

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *original dated December 29, 2004*

Amherst High Pressure Steel Distribution Pipeline

Heritage Gas Limited, Proponent

Cumberland County

The Amherst High Pressure Steel Distribution Pipeline, proposed by Heritage Gas Limited (the “Proponent”), Cumberland 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, 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 Pipeline Construction / Operation

- 2.1 Approval is based on the “preferred alignment” of the pipeline as described in the registration document. Prior to use of “alternative alignments” the proponent shall consult with NSEL and other regulatory agencies and amend construction, operation, and environmental protection plans as required.
- 2.2 The Proponent shall adhere to all commitments identified in the Environmental Protection Plan (EPP).
- 2.3 The Proponent shall update and revise the EPP at the request of NSEL, at any time during construction or operation of the Undertaking.
- 2.4 All revisions to the EPP shall be forwarded to NSEL for review and approval.
- 2.5 The Proponent shall identify an environmental liaison in the EPP to be the principle contact with NSEL and other regulatory agencies on environmental protection matters.
- 2.6 The Proponent shall in consultation with NSEL and Fisheries and Oceans Canada develop a post construction monitoring and reporting schedule to be included in the EPP.
- 2.7 The Proponent shall distribute the EPP and all subsequent revisions to NSEL and other regulatory agencies.
- 2.8 The Proponent shall provide NSEL’s District Manager with a finalized abandonment plan, for review and approval, six months prior to the permanent shut down of the undertaking.

3.0 Surface Water / Watercourse Crossings

- 3.1 The Proponent shall not undertake any “wet” watercourse crossing, unless otherwise approved by NSEL.
- 3.2 The Proponent shall submit to NSEL and Fisheries and Oceans Canada an Environmental Construction Plan for each watercourse crossing.
- 3.3 The Proponent shall revise the EPP to include reporting requirements for siltation events, and contingencies for potential downstream impacts to water use.
- 3.4 The Proponent shall revise the EPP to include base line pre-construction water quality monitoring at watercourse crossings.
- 3.5 The Proponent shall revise the “Management of Erosion, Sediment and Construction Drainage” section of the EPP to identify specific measures to address grubbing or grading occurring during winter months.
- 3.6 Refueling of vehicles and equipment shall not be conducted within 50 m of a watercourse.

4.0 Groundwater Resources

- 4.1 Prior to construction, the Proponent shall revise the EPP to include:
 - a) a pre-construction and post-construction survey plan for all domestic water wells within 200 m of the pipeline trench.
 - b) a pre-construction and post-construction survey plan for wells located within 500m of any areas of the pipeline trench where blasting is planned.
 - c) a contingency plan to address potential impacts to well water quality and quantity, including triggers for well water replacement, repair and dispute resolution.

5.0 Flora, Fauna and Terrestrial Habitat

- 5.1 Prior to construction, the Proponent shall resubmit rare species data for review and approval in a format to be approved by NSEL and NSDNR, and shall revise the EPP and construction activities to address any concerns identified.
- 5.2 The Proponent shall use natural species to re-vegetate exposed soil in forest and riparian zones.
- 5.3 The Proponent shall contact NSDNR prior to any site investigations,

construction, or project related access planned on crown lands.

6.0 Air Quality and Dust

- 6.1 The Proponent shall participate in future air shed management programs as required by NSEL.
- 6.2 The Proponent shall not burn any materials generated as a result of construction activities.
- 6.3 The Proponent shall not burn coal for ground thawing unless otherwise approved by NSEL.
- 6.4 The Proponent shall be required to conduct air quality monitoring or dust monitoring at the request of NSEL.

7.0 Noise

- 7.1 The Proponent shall monitor for noise at the request of NSEL.
- 7.2 The Proponent shall revise the EPP to include a contingency plan for addressing noise related complaints during construction or operation.

8.0 Transportation

- 8.1 The Proponent shall submit a design plan for a bored crossing at Trunk 6 for review and approval by NSTPW prior to construction.
- 8.2 The Proponent shall consult with NSTPW's area manager on design details for all road crossings.
- 8.3 The Proponent shall not use 'logfill' vehicle crossing methods.
- 8.4 The Proponent shall develop a policy respecting ATV and off-highway vehicle use along the pipeline right of way. This policy shall be revised upon request of NSEL or other regulatory agencies.

9.0 Contingency Plans

- 9.1 Prior to construction the Proponent shall revise the Contingency Plan section of the EPP based on the requirements of the 2004 *NSEL Contingency Planning Guidelines*.
- 9.2 The Proponent shall contact NSEL immediately upon discovery of any

contaminated soils.

10.0 Public Participation

- 10.1 The Proponent shall form, at the request of NSEL, a Community Liaison Committee (CLC) in consultation with the NSEL and with municipal and community representatives. The NSEL *Guidelines for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.
- 10.2 The Proponent shall provide, for review and approval by NSEL, procedures for hearing and responding to community concerns raised during the construction and operation of the Undertaking.

original signed by

Kerry Morash
Minister of Environment and Labour