

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original dated August 9, 2004*

Bear Head LNG Terminal

Access Northeast Energy Incorporated, Proponent

**Bear Head
Richmond County**

The Bear Head LNG Terminal, proposed by Access Northeast Energy Inc. (the “Proponent”), Bear Head, Richmond 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 Facility Operations

- 2.1 The Proponent, prior to construction, shall submit for review and approval, an Environmental Protection Plan for the project to be implemented through all phases of construction and operation of the facility.
- 2.2 The Proponent shall update and revise the Environmental Protection Plan (EPP) at the request of NSEL, at anytime during construction or operation of the Undertaking.
- 2.3 The Proponent shall provide NSEL's Regional or District Manager, Eastern Region, with a finalized abandonment plan, for review and approval, six months prior to the permanent shut down of the undertaking.

3.0 Surface Water Resources

- 3.1 The Proponent, as part of the EPP, shall provide for review and approval:
 - a) details of a storm water management plan to minimize impacts to water quality during both construction and operational stages of the project.
 - b) details of a program for monitoring surface water quality, which includes but is not limited to proposed monitoring locations, sampling parameters and sampling frequency.

4.0 Wildlife and Terrestrial Habitat

- 4.1 The Proponent, as part of the EPP, shall submit a wetland protection and mitigation plan to be reviewed and approved by NSDNR's Wildlife Division.
- 4.2 Prior to construction, the Proponent shall, in consultation with NSEL, develop and implement a wetland compensation plan.
- 4.3 The Proponent, as part of the EPP, shall provide a mitigation and follow-

up monitoring plan for the Southern Twayblade (*Listera australis*) to be reviewed and approved by NSDNR's Wildlife Division.

5.0 Air Quality and Dust

- 5.1 The Proponent, as part of the EPP, shall submit for review and approval a dust control contingency plan to be implemented during facility construction.
- 5.2 The Proponent shall participate in future air shed management programs as required by NSEL.
- 5.3 The Proponent shall be required to conduct air quality monitoring at the request of NSEL.

6.0 Noise and Waste Management

- 6.1 The Proponent, as part of the EPP, shall submit a noise management and contingency plan to ensure noise levels meet the NSEL noise guidelines, and to address any noise related complaints that occur during construction or operation.
- 6.2 The Proponent, as part of the EPP, shall submit for review and approval, a waste management plan to be implemented during construction and operation of the Undertaking. This plan will include waste minimization procedures, recycling procedures, and disposal procedures for both solid waste and hazardous wastes generated or handled on site.

7.0 Transportation

- 7.1 The Proponent, as part of the EPP, shall submit for review and approval, a road traffic management plan to prevent or mitigate noise, dust and socio-economic impacts created by transportation activities occurring during the construction of the Undertaking.

8.0 Archaeological and Cultural Resources

- 8.1 The Proponent, as part of the EPP, shall submit for review and approval, an Archaeological Contingency Plan, to be implemented in the event that archaeological resources are discovered at the project site. This plan shall include the requirement to halt work and contact the Curator of Archaeology at the Nova Scotia Museum, and Executive Director of the Confederacy of Mainland Mi'kmaq, immediately upon discovery of an archaeological site or artifact.

9.0 Contingency Plans

- 9.1 The Proponent, as part of the EPP, shall submit for review and approval, a Spill Management Plan and Emergency Spills Contingency Plan, to be implemented during construction and operation of the Undertaking.
- 9.2 Prior to operation of the facility, the Proponent shall provide a contingency plan that addresses fire at the facility to be reviewed and approved by the local fire and emergency service providers.

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.

Original signed by

Kerry Morash
Minister of Environment and Labour