

Nova Scotia Environment and Labour (“NSEL”)

Environmental Assessment Approval

Approval Date: *Original Dated September 26, 2005*

Wal-Mart Development Wal-Mart Canada Corp., Proponent

Sydney, Nova Scotia

The Wal-Mart Development (the Undertaking), proposed by Wal-Mart Canada Corp. (the Proponent) to be located in a commercially zoned area, locally known as the Burnac Lands, at Spar Road in Sydney, 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 Facility Construction and Operation

- 2.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval:
 - 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);
 - a detailed site specific Erosion and Sediment Control Plan (including the drawing in Appendix A in the EA document), that maximizes the use of the remaining portion of the wetland, where appropriate, to improve drainage quality and retain wetland functions;
 - the Environmental Protection Plan (including monitoring programs) developed for the Site;
 - further information regarding the disposal of any excavated material from the project site. All materials must be disposed of in a manner acceptable to NSEL, the Cape Breton Regional Municipality and/or any municipality in which the material is disposed; and
 - plans for designated areas for refuelling and performing any maintenance of equipment. These designated areas must have measures in place to prevent petroleum products and other hazardous materials from impacting the surrounding environment.

3.0 Wetland Disruption

- 3.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval a Wetland Compensation Plan, developed in consultation with NSEL and NSDNR.
- 3.2 Clearing and grubbing of the site must be conducted outside the breeding season for most bird species, between April 1 and August 15.
- 3.3 Prior to clearing, a survey must be conducted to ensure that no early nesting species are nesting on the site. If early nesting species are encountered, consult with the NSDNR regional biologist for mitigation.

4.0 Site Hydrology

- 4.1 As part of the application for Part V Approval under the *Environment Act*, the Proponent shall provide for review and approval a detailed site specific Stormwater Management Plan (including drawings in Appendix A in the EA document).
- 4.2 All discharges from the Site must not exceed standards identified by NSEL.
- 4.3 The Proponent shall ensure that the stormwater treatment units are monitored, and results submitted to NSEL for the first 30 days of operation to monitor accumulation of solid materials in the sump, sediment accumulation, and deposition of floating trash/debris in the separation chamber.
- 4.4 The Proponent shall provide NSEL, for review and approval, an inspection and clean out schedule for the stormwater treatment units, based on storm events and deposition in the units.
- 4.6 The Proponent shall ensure that all contractors hired to maintain the property adopt best management practices for road salt application and use of all hazardous materials.

5.0 Archaeological and Heritage Resources

- 5.1 The Proponent shall cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and 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