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.15 *Indigenous groups* means Membertou, Glooscap, Acadia, Annapolis Valley, Eskasoni, L’sitkuk (Bear River), Millbrook, Paqtnekek, Pictou Landing, Potlotek, Wagmatcook and Waycobah Mi’kmaq First Nations, represented by the Kwilmu’kw Maw-klusuaqn (Mi’kmaq Rights Initiative) Negotiation Office, and Sipekne’katik First Nation in Nova Scotia.
- 1.16 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.17 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.18 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.19 *Offsetting plan* means “offsetting plan” as defined in section 1 of the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.
- 1.20 *Operation* means the phase of the Designated Project during which the commercial production takes place.
- 1.21 *Progressive reclamation* means a planned approach to reclamation which is carried out concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.22 *Project area* means the geographic area occupied by the Designated Project.
- 1.23 *Proponent* means Black Point Aggregates Incorporated and its successors or assigns.
- 1.24 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise.

- 1.25 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.26 *Reporting year* means from April 1 of a calendar year through March 31 of the subsequent calendar year.
- 1.27 *Species of importance* means species harvested for traditional, medicinal and subsistence purposes by Indigenous groups as well as wood and wood products, including caraway seeds (*Carum carvi*), hazelnuts (*Corylus avellana*), chokecherries (*Prunus virginiana var. virginiana*), strawberries, (*Fragaria vesca*), blueberries (*Vaccinium corymbosum*), cranberries (*Vaccinium oxycoccos*), fox berries (*Vaccinium vitis-idaea*), Labrador tea (*Ledum groenlandicum*), maple (*Acer spp.*) and birch bark (*Betula spp.*).
- 1.28 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture.
- 1.29 *Wetlands* means land saturated with water long enough to promote formation of water altered soils, growth of water-tolerant vegetation and various kinds of biological activity that is adapted to the wet environment and separated into five classes: fen, bog, marsh, swamp, and shallow open water wetlands (includes open water areas less than two metres deep with wetland characteristics).
- 1.30 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as traditional use, tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

Conditions

These conditions are established for the sole purpose of the Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

2 General conditions

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this Decision Statement are considered in a careful and precautionary manner, promote sustainable development, are informed by the best available information and knowledge, including community and Indigenous traditional knowledge, are based on validated methods and models, are undertaken by qualified individuals and have applied the best available economically and technologically feasible mitigation measures.

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
- 2.2.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
 - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties being consulted to prepare their views and information;
 - 2.2.3 provide a full and impartial consideration of any views and information presented by the party or parties being consulted; and
 - 2.2.4 advise the party or parties that have provided comments on how the views and information received have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, and prior to initiating that consultation, communicate with each Indigenous group to determine the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process for full and impartial consideration of any views and information presented and the means by which each Indigenous group will be informed of how the views and information received have been considered by the Proponent.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.4.1 undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure(s);
 - 2.4.2 determine whether additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.4.1; and
 - 2.4.3 if additional mitigation measures are required pursuant to condition 2.4.2, implement the additional mitigation measures and monitor them pursuant to condition 2.4.1.
- 2.5 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for the participation of that Indigenous group in the implementation of the follow-up program as set out in condition 2.4.
- 2.6 The Proponent shall, commencing in the reporting year that implementation of the conditions set out in this Decision Statement begins, prepare an annual report that sets out:
- 2.6.1 the activities undertaken in the reporting year to comply with each of the conditions set out in this Decision Statement;
 - 2.6.2 how the Proponent complied with condition 2.1;

- 2.6.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
 - 2.6.4 the results of the follow-up program requirements identified in conditions 3.2, 3.8, 4.7, 5.7, 5.8 and 5.9; and
 - 2.6.5 any additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.4.
- 2.7 The Proponent shall submit to the Agency the annual report referred to in condition 2.6, including an executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
- 2.8 The Proponent shall publish on the Internet, or any medium which is widely publicly available, the annual report and the executive summaries referred to in conditions 2.6 and 2.7, the plan to offset the loss of fish and fish habitat referred to in condition 3.3, the communication plans referred to in conditions 5.3 and 7.5, the cultural resource management plan referred to in condition 6.1, the reports referred to in conditions 7.4.3 and 7.4.4 and the implementation schedule referred to in condition 8.1 and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents once they are published.
- 2.9 The Proponent shall notify the Agency and Indigenous groups in writing no later than 60 days after the day on which there is a transfer of ownership, care, control or management of the Designated Project in whole or in part.
- 2.10 The Proponent shall consult with Indigenous groups prior to initiating any material change(s) to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
- 2.11 In notifying the Agency pursuant to condition 2.10, the Proponent shall provide the Agency with an analysis of the adverse environmental effects of the change(s) to the Designated Project, as well as the results of the consultation with Indigenous groups.

3 Fish and fish habitat

- 3.1 The Proponent shall implement all reasonable measures to prevent and mitigate adverse environmental effects on fish and fish habitat from changes to water quality during all phases of the Designated Project in compliance with the *Fisheries Act* regarding the deposition of a deleterious substance and taking into account the Nova Scotia *Pit and Quarry Guidelines*. The measures shall include:
- 3.1.1 measures to control erosion and limit run-off;
 - 3.1.2 measures to capture and treat run-off prior to discharge into the environment; and

- 3.1.3 a 30-metre minimum distance from the overburden stockpiles, the fuel and chemical storage facilities, and the construction equipment to any water body.
- 3.2 The Proponent shall develop and implement, in consultation with the relevant federal and provincial authorities, a surface water follow-up program to verify the effectiveness of the mitigation measures referred to in condition 3.1.
- 3.3 The Proponent shall develop and implement any required offsetting plan related to the loss of fish and fish habitat associated with the carrying out of the Designated Project in consultation with Fisheries and Oceans Canada, local commercial fishers and Indigenous groups. The Proponent shall develop the offsetting plan prior to construction. The plan shall identify the timelines for reporting the results of the offsetting activities to Indigenous groups and local commercial fishers.
- 3.4 For any fish habitat offset areas proposed in any offsetting plan under condition 3.3, and prior to submitting the offsetting plan to Fisheries and Oceans Canada, the Proponent shall determine whether there are adverse effects on:
 - 3.4.1 migratory birds and their habitats;
 - 3.4.2 listed species at risk and their habitats;
 - 3.4.3 the current use of lands and resources for traditional purposes;
 - 3.4.4 the flow rates, water depths or water widths that may affect the passage of a vessel, including a vessel used by Indigenous Peoples in the context of their current use of lands and resources for traditional purposes; and
 - 3.4.5 physical and cultural heritage and structure, site or thing that is of historical, archaeological, paleontological or architectural significance.
- 3.5 The Proponent shall, if there are adverse effects on any of the elements set out in conditions 3.4.1 to 3.4.5 avoid or lessen those effects.
- 3.6 For Designated Project-related vessels transiting between shipping lanes and the marine terminal, the Proponent shall implement measures to mitigate the risk of collisions with whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles taking into account the *Notice for Mariners General Guidelines for Aquatic Species at Risk and Important Marine Mammal Areas*. The measures shall include:
 - 3.6.1 conducting and recording observations for whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles;
 - 3.6.2 requiring that vessels respect speed profile applicable to the operation of the Designated Project subject to navigational safety, to prevent or reduce the risk of collisions between vessels and whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles; and
 - 3.6.3 reporting collisions with whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles within 2 hours to the Canadian Coast Guard, and notifying Indigenous groups in writing.

- 3.7 The Proponent shall, unless otherwise authorized under the *Fisheries Act*, implement measures to prevent or avoid the destruction of fish, or any potentially harmful effects to fish habitat, during all phases of the Designated Project when using explosives in or around water frequented by fish and shall conduct blasting by taking into consideration Fisheries and Oceans Canada's *Measures to Avoid Causing Harm to Fish and Fish Habitat* and the *Nova Scotia Pit and Quarry Guidelines*.
- 3.8 The Proponent shall develop and implement a follow-up program in consultation with Fisheries and Oceans Canada and Indigenous groups, to verify the Designated Project will not result in loss of fish or fish habitat in Reynolds Brook upstream of Hendsbee Lake. The follow-up program shall include:
- 3.8.1 a pre-construction fish and fish habitat field survey in Reynolds Brook upstream of Hendsbee Lake. If the presence of fish or fish habitat is confirmed, the Proponent shall:
- 3.8.1.1 determine the water flow and water levels, including seasonal variations, that are required to maintain fish habitat in Reynolds Brook upstream of Hendsbee Lake; and
- 3.8.1.2 monitor water flow and water levels in Reynolds Brook upstream of Hendsbee Lake during construction and operation phases, and implement any measures required to maintain the water flow and water levels determined in 3.8.1.1.

4 Migratory birds

- 4.1 The Proponent shall carry out all phases of the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
- 4.2 The Proponent shall not clear vegetation within 30 metres of the coastal high water mark with the exception of the location where the ship loading conveyor and the marine terminal transect this area. The Proponent shall also not clear vegetation in the control zone between 30 and 75 metres from the coastal high water mark except where needed to install and maintain erosion and sediment discharge control measures, for the access road, the ship loading conveyor, and the marine terminal.
- 4.3 The Proponent shall mitigate the adverse environmental effects of the Designated Project on wetland functions that support migratory birds. The Proponent shall give preference to avoiding the loss of wetlands over minimizing the effects on wetlands and to minimizing the effects on wetlands over compensating for lost or adversely affected wetlands. For effects on wetlands that cannot be avoided or minimized, the Proponent shall, in consultation with Indigenous groups and relevant provincial and federal authorities, compensate for wetland functions lost.

- 4.4 The Proponent shall control lighting required for the construction, operation and decommissioning of the Designated Project including direction, timing, and intensity to avoid effects on migratory birds, while meeting health and safety requirements.
- 4.5 The Proponent shall install line marking devices along the transmission line connecting the Designated Project to the existing transmission line.
- 4.6 The Proponent shall take into consideration Environment and Climate Change Canada's *Best practices for stranded birds encountered offshore Atlantic Canada* when stranded birds are encountered on Designated Project-related vessels.
- 4.7 The Proponent shall develop prior to construction and implement, during all phases of the Designated Project, a follow-up program to determine the effectiveness of the mitigation measures used to avoid harm to migratory birds, their eggs and nests, including the measures used to comply with conditions 4.1 to 4.6.

5 Current use of lands and resources for traditional purposes and socio-economic conditions

- 5.1 The Proponent shall notify Indigenous groups and local commercial fishers at least 30 days in advance of in-water construction activities.
- 5.2 The Proponent shall, prior to operation and in consultation with Indigenous groups and local commercial fishers, establish transportation routes for Designated Project-related vessels between the shipping lanes and the marine terminal in order to avoid shrimp trap areas.
- 5.3 The Proponent shall develop and implement a plan for communicating with Indigenous groups to minimize interaction between Designated Project-related vessels and Indigenous groups. The plan shall be developed prior to construction and include procedures and practices for sharing information on the following:
 - 5.3.1 location and timing of Designated Project-related activities;
 - 5.3.2 location and timing of traditional fishing activities by Indigenous groups; and
 - 5.3.3 ways in which Indigenous groups can provide feedback to the Proponent about adverse environmental effects related to Designated Project-related marine traffic.
- 5.4 The Proponent shall notify Indigenous groups at least 60 days in advance of vegetation clearing to allow Indigenous groups to catalogue, harvest, and transplant species of importance.
- 5.5 The Proponent shall, in consultation with Indigenous groups, undertake progressive reclamation of the habitats impacted by the Designated Project by using species that typified the plant communities prior to construction, including plant species of importance to Indigenous groups.
- 5.6 The Proponent shall implement noise and dust reduction measures during all phases of the Designated Project including:

- 5.6.1 restricting operating hours for the quarry and processing plants to no more than 16 hours per day;
 - 5.6.2 restricting blasting to daytime hours and weekdays;
 - 5.6.3 applying dust suppressant on all disturbed areas and roads during activities with the potential for generating dust; and
 - 5.6.4 suspending activities during periods of sustained winds greater than 30 kilometres per hour where fugitive dust emissions cannot be controlled.
- 5.7 The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to dust and noise levels. The Proponent shall consider the methodologies described in the *Nova Scotia Pit and Quarry Guidelines* when developing and implementing the program.
- 5.8 The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on mainland moose (*Alces alces americana*). The Proponent shall conduct field surveys in consultation with the Indigenous groups to monitor the presence of mainland moose (*Alces alces americana*) and its habitat use in the Project area.
- 5.9 The Proponent shall develop prior to construction and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on fisheries used for food, social and ceremonial purposes by Indigenous groups. The Proponent shall develop and implement the follow-up program in consultation with Indigenous groups, and shall report the results to Indigenous groups.

6 Physical and cultural heritage, and structure, site or thing of historical, archaeological, paleontological or architectural significance

- 6.1 Prior to construction, the Proponent shall develop, in consultation with Indigenous groups and the province of Nova Scotia, a cultural resource management plan to conduct additional archaeological work in the areas that may be disturbed during construction. The Proponent shall outline the methodologies and timing of the additional archeological work in the plan and shall implement it during all phases of the Designated Project.
- 6.2 In the event that archaeological and heritage resources are discovered, the Proponent shall:
- 6.2.1 immediately halt work at the location of the discovery;
 - 6.2.2 have a qualified individual conduct an assessment at the location of the discovery;
 - 6.2.3 inform, forthwith, in writing, Indigenous groups of the discovery, and allow for monitoring by Indigenous groups during archeological work; and
 - 6.2.4 comply with any legislative or legal requirements respecting the discovery of archaeological and heritage resources.

7 Accidents or malfunctions

- 7.1 The Proponent shall take all reasonable measures to prevent accidents or malfunctions that may result in adverse environmental effects.
- 7.2 The Proponent shall, prior to construction, consult with Indigenous groups on the measures to be implemented to prevent accidents or malfunctions.
- 7.3 The Proponent shall, prior to construction and in consultation with relevant federal and provincial authorities and Indigenous groups, develop an emergency response plan in relation to the Designated Project.
- 7.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall implement the emergency response plan referred to in condition 7.3 and shall:
 - 7.4.1 notify relevant federal and provincial authorities and Indigenous groups of the accident or malfunction as soon as possible and, in writing, the Agency;
 - 7.4.2 implement immediate measures to mitigate any adverse environmental effects associated with the accident or malfunction;
 - 7.4.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction took place. The written report shall include:
 - 7.4.3.1 a description of the accident or malfunction and of its adverse environmental effects;
 - 7.4.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
 - 7.4.3.3 any views received from relevant federal and provincial authorities and Indigenous groups with respect to the accident or malfunction, its adverse environmental effects or measures taken by the Proponent to mitigate adverse environmental effects;
 - 7.4.3.4 a description of any residual adverse environmental effects, and any additional measures required by the Proponent to mitigate residual adverse environmental effects; and
 - 7.4.3.5 details concerning the implementation of the emergency response plan referred to in condition 7.3.
 - 7.4.4 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction took place, on the changes made to avoid a subsequent occurrence of the accident or malfunction, and on the implementation of any additional measures to mitigate residual adverse environmental effects taking into account the information in the written report submitted pursuant to condition 7.4.3.
- 7.5 The Proponent shall develop and implement a communication plan in consultation with Indigenous groups. The communication plan shall be developed prior to construction and shall be implemented and maintained up to date during all phases of the Designated Project. The plan shall include:

- 7.5.1 the types of accidents or malfunctions requiring a notification by the Proponent to the respective Indigenous groups;
- 7.5.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups to assist in the response to the accident or malfunction; and
- 7.5.3 the contact information of the representatives of the Proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

8 Implementation schedule

- 8.1 The Proponent shall submit an implementation schedule for conditions contained in this Decision Statement to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at least 30 days prior to the start of construction. The implementation schedule shall indicate the commencement and completion dates for each activity relating to conditions set out in this Decision Statement.
- 8.2 The Proponent shall submit an update to this implementation schedule in writing to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, every two years on or before June 30, until completion of the activities.
- 8.3 The Proponent shall provide the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, with a revised implementation schedule if any material change(s) occur from the initial schedule referred to in condition 8.1 or any subsequent update(s). The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

9 Record keeping

- 9.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement, including any records that the Agency or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012* may consider relevant. The proponent shall provide the aforementioned records to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, upon demand within a timeframe specified by the Agency or the designated person.
- 9.2 The Proponent shall retain all records referred to in condition 9.1 at a facility in Canada. The records shall be retained and made available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide the address of the new location.

Issuance

This Decision Statement is issued in Ottawa, Ontario by:

<Original signed by>

April 26, 2016

Date _____

The Honourable Catherine McKenna

Minister of the Environment

A2. Provincial Conditions



Environment
Office of the Minister

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • www.novascotia.ca/nse

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

APR 26 2008

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,

Margaret Miller, MLA
Minister of Environment

Encl.

c: Peter Geddes

Environmental Assessment Approval

Approval Date: **APR 26 2016**

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/revise 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/revise 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

Appendix B

Complaint Response Form

Black Point Aggregates Inc (BPAI)

Complaint Response Form

Complaint Number:

Date Received:

1.0 Reported From

_____ Toll Free Number

_____ Citizens Liaison Committee

_____ BPAI Staff

_____ Other (describe):

Nature of Complaint (issue, date and time, location, timing, frequency, effect, etc.); describe weather conditions and wind speed / direction if applicable

2.0 Complaint Origin Details

Name:

Affiliation (if any):

Contact Number:

Email:

3.0 Response to Complaint

Date Received at BPAI:

Recorded by (staff name):

Has this complaint been added to the Issues Tracker tab on BPAI's Engagement Table
(doc 00D – Black Point – Engagement Table_Updated)?

Yes / No

4.0 Complaint Resolution

Initial Response Action (describe):

Initiated By (staff name):

Date:

Follow Up Response Action (describe):

Initiated By (staff name):

Date:

Outstanding Issues or Follow Up (describe):