NOVA SCOTIA
Environment and Climate Change

Comment Index

Spence Aggregates Quarry Expansion Project, Hants County

Comment Period End Date: 22 June 2025

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Nova Scotia Mi'kmaq

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1	Kwilmu'kw Maw-Klusuaqn (KMK)	20 June 2025

Public

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1	Native Council of Nova Scotia (NCNS) / Maritime Aboriginal Aquatic Resources Secretariate (MAARS)	20 June 2025

Impact Assessment Agency of Canada | Agence d'évaluation d'impact du Canada

Newfoundland and Labrador Office
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St. John's NL A1C 6M1

Bureau de Terre–Neuve-et-Labrador
901- 10 Barter's Hill
St. John's (Terre-Neuve–et-Labrador) A1C 6M1

May 16, 2025

Meghan Rafferty
Environmental Assessment Officer
Policy Division, Environmental Assessment Branch
Government of Nova Scotia
Meghan.Rafferty@novascotia.ca

SUBJECT : Spence Aggregates Quarry Expansion Project, Hants County

Dear Meghan Rafferty:

Thank you for the opportunity to review the registration document for the Spence Aggregates Quarry Expansion Project (the Project), received on May 7, 2025.

The federal environmental assessment process is set out in the *Impact Assessment Act* (IAA). The *Physical Activities Regulations* (the Regulations) set out a list of physical activities considered to be "designated projects" under the IAA.

IAAC reviewed the Regulations and notes that item 19(f) is relevant for this type of project:

> *19(f) The expansion of an existing mine, mill, quarry or sand or gravel pit, in the case of an existing stone quarry or sand or gravel pit if the expansion would result in an increase in the area of mining operations of 50% or more and the total production capacity would be 3 500 000 t/year or more after the expansion*

Although the increase in the area of mining operations for the proposed Project is to be greater than 50%, it is understood that the total production capacity of the quarry will be below the threshold identified in the Regulations.

While it is the responsibility of proponents to determine whether their proposed project includes physical activities described in the Regulations of the IAA, based on the information submitted to the Province of Nova Scotia on the Spence Aggregates Quarry Expansion Project, the Impact Assessment Agency of Canada (IAAC) is of the opinion that, as proposed, the project does not appear to be described in the Regulations. As such, the proponent would not be expected to submit an Initial Project Description of a Designated Project. If the project changes from what has been described in its provincial registration, the proponent is advised to contact IAAC if, in their view, any proposed project activities may be described in the Regulations.

The proponent is advised that under section 9(1) of the IAA, the Minister may, on request or on the Minister's own initiative, by order, designate a physical activity that is not prescribed by regulations made under the Regulations if, in the Minister's opinion, the carrying out of that physical activity may cause adverse effects within federal

jurisdiction or direct or incidental adverse effects. Should IAAC receive a request for a project to be designated, IAAC would contact the proponent with further information.

Please note that for physical activities not described in the Regulations, should the Project be carried out in whole or in part on federal lands, section 82 of the IAA would apply if any federal authority is required to exercise a power, duty or function under an Act other than IAA in order for the Project to proceed, or if a federal authority is providing financial assistance for the purpose of enabling the Project to be carried out. In that case, that federal authority must ensure that any Project assessment requirements under the applicable sections of the IAA are satisfied.

We also note that in proceeding with the Project, the proponent may still be required to obtain or seek amendment to other federal regulatory permits, authorizations and/or licences.

The proponent is encouraged to contact IAAC at (902) 426-0564 if it has additional information that may be relevant to IAAC or if it has any questions or concerns related to the above matters.

Samantha Zabudsky

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Impact Assessment Agency of Canada / Government of Canada
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Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: May 16, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Environmental Health Consultant, Environmental Health and Food Safety Unit, Sustainability and Applied Science

Subject: **Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia**

Scope of review:
This review focuses on the following mandate: Environmental Health

List of Documents Reviewed:

- EARD and Appendices

Details of Technical Review:

The Spence Aggregates Quarry Expansion Project consists of expanding the approved quarry (~4 ha) to occupy an additional 59 ha, for a total permitted area of approximately 63 ha. Spence Aggregates does not propose to increase the general rate of production.

Based upon the review to the documents noted above, and in particular potential for health effects from dust and sound, there are no additional Environmental Health Concerns that lie outside of the current assessment of impact, mitigation measures, or already existing legislative requirements.

Key Considerations:

Environmental Health concerns are either addressed within the provided documents, assessed for and deemed no negative effect, or are already covered withing existing legislative requirements. No additional un-addressed health related considerations have been identified based upon the information provided for this project.

Fisheries and Oceans Canada | Pêches et Océans Canada

Bedford Institute of Oceanography
1 Challenger Drive
P.O. Box 1006, Station P500
Dartmouth, Nova Scotia B2Y 4A2

Date: May 26, 2025

To: Meghan Rafferty, Environmental Assessment Officer, EA Branch

From: Sean Wilson, A/Senior Regulatory Review Biologist, Fish and Fish Habitat Protection Program

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of Review:

Fisheries and Oceans Canada (DFO) is responsible for administrating the fish and fish habitat protection provisions of the *Fisheries Act* (FA), the *Species at Risk Act* (SARA), and the *Aquatic Invasive Species Regulations*.

DFO's review focused on the impacts of the works outlined in the Spence Aggregates Quarry Expansion Project Environmental Assessment Registration Document (EARD) to potentially result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat, which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

Recommendations:

DFO makes the following recommendations to the proponent:

- Changes in surface water quantity and annual runoff volumes are expected to occur due to changes in the amount of exposed land created by the quarry expansion project. Annual runoff volumes are expected to increase by as much as 18% in the Avon Sub-Watershed and by up to 11% in the St. Croix Sub-Watershed modeled in the EARD. The use of on-site water management (i.e. sedimentation ponds) to control outflow leaving the site has been proposed as a mitigation. Sediment ponds do not typically capture all sediment, especially silts and clays which require long settling periods to settle out of the water column. These particles are known to adversely affect salmonid species, especially during sensitive life stages. DFO recommends sizing sediment ponds and using appropriate erosion and sediment control measures in a manner which will reduce potential impacts to fish and fish habitat.

- If blasting will be conducted, refer to Wright and Hopky 1998 (https://publications.gc.ca/collections/Collection/Fs97-6-2107E.pdf) for Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters; and

- Refer to DFO's website, https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html, for further information on DFO's regulatory review process and for further measures to protect fish and fish habitat.

Further information can be provided through the NSECC watercourse and/or wetland alteration approval process(es), and/or through submission of a DFO Request for Review application to DFO to allow DFO staff to conduct a regulatory review of the project to identify potential impacts to fish and fish habitat, and to determine if an authorization under the *Fisheries Act* and/or a *Species at Risk* permit is required.

From:	Wade,Suzanne (ECCC)
To:	Rafferty, Meghan
Cc:	Wade,Suzanne (ECCC); Hingston,Michael (il | he, him) (ECCC); Morais,Tania (elle | she, her) (ECCC); Aikens,Marley (elle | she, her) (ECCC)
Subject:	FW: EA Registration: Spence Aggregates Quarry Expansion Project, Hants County, NS - Spence Aggregates Ltd. (EAS# 25-NS-007)
Date:	May 26, 2025 10:01:11 AM

Good morning Meghan,

Environment and Climate Change Canada (ECCC) has reviewed the EA Registration Document (EARD) for Spence Aggregates Ltd's proposed Spence Aggregates Quarry Expansion Project, located near Newport Station, NS, and we offer the following comments:

Relevant Link

- Environment and Climate Change Canada (ECCC) 2022. *Guidelines for Effective Wildlife Response Plans*. https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html.

WILDLIFE COMMENTS

1. Given that the project is registered under Nova Scotia's (NS) *Environmental Assessment Regulations*, it remains the discretion of the province whether sufficient information has been provided to assess the potential effects of the Project under their jurisdiction and responsibility. ECCC-CWS (Canadian Wildlife Service) does not have any permits (or authorizations) or approvals in relation to the proposed project. Any advice provided by ECCC is intended to support Nova Scotia Environment and Climate Change (NS ECC) Environmental Assessment review process. The Proponent is responsible for identifying measures which ensure their compliance with the federal *Migratory Birds Convention Act* (MBCA) and the *Species at Risk Act* (SARA).

2. ECCC-CWS notes that the Province of NS's Department of Natural Resources (NSNR) holds technical expertise, jurisdiction, and management authority for birds not protected by the MBCA (e.g., raptors) and terrestrial species at risk (SAR) including bats, reptiles, amphibians, land-mammals, insects, plants, and lichen. ECCC advice on these species is derived from federal recovery strategies produced as per the Species at Risk Act and are focused on species recovery. SAR are a shared responsibility between the federal government and the provinces and ECCC comments reflect this.

3. Proponents are encouraged to share and store wildlife survey data with the Atlantic Canada Conservation Data Center. Information on data contributions can be found at: http://accdc.com/en/contribute.html.

4. If NSECC is considering wildlife protection, mitigation, monitoring and adaptive management plans as part of potential approval conditions related to avifauna and/or migratory bird SAR, ECCC recommends clarifying what elements are expected to be included, and that the consultation process is clear for all parties.

Species at Risk (SAR) and Critical Habitat (CH)

General

6. ECCC-CWS notes that avian SAR could occur within the Potential Development Area (PDA), including but not limited to: Bank Swallow (SARA-listed Threatened), Bobolink (SARA-listed Threatened), Canada Warbler (SARA-listed Threatened), Common Nighthawk (SARA-listed Special Concern), Eastern Wood-pewee (SARA-listed Special Concern), Olive-sided Flycatcher (SARA-listed Special Concern).

   For projects undergoing environmental assessment, ECCC recommends that adverse effects of the project on SAR and CH are identified, and, if the project is carried out, that mitigation measures are taken to avoid or lessen those effects. We recommend that mitigation measures:

   - be consistent with best available information including any Recovery Strategy, Action Plan or Management Plan in a final or proposed version; and
   - respect the terms and conditions of the SARA regarding protection of individuals, residences, and critical habitat of Extirpated, Endangered, or Threatened species.

We also recommend follow-up monitoring to verify impact predictions, and adequacy of mitigation measures, and adaptive management in the event that species at risk or their critical habitat are adversely affected by the project.

Nightjar

7. ECCC notes that there was a relatively high number of Common Nighthawk observed at the site during the breeding season, including 14 observations of at least 10 unique individuals during the one-night nightjar survey and six incidental additional observations. Breeding displays were observed numerous times, indicating that Common Nightjar likely breed in the PDA.

Some ground nesting species of migratory birds, including the Common Nighthawk, may be attracted to previously cleared areas for nesting in the spring if there is a delay between clearing activities (e.g. conducted in the fall/winter) and subsequent quarry development activities. In such instances, active nest surveys of the cleared areas may be carried out successfully by skilled and experienced observers using appropriate scientific methodology. Surveyors must ensure Common Nighthawk individuals, nests, and/or eggs are not disturbed. Should any nests or unfledged chicks be discovered, protection by an appropriate-sized buffer is expected.

Monitoring from a distance should be conducted to verify that the size of the buffer zone is adequate. While buffers to protect nests from disturbance may be flagged, nests should never be approached and marked using flagging tape, spray paint, or other similar material, as this increases the risk of nest predation.

Bank Swallow

8. The Bank Swallow (SARA-listed Threatened) is a colonial, burrow-nesting aerial insectivore known to nest in large piles of soil left unattended/un-vegetated at work sites. If migratory birds take up occupancy of these piles, any industrial activities will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs, which is prohibited under SARA. ECCC offers the following general recommendations for avoiding and minimizing impacts of the project on Bank Swallow:

    - To discourage nesting, the proponent should consider measures to cover or to deter birds from nesting in these large piles of unattended soil during the breeding season. The Government of Canada guidance document "*Bank Swallow (Riparia riparia) in Sandspit and Quarries*" (GoC 2020) offers advice in preparing mitigation measures in the management of stockpiles during construction activities: https://species-registry.canada.ca/index-en.html#/documents/1602;
    - Be aware of the risk of nesting Bank Swallows in project footprint, and educate site workers about this risk, and what constitutes a contravention of the SARA and the MBCA;
    - Manage site activities to reduce the risk of Bank Swallows initiating a colony within their project footprint;
    - Protect Bank Swallow colonies that establish within the footprint of the project until such a time the colony is no longer active and fledglings have naturally left the area; and
    - Understand what constitutes an active bank swallow residence. The period when nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but also a period after chicks have learned to fly, as Bank Swallows return to their colony to roost after fledging. *A Bank Swallow Residence Description* (GoC 2019) is available at: https://species-registry.canada.ca/index-en.html#/documents/3521.

Bat SAR

9. ECCC notes that the project area overlaps with identified Critical Habitat (CH) for the Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and/or Tri-colored Bat (*Perimyotis subflavus*), which are listed as Endangered under Schedule 1 of SARA. There are three known bat hibernacula within 28km of the PDA; the closest is 4 km away. Acoustic monitoring confirmed that *Myotis* spp. and Tri-colored bat are present in the PDA, though no biophysical attributes for CH were observed during targeted habitat surveys completed for the project.

   ECCC is of the opinion that any additive mortality of the SARA listed bat species in White-nose Syndrome (WNS) affected areas has the potential to be biologically important. The mortality of even a small number of remaining individuals, particularly breeding adults, or disturbance to maternity roosts or hibernacula, has the potential to negatively impact the survival of local populations, their recovery, and potentially, the development of resistance to the fungus that causes WNS.

   In addition to the Mitigation and Management Measures presented in Section 5.5.3, ECCC recommends establishing a 100m minimum buffer around large diameter tree (s) (>25 cm dbh) with suitable maternity roost habitat characteristics until occupancy can be confirmed.

   The Recovery Strategy for the Little Brown Myotis (*Myotis lucifugus*), the Northern Myotis (*Myotis septentrionalis*), and the Tricolored Bat (*Perimyotis subflavus*) in Canada (2018) should be consulted: https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/little-brown-myotis-2018.html.

10. Acoustic monitoring also confirmed that Hoary Bat, Eastern Red Bat, and Silver-haired Bat occur in the PDA. These species have been assessed as Endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). From a mitigation and management perspective, ECCC recommends that proponents consider these Species of Conservation Concern as though they are at risk, in the event that they become listed during the lifetime of the Project.

Migratory Birds

Avoidance of Incidental Take

11. Quote (5-80): *"Project related clearing and grubbing activities will be scheduled, when feasible, outside the bird breeding season to prevent inadvertent harm to most bird species and to comply with both the MBCA and provincial Wildlife Act. [...] If scheduling of*

clearing and grubbing outside the bird breeding season is not feasible, Spence Aggregates Limited will assess established mitigation measures under the MBCA. If full avoidance during the timeframes is not practical, qualified biologists will conduct thorough searches…"

ECCC recommends that activities that may result in incidental disturbance and/or take of migratory bird nests or eggs, such as tree or shrub removal, exclusively occur outside the migratory bird nesting period.

Nests in complex habitat are difficult to locate, and adult birds avoid approaching their nests in a manner that would attract predators to their eggs or young. In these habitats, there is a low probability of locating all nests and searches are likely to cause disturbance to nesting birds. Therefore, incidental take and/or disturbance is likely to still occur during industrial or other activities even when active nest searches are conducted prior to these activities. Therefore, except for very specific circumstances (e.g. surveys for Pileated Woodpecker nesting cavities protected under Schedule 1 of the *Migratory Birds Regulations*), ECCC does not recommend nest searches in vegetation.

12. Certain species of migratory birds may nest on the sides of buildings, bridges or other pieces of infrastructure. Additionally, some species may nest on equipment, if they are left unattended/idle for long periods of time.

    ECCC recommends the following beneficial management practices:
    - The proponent should ensure that project staff are aware of the potential of migratory bird nests on infrastructure, buildings, and bridges, if applicable;
    - If a nest is discovered, the proponent should conduct no activities around the nest that may cause the nest to be abandoned or destroyed. Activities should be suspended until the chicks have fledged and left the area; and
    - If the proponent anticipates that birds may nest on infrastructure, the proponent should install anti-perching and nesting exclusion devices (e.g. snow fencing, chicken wire fencing, etc.) before any nest attempts are made.

    If there is ultimately a need to decommission a building or structure used for nesting by migratory birds, ECCC-CWS should be consulted in a timely manner in advance of any proposed decommissioning activities for species-specific considerations.

<u>Pileated Woodpecker</u>

13. ECCC notes that no Pileated Woodpecker nesting cavities were found during the habitat survey; however, eight observations of activity, including territorial drumming, suggest Pileated Woodpecker are breeding in and/or near the PDA.

    The Migratory Birds Regulations have been modernized, and the new *Migratory Birds*

Regulations, 2022 came into force on July 30, 2022. Previously, the *Migratory Birds Regulations* (MBR) provided year-round protection for nests from being disturbed, destroyed or taken, anywhere in Canada where they were found, for as long the nest existed, for all 395 migratory bird species that are included in the *Migratory Birds Convention Act*. The *Migratory Birds Regulations, 2022* (MBR 2022) change protection from all nests of migratory birds always being protected to most nests being protected only when they contain a live bird or viable egg. This supports conservation benefits, as the nests of most migratory birds only have conservation value when they are active (contain a bird or viable egg), and also provides flexibility and predictability for stakeholders to manage their compliance requirements as they undertake activities on the landscape that may affect migratory bird nests.

For 18 species of migratory birds identified on Schedule 1 of the MBR, 2022, including the Pileated Woodpecker, the amended regulations provide year-round nest protection (regardless of occupancy) until they can be deemed abandoned. If the nest of a Schedule 1 species has not been occupied by a migratory bird for the entirety of the waiting period indicated in the MBR 2022, it is considered abandoned and to no longer have high conservation value for migratory birds.

If a proponent wishes to destroy an unoccupied Pileated Woodpecker nesting cavity, they must submit a notification through the Abandoned Nest Registry, and if the nest remains unoccupied by Pileated Woodpeckers and other migratory bird species for 36 months, it may at that point be destroyed by cutting down the tree. It is the responsibility of the proponent to monitor the tree for occupancy during the waiting period.

A Pileated Woodpecker Cavity Identification Guide is available for reference at: Pileated Woodpecker Cavity Identification Guide .

Further information on the *Migratory Bird Regulations, 2022* is available at:

- Migratory Birds Regulations, 2022 (justice.gc.ca)
- New Migratory Birds Regulations, 2022 - Canada.ca
- Continued evolution of the Migratory Birds Regulations, 2022 - Canada.ca
- Notice: Abandoned Nest Registry - Canada.ca
- Fact sheet: Nest Protection under the Migratory Birds Regulations, 2022 - Canada.ca
- Frequently Asked Questions: Migratory Birds Regulations, 2022 - Canada.ca
- Service standards and performance: permits for Migratory Birds Regulations

Wetlands

14. ECCC-CWS advocates for the conservation of wetlands, especially in areas where wetland

losses have already reached critical levels (e.g., NB, NS, PE, southern Ontario, Prairies), regionally important wetlands, and wetlands used by avian SAR and SOCC as part of their lifecycle (e.g., Canada Warbler, Chimney Swift, Olive-sided Flycatcher Common Nighthawk, Lesser Yellowlegs, Greater Yellowlegs, Spotted Sandpiper, Upland Sandpiper, etc.).

ECCC advocates for planning, siting, and designing a project in a manner that considers wetland mitigation options in a hierarchical sequence – avoidance, minimization, and as a last resort, compensation.

To promote wetland conservation, ECCC recommends the following general beneficial management practices:

- Developments on wetlands should be avoided;
- Where development does occur in the vicinity of wetlands, a minimum vegetation buffer zone of 30 metres should be maintained around existing wetland areas;
- Hydrological function of the wetland should be maintained;
- Runoff from development should be directed away from wetlands; and
- Maintain a 30-metre buffer from the high water mark of any water body (1:100 Flood Zone) in order to maintain movement corridors for migratory birds. Please see https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html for further information concerning buffer zones.

Additional Advice

Fuel Leaks and Emergency Response

15. The Proponent should ensure that all precautions are taken by staff to prevent fuel leaks from equipment, and contingency plans in case of oil spills should be prepared.

    Furthermore, the proponent should ensure that contractors are aware that under the *Migratory Birds Convention Act* (MBCA), *"no person shall deposit or permit to be deposited oil, oil wastes or any substance harmful to migratory birds in any waters or any area frequented by migratory birds."*

    Events involving a polluting substance should be reported to the 24-hour environmental emergencies reporting system: **1-800-565-1633**.

    Bird mortality incidents of 10 or more birds in a single event, or an individual species at risk, should be reported via ECCC-CWS Main Office **(506) 364-5044** or via email to SCFATLEvaluationImpact-CWSATLImpactAssessment@ec.gc.ca.

Additionally, the Proponent should ensure that provisions for wildlife response are identified in emergency prevention & response plans. The following information should be included:

- Mitigation measures to deter migratory birds from coming into contact with polluting substance (e.g. oil);
- Mitigation measures to be undertaken if migratory birds and/or sensitive habitat becomes contaminated; and
- The type and extent of monitoring that would be conducted in relation to various spill events.

ECCC's "*Guidelines for Effective Wildlife Response Plans"* are recommended as a reference in the development of emergency prevention and response (available at https://publications.gc.ca/collections/collection_2023/eccc/cw66/CW66-771-2021-eng.pdf).

Noise Disturbance

16. Anthropogenic noise produced by construction and human activity can have multiple impacts on birds, including causing stress responses, avoidance of certain important habitats, changes in foraging behavior and reproductive success, and interference with songs, calls, and communication. Activities that introduce loud and/or random noise into habitats with previously no to little levels of anthropogenic noise are particularly disruptive.

    ECCC recommends the following best management practices for proponents:
    - Develop mitigations for programs that introduce very loud and random noise disturbance (e.g., blasting programs) during the migratory bird breeding season for their region;
    - Prioritize construction works in areas away from natural vegetation while working during the migratory bird breeding season. Conducting loud construction works adjacent to natural vegetation should completed outside the migratory bird breeding season; and
    - Keep all construction equipment and vehicles in good working order and muffle loud machinery.

Lighting

17. Lighting for the safety of the employees should be shielded to shine down and only to where it is needed, without compromising safety. Street and parking lot lighting should also be shielded so that little escapes into the sky and it is directed where required. LED lighting fixtures are generally less prone to light trespass and should be considered.

Invasive Species

18. In addition to the Mitigation and Management Measures specific to Vegetation and Wetlands presented in Section 5.4.3, ECCC recommends that a variety of species of plants native to the general project area be used in revegetation / reclamation efforts. Should seed mixes for herbaceous native species for the area not be available, it should be ensured that plants used in revegetation efforts are not known to be invasive.

    ECCC also recommends that measures to diminish the risk of introducing invasive species be developed and implemented. These measures could include:
    - Cleaning and inspecting construction equipment prior to transport from elsewhere (not limited to out of province equipment) to ensure that no plant matter is attached to the machinery (e.g. use of pressure water hose to clean vehicles prior to transport); and
    - Regularly inspecting equipment prior to, during and immediately following construction in wetland areas and in areas found to support Purple Loosestrife to ensure that plant matter is not transported from one construction area to another.

Applicable Legislation

Migratory Birds Convention Act

The federal *Migratory Birds Convention Act* (MBCA) and its regulations protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in Schedule 1 of the MBR 2022 are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. For more information, please visit: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html.

For migratory birds that are listed as Endangered, Threatened or Extirpated on Schedule 1 of the *Species at Risk Act* S.32 (protection of individuals) and S.33 (protection of residences) apply to all land tenure types in Canada. For some migratory bird species listed under the *Species at Risk Act* (SARA), the residence prohibition will protect nests that are not active but are re-used in subsequent years (please note that the residence of a migratory bird may not necessarily be limited to their nest).

Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds:
“5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or

in a place from which the substance may enter such waters or such an area.
(2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result in a substance – in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area – that is harmful to migratory birds."

The proponent is responsible for ensuring that activities are managed to ensure compliance with the MBCA and associated regulations.

In fulfilling its responsibility for MBCA compliance, the proponent should take the following points into consideration:

- Information regarding regional nesting periods can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods.html. Some species protected under the MBCA may nest outside these timeframes.

- Most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, but several species nest at ground level (e.g., Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in head ponds created by beaver dams. Some migratory birds (e.g., Barn Swallow, Cliff Swallow, Eastern Phoebe) may build their nests on structures such as bridges, ledges or gutters.

- One method frequently used to minimize the risk of destroying bird nests consists of avoiding certain activities, such as clearing, during the regional nesting period for migratory birds.

- The risk of impacting active nests or birds caring for pre-fledged chicks, discovered during project activities outside the regional nesting period, can be minimized by measures such as the establishment of vegetated buffer zones around nests, and minimization of activities in the immediate area until nesting is complete and chicks have naturally migrated from the area. It is incumbent on the proponent to identify the best approach, based on the circumstances, to complying with the MBCA.

Further information can be found at https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html

Species at Risk Act

The Species at Risk Act (SARA) "General prohibitions" apply to this project. In applying the general prohibitions, the proponent, staff and contractors, should be aware that no person

shall:

- kill, harm, harass, capture or take an individual;
- possess, collect, buy, sell or trade an individual, or any part or derivative;
- damage or destroy the residence of one or more individuals.

General prohibitions only apply automatically:

- on all federal lands in a province,
- to aquatic species anywhere they occur,
- to migratory birds protected under the Migratory Birds Convention Act (MBCA) 1994 anywhere they occur.

Section 33 of SARA prohibits damaging or destroying the residence of a listed threatened, endangered, or extirpated species. For migratory bird species at risk (SAR), this prohibition immediately applies on all lands or waters (federal, provincial, territorial and private) in which the species occurs.

For project assessments, SARA requires:
79 (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 82(a) or (b) of the *Impact Assessment Act* in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

ECCC notes that all comments it provides concerning species at risk that are not migratory birds derive from federal recovery/management plans as posted on the Species at Risk Registry (https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html), and thus comments may not be comprehensive to the body of knowledge for the species.

For species which are not listed under SARA but have been assessed and designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), it is best practice to consider these species in EA as though they were listed under SARA.

WATER QUALITY

Pollution prevention and control provisions of the *Fisheries Act* are administered and enforced by ECCC. Subsection 36(3) of the *Fisheries Act* prohibits “anyone from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish,

or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter such water".

It is the responsibility of the proponent to ensure that activities are managed so as to prevent the release of substances deleterious to fish. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters. Additional information on what constitutes a deposit under the *Fisheries Act* can be found here: https://www.canada.ca/en/environment-climate-change/services/managing-pollution/effluent-regulations-fisheries-act/frequently-asked-questions.html

ACCIDENTS AND MALFUNCTIONS

Hazardous materials (e.g. fuels, lubricants, hydraulic oil) and wastes (e.g. waste oil) should be managed so as to minimize the risk of chronic and/or accidental releases. For example, the proponent should encourage contractors and staff to undertake refueling and maintenance activities on level terrain, at a suitable distance from environmentally sensitive areas including watercourses, and on a prepared impermeable surface with a collection system.

The proponent is encouraged to prepare contingency plans that reflect a consideration of potential accidents and malfunctions and that take into account site-specific conditions and sensitivities. The Canadian Standards Association publication, *Emergency Preparedness and Response,* CAN/CSA-Z731-03, reaffirmed 2014), is a useful reference.

All spills or leaks, such as those from machinery or storage tanks, should be promptly contained and cleaned up (sorbents and booms should be available for quick containment and recovery), and reported to the 24-hour environmental emergencies reporting system (Maritime Provinces 1-800-565-1633).

ECCC's preference is that any documents and requests for advice from the proponent be submitted and coordinated through NS ECC as part of their EA process via the ECCC-EA window (FCR_Tracker@ec.gc.ca).

If you have any questions, please let me know.

Suzanne Wade

Environmental Assessment Analyst, Environmental Stewardship Branch
Environment and Climate Change Canada/Government of Canada
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Analyste d'évaluation environnementale, Direction générale de l'intendance Environnementale Environnement et Changement climatique Canada / Gouvernement du Canada Suzanne.Wade@ec.gc.ca / Tél: 902 426-5035

NOVA SCOTIA
Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: May 23, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Janet MacKinnon Executive Director Sustainability and Applied Science

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of review:
This review focuses on the following mandate: Protected Areas

List of Documents Reviewed:

WAPA interactive Maps

Details of Technical Review:

Area is on private land and no Protected areas are in the Vicinity

Key Considerations: (provide in non-technical language)

No concerns

Health Canada Santé Canada

Human Health Considerations in Impact Assessment

Health Canada (HC) provides the following generic considerations for evaluating human health impacts in environmental/impact assessment (EA/IA). Please note that this is not an exhaustive list of human health concerns that may result from projects, and that issues will vary based on project specifics. Please also note that HC does not approve or issue licenses, permits, or authorizations in relation to the IA. HC's role in Impact Assessment is founded in statutory obligations under the Canadian Impact Assessment Act, and its knowledge and expertise can be called upon by reviewing bodies (e.g., Impact Assessment Agency of Canada, review panels, Indigenous groups and/or other jurisdictions). In the absence of such a request from one of the above noted groups, HC is unable to carry out a comprehensive review of the project. However, HC is able to accommodate specific requests for human health advice and guidance related to provincial environmental assessments within a reasonable timeframe.

HC currently possesses expertise in the following areas related to human health: air quality, recreational and drinking water quality, traditional foods (country foods), noise, and methodological expertise in conducting human health risk assessment. Based on Health Canada's "*Guidance for Evaluating Human Health Impacts in Environmental Assessment*", please consider the following information on these topics to assist in your review.

	Consideration	**Reference Document**
Receptor Location(s)		
Please ensure the registration document clearly identifies the locations of all receptors that may be impacted by the proposed project, including any receptors located along the transportation route, if applicable.	• It is important to clearly describe the location and distance from the proposed site(s) to all potential human receptors (permanent, seasonal or temporary), taking into consideration the different types of land uses (e.g. residential, recreational, industrial, etc.), and identifying all vulnerable populations (e.g. in schools, hospitals, retirement or assisted living communities). Note that the types of residents and visitors in a particular area will depend on land use, and may include members of the general public and/or members of specific population subgroups (Indigenous peoples, campers, hunters, etc.)	*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Human Health Risk Assessment. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.* *https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-6-2023-eng.pdf*
	• If there is the potential that project-related activities could affect human receptors, impacts to human health should be considered.	

Atmospheric Environment		
Project impacts to the atmospheric environment include changes to air quality and noise, and can occur in both the construction, operation and decommissioning phases of the project. Project impacts to air quality are commonly caused by emissions from equipment or vehicles as well as by dust. Noise impacts are commonly caused by equipment as well as by activities such as blasting.	• If there are receptors that could be affected by project-related activities, impacts to the atmospheric environment should be considered. Changes to the atmospheric environment that may impact human health include: ○ impacts to air quality (dust or fumes including $PM_{2.5}$, NO_x, SO_x, PAHs) ○ increased noise from construction or operations	*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario* https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-3-2023-eng.pdf *Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Air Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.* https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-1-2023-eng.pdf
	• If there are receptors who could be impacted by project-related noise, it may be necessary to inform receptors prior to loud activities, such as blasting.	
	• If there is the potential for impacts to human receptors from noise and/or air quality changes from the project, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required.	
Recreational and Drinking Water Quality		
The proponent should consider whether any nearby waterbodies are used for recreational (i.e. swimming, boating, or fishing) or drinking water purposes, as well as whether there are any drinking water wells in the area potentially impacted by the project. Nearby drinking and/or recreational water quality may be impacted by	• If there is the potential for impacts to drinking and/or recreational water quality from the project site, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required.	*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Drinking and Recreational Water Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.* https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-2-2023-eng.pdf

accidents or malfunctions, such as a fuel spill; by dust and increased sediment runoff; and by other chemical discharges to the environment. Additionally, wells in the area potentially impacted by the project may be impacted by activities such as blasting.	• The proponent should consider preparing a response plan in the event of an accident or malfunction with the potential to impact drinking and/or recreational water quality. Response plans should include a spill response kit, adequate spill response training, and a communication plan to notify all recreational and drinking water users in the impacted area as well as all relevant authorities. • In some cases, for projects that are likely to have an impact on drinking and/or recreational water quality, the proponent should consider conducting water monitoring prior to the start of the project (to establish a baseline). Monitoring would continue throughout the construction, operation and decommissioning phases of the project (as applicable) to monitor for any changes in water quality or quantity.	
Country Foods		
If there are plants or animals present in the area potentially impacted by the project that are consumed by humans, there may be potential for impacts to country foods. The proponent should consider all country foods that are hunted, harvested or fished from the area potentially impacted by the project. Impacts to country foods may occur from the release of contaminants into soil or water (including from an accident or spill) or from deposition of air borne contaminants.	• If there is the potential for impacts to country foods from the proposed project, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required. • The proponent should consider preparing a response plan in the event of an accident or malfunction with the potential to impact country foods. Response plans should include a spill response kit, adequate spill response training, and a communication plan to notify all potential consumers of country foods in the impacted area as well as all relevant authorities.	*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Country Foods. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.* *https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-5-2023-eng.pdf*

For more information on HC's guidelines for evaluating human health impacts in environmental assessments, please see:

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: **Noise**. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario*
https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-3-2023-eng.pdf

Appendix B of this guidance document provides a checklist that may be beneficial in verifying that the main components of a noise environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: **Air Quality**. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*
https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-1-2023-eng.pdf

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of an air quality environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: **Drinking and Recreational Water Quality**. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*
https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-2-2023-eng.pdf

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of a water quality environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: **Country Foods**. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*
https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-5-2023-eng.pdf

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of a country foods environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: **Human Health Risk Assessment**. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*
https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-6-2023-eng.pdf

Appendix B of this guidance document provides a checklist that may be beneficial in verifying that the main components of a human health risk assessment are completed.

NOVA SCOTIA
Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: June 2, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Climate Change Division – Lori Skaine, Executive Director

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of review:
This review focuses on the following mandate: Climate change adaptation and mitigation

List of Documents Reviewed:
Environmental Assessment Registration Document

Details of Technical Review:

Adaptation

Section 8.0 *Effects of the Environment on the Undertaking* provides a brief overview of climate change impacts and adaptation considerations. The proponent has described general climate change trends but has not included specific historical or projected climate change data for the location.

The proponent has noted that interruptions due to extreme weather are likely to be temporary, not cause significant damage, and can be mitigated through site design and appropriate scheduling of activities.

The proponent has stated that design criteria for stormwater management measures, including any consideration of heavier precipitation events in a changing climate, will be identified at the Industrial Approval amendment stage.

Mitigation

The primary sources of greenhouse gas (GHG) emissions associated with the project include fuel combustion from diesel-fueled equipment including trucks, bulldozers, excavators, crushers, and other heavy equipment. The proposed mitigation steps identified in Section 5.1.3 of the EA registration are appropriate and include routine inspection and maintenance of heavy equipment to reduce exhaust fumes. The proponent has mentioned that project-related GHGs emissions are expected to be in the range from low to moderate (less than 100,000 t CO_2 e per year).

Key Considerations: (provide in non-technical language)

Adaptation

We suggest the proponent consider examining historical and projected climate data for the project location. Reviewing local climate data may help to identify and assess potential climate hazards, the consequences of potential impacts, and plan adaptation measures over the lifetime of the project.

The proponent is encouraged to review climate change-adjusted Intensity-Duration-Frequency (IDF) curves available through Canada's national climate data portal (ClimateData.ca), which may be helpful for designing appropriate stormwater management infrastructure.

Mitigation

The proponent is encouraged to track expected greenhouse gas (GHG) emissions from potential sources using published quantification methods, such as those outlined in the Greenhouse Gas Reporting Program (GHGRP). If projected emissions exceed 10,000 tonnes of CO_2 equivalent (t CO_2e) per year, the proponent should provide more detailed reporting.

Furthermore, if annual emissions exceed 50,000 t CO_2e, the facility may be classified as a regulated facility under Nova Scotia's Environment Act. In such cases, the owner or operator is required to register with the Nova Scotia Output-Based Pricing System (OBPS). For more information, the proponent is encouraged to consult Part XIB of the Environment Act and the OBPS Registration and Opt-in Regulations.

NOVA SCOTIA
Fisheries and Aquaculture

Armoyan Centre
1800 Argyle Street
Suite 603
Halifax NS B3J 3N8

Date: June 3, 2025

To: Meghan Rafferty

From: Lesley O'Brien-Latham, Executive Director, Policy and Strategic Advisory Services

Subject: Spence Aggregates Quarry Expansion Project, Hants County

Scope of review:
The scope of this review follows the Department of Fisheries and Aquaculture's (DFA) legislated mandate to develop, promote and support fishing, aquaculture, seafood processing, and sportfishing in Nova Scotia.

List of Documents Reviewed:
- rpt_fnl_121418141_spence_eard_20250505.pdf
- Spence_Aggregates_EA_Registration_sections1-4
- Spence_Aggregates_EA_Registration_sections5-11

Details of Technical Review:

Aquaculture:
The project was reviewed in four key areas which could affect the aquaculture and rockweed harvesting industries. These areas are sediment creation, power outages, water withdrawal, and water discharge.

There are three (3) land-based aquaculture facilities within 25 km of the proposed project.

Sediment
Depending on the nature of the land-based facilities (e.g., whether a closed building or tanks outside and open, they could be affected by sediment settling.

Sediment can cause turbidity in the water column, which can reduce oxygen levels for both fin and shellfish. Settling sediment can obstruct feeding and destroy habitat by covering benthic substrates, smothering the benthic habitat/organisms, and impacting the nutrients available. High turbidity levels can also affect the ability of fish gills to absorb dissolved oxygen. Sediment can house pathogens and undesired microorganisms, increasing the risk of disease outbreaks among aquatic species. The results can range from reduced growth to morbidity.

Mitigation strategies to address sedimentation include:
- fugitive road dust being controlled with road watering and application of calcium chloride on an as-needed basis;
- speed limits on project-controlled gravel roads; and
- crushing equipment being operated on the quarry floor, largely below ground level, reducing dust in the areas located above ground.

If implemented properly, these mitigations should result in low risk to nearby aquaculture operations.

Power Supply and Disruption
There is no mention of power supply disruption in the reviewed document; if a power disruption is required during this project, outages should be planned whenever possible and adequate notice should be given to aquaculturists to allow back-up power sources to be utilized to prevent equipment disruptions. Aquaculture facilities can be negatively affected by unexpected power outages. These implications can vary depending on the species, the scale of the operation, the duration of the power outage, and the specific technologies used. Power disruptions to equipment can be detrimental to aquatic animal health through inability to maintain water flow, monitor and maintain water conditions, or feeding system operations. Fluctuations in environmental conditions caused by power outages can generate cumulative stress and weaken the immune systems of aquatic animals, making them more susceptible to disease. Interruptions in power can also affect data logging and record-keeping systems, making it challenging to track daily production and feeding data.

Water Withdrawal, Discharge, and Groundwater
Land-based facilities could be using well water which could be impacted (quantity or quality) by impacts to the water table.

Large amounts of water withdrawal can cause issues for aquaculture facilities by reducing the resources available to aquatic animals. Land-based facilities are particularly vulnerable to this. In addition to limiting the water available for aquaculture operations, large amounts of water withdrawal can lead to degradation of water quality. When water levels are reduced it has a concentrating effect on all materials (nutrients, toxic chemicals, salinity, plankton, etc.) being carried by the water body and can increase water temperature. These changes can negatively impact the health of aquatic animals within the water.

Water discharge can contain excess nutrients and potential pollutants, and can result in nutrient enrichment, eutrophication, algal blooms, dissolved oxygen depletion, habitat degradation, and altered water quality in the receiving waters. Such impacts can disrupt aquatic ecosystems, harm aquatic species, and threaten the sustainability of aquaculture practices. Excess of nutrient load can stimulate the growth of algae and aquatic plants, resulting in harmful algal blooms. These blooms can deplete dissolved oxygen when they decay, causing hypoxia and anoxia in the water. Fluctuations in environmental conditions can generate cumulative stress and weaken the immune systems of aquatic animals, making them more susceptible to disease. These changes in water quality can reduce health, limit growth, or cause mortality of aquatic animals.

Changes in groundwater flow and recharge rates are possible due to removal associated with earthwork activities resulting in increased runoff and decreased recharge to the aquifer, blasting, and dewatering activities. Changes in groundwater quality are possible due to infiltrating water in areas where blasting occurs, temporary increases in turbidity near potable wells because of blasting vibrations, and changes related to the acid rock drainage potential in some bedrock formations.

Mitigations should be taken to ensure water amounts and quality at land-based facilities are not impacted. Planned mitigations include: monitoring and adaptive management practices. If existing supplies are to be disrupted by either drawdown of the water table or by damage from blasting associated with the project, the proponent is prepared to provide temporary water supply until a permanent resolution is made. If wells are adversely or permanently affected by construction or operation activities, the proponent will repair or replace affected wells to conditions that existed prior to activities.

If the proponent adequately conducts monitoring and adaptive management activities, combined with providing solutions to any temporary or permanent water issues caused by the project, risk to the land-based facilities is low.

Marine Fisheries:
This development appears to pose negligible impacts to DFA's marine fisheries' interests.

There are two (2) licensed marine commercial fishery buyers/processors located within Hants County, adjacent to the proposed quarry expansion area. Hnatiuk Hunting and Fishing Ltd. is located 63 km East of the proposed site and Canesp Global Distributions SL Inc. is located 57 km Southeast of the proposed site. Since the project site is not connected to any watercourses leading to the marine environment, and there are no proposed marine activities, the proposed quarry expansion would pose a negligible impact to the operations of these facilities.

Lobster is the most lucrative fishery adjacent to the proposed site. The waters adjacent to the proposed site are known as Lobster Fishing Area (LFA) 35. Fishing in LFA 35 occurs from October 14th to December 31st, and open again from the last day in February, until July 31st, respectively. Since the project is land-based with no proposed marine activities, it poses negligible impacts to lobster and other commercial marine fisheries adjacent to the project area.

With regards to impacts to Indigenous communities, there are communal-commercial, Food, Social, and Ceremonial (FSC), and livelihood fishing conducted within LFA 35 in the waters adjacent to the proposed site. The Indigenous communities, Sipekne'katik First Nation and Millbrook First Nation, located adjacent to the proposed site, possess these licences. Since the project is land-based with no proposed marine activities, it poses negligible impacts to the lobster and other commercial marine fisheries (harvested by Sipekne'katik First Nation and Millbrook First Nation) adjacent to the proposed site.

Inland Fisheries:
The nearest freshwater habitat is located 300m from project development area; therefore, project activities should not negatively impact any local fish, fish habitats, or sportfishing activities.

Key Considerations:
Risks to aquaculture sites from sediments and groundwater changes appear to be minimal yet need to be monitored and mitigated appropriately. The applicant should be made aware of the aquaculture operations within the area and ensure mitigations are implemented appropriately. Please refer them to the site mapping tool noted below to identify the sites and operators within the project area. If power disruptions are going to occur, the applicant needs to update their plans and provide appropriate mitigations for review.

Based on the activities proposed, and with adherence to the environmental assessment policies and guidelines, there is negligible risk to the adjacent commercial marine fisheries activities, or to local sportfish and sportfishing.

Project proponent should also be made aware of:

- the Fisheries and Coastal Resources Act,
- Provincial Aquaculture License and Lease Regulations,
- Provincial Aquaculture Management Regulations,
- the Nova Scotia Rock Weed Harvesting Regulations, and
- the Department's Site Mapping Tool for information on the location of sites and leases in the area of their proposed project.

NOVA SCOTIA
Communities, Culture, Tourism and Heritage
Special Places Protection

1747 Summer Street, 2nd Floor
Halifax, Nova Scotia, Canada B3H 3A6
902-424-6450 T
SPP@novascotia.ca E

Date: June 2, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Beth Lewis, Director of Special Places Protection

Subject: **Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia**

Scope of review:
This review focuses on the following mandate: ***Archaeology and Geology***

List of Documents Reviewed:
EA Document.

Details of Technical Review (Archaeology):

We have reviewed the archaeology content of the EA document, Section 5.7. The archaeology content aligns with the conclusions reached in the ARIA report. The ARIA (A2024NS119) was reviewed and approved by CCTH Staff on April 15, 2025. We have no concerns at this time. It is recommended that the ARIA report approval letter issued by the SPP at CCTH be included in the Appendices. The letter is a quick reference to the archaeological work conducted and approved.

Key Considerations: (provide in non-technical language):

Continue to follow the report's recommendations.

Details of Technical Review (Geology):

The bedrock geology described in the project proposal is Cambro-Ordovician Goldenville Formation. The likelihood of encountering significant palaeontology resources in this rock unit is considered very low.

Key Considerations: (provide in non-technical language):

No concerns from a palaeontology point of view.

NOVA SCOTIA
Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: June 3, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Air Quality Unit

Subject: **Spence Aggregates Quarry Expansion Project, Newport Station, NS**

Scope of review:
This review focuses on the following mandate: Air Quality

List of Documents Reviewed:

- *Spence Aggregates Quarry Expansion EA Registration Document - Sections 1-4*
- *Spence Aggregates Quarry Expansion EA Registration Document - Sections 5-11*

Details of Technical Review:

Spence Aggregates Ltd. (the Proponent) proposes to expand the existing ~4 ha Newport Station Quarry to 59 ha with production levels to remain at similar levels of 150,000-250,000 kg per year. The existing quarry has been in operation since 2007, and the expansion will allow continued long-term aggregate production. If approved, the proponent has proposed to advance the production initially form the existing quarry site but may also shift to the north portion of the proposed development area (PDA) in consideration of market demand and production efficiency. It is anticipated that the extension would extend the life of the quarry by at least 30 years.

Impacts on air quality from this project are most likely to occur during blasting/drilling/crushing activities, clearing/grubbing, operation of heavy equipment, loading/unloading of materials, and onsite routine operations. These activities are most likely to contribute to increases in concentrations of total suspended particles (TSP), while vehicle emissions are likely to contribute to increases in fine particles ($PM_{2.5}$) and nitrogen oxides.

The nearest residential receptor is approximately 1 km from the proposed expansion area and given that activities at the site are expected to remain identical to current operations, quarry expansion activities are not expected to decrease air quality at the receptor location compared to current baseline conditions.

The Proponent states that dust mitigation will include the use of water sprays and the application of calcium chloride on an as-needed basis, reducing vehicle speeds on gravel roads, minimizing idling, and reducing the hauling distance to disposal sites. The Proponent has also proposed revegetating the disturbed areas as soon as it is practicable to limit dust emissions. The Proponent states that an environmental protection plan is expected to be put in place and will be followed during all phases of operation. Air

emissions from the proposed expansion are expected to be the same or similar to those produced by the existing quarry.

The Proponent intends to undertake monitoring to assess the effectiveness of mitigation and to adaptively manage emissions. The Proponent will undertake compliance monitoring for particle emissions at the request of the Department, in accordance with the Nova Scotia Air Quality Regulations. The NSECC Air Assessment Guidance Document provides guidance that would assist with the development of an ambient air monitoring plan.

Key Considerations:
The Air Quality Unit notes the following key considerations:

- The use of the dust management methods, outlined by the proponent, along with best operational practices would minimize air quality impacts.
- It is unclear how effective the dust mitigation approaches, as outlined by the proponent, will be, without a clear Dust Management Plan, including clear chains of responsibility for actions, including timely complaint resolution.

NOVA SCOTIA
Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: June 3, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Air Quality Unit

Subject: **Spence Aggregates Quarry Expansion Project, Newport Station, NS**

Scope of review:
This review focuses on the following mandate: Noise

List of Documents Reviewed:

- *Spence Aggregates Quarry Expansion EA Registration Document - Sections 1-4*
- *Spence Aggregates Quarry Expansion EA Registration Document - Sections 5-11*

Details of Technical Review:

Spence Aggregates Ltd. (the Proponent) proposes to expand the existing ~4 ha Newport Station Quarry to 59 ha with production levels to remain at similar levels of 150,000-250,000 kg per year. The existing quarry has been in operation since 2007, and the expansion will allow continued long-term aggregate production. If approved, the proponent has proposed to advance the production initially form the existing quarry site but may also shift to the north portion of the proposed development area (PDA) in consideration of market demand and production efficiency. It is anticipated that the extension would extend the life of quarry by at least 30 years.

The Proponent has completed baseline noise monitoring/modelling at the site with respect to nearest receptors and has provided expected sound levels produced by equipment/operations at the site. Sound levels at nearby receptors are not predicted to exceed the permissible sound levels (PSLs) for a rural environment as prescribed in the NSECC Guidelines for Environmental Noise Measurement and Assessment (GENMA).

The Proponent states that noise mitigation will include limiting the quarrying activities to daytime hours and by operating the crushing equipment on the quarry floor, which is largely below the ground level.

The proponent states that blasting may occur 1-2 times per year following the guidance in the Blasters Handbook (ISEE 2016). The Proponent should ensure blasting complies with the relevant sections of the NSECC Pit and Quarry Guidelines. The Proponent states that the blasting will be limited to daytime hours and will comply with the impulsive noise criteria as outlined in GENMA.

Noise from the proposed expansion is expected to be similar to that already produced at the site, as there is no anticipated change in the operational scope.

Key Considerations:

The Air Quality Unit notes the following key considerations:

- It is unclear how effective noise management and mitigation will be in the absence of a Noise Management Plan with a clear chain of responsibility for actions, including timely complaint resolution.

NOVA SCOTIA
Environment and Climate Change

Barrington Place
1903 Barrington Street
Suite 2085
Halifax, Nova Scotia
Canada B3J 2P8

Date: June 3, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Water Resources Management Branch

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of review:

This review focuses on the following mandates: groundwater quality and quantity, surface water quality and quantity, and wetlands.

List of Documents Reviewed:

EARD; Appendices; Wetlands GIS files

Details of Technical Review:

Groundwater

The Project involves expansion of an existing aggregate quarry from 4 hectares to approximately 63 hectares, to extend the life of the quarry. According to the EARD, the expansion will likely be below the water table and will require dewatering.

The EARD identifies surficial geology as stony till plain (ground moraine), describes as a mixture of gravel, sand, and mud. The till is underlain primarily by sandstones interbedded with slate identified as the Goldenville Formation of the Meguma Group. In the northern part of the site, bedrock consists of sedimentary rocks from the Horton Group, which overlay the older rocks of the Meguma Group. Based on information presented in the EARD, the local bedrock aquifer is the primary source of water in the area. The EARD identified several water supply wells within 1km of the site, all of which obtain their water supply from the local bedrock.

The EARD indicates the project may cause changes in groundwater quantity and quality, which may affect the yield and/or water quality for existing well users in proximity to the site. Changes in groundwater flow and groundwater levels may also affect groundwater discharge to surface water features and wetlands. The EARD recommends monitoring of groundwater quantity and quality. It is also stated that the proponent is prepared to provide a temporary water supply should existing supplies be disrupted and repairing or replacing affected wells, as required. According to the EARD, design mitigation and standard best management practices will be implemented to avoid or reduce potential effects on groundwater resources, although specific details were not provided.

According to the EARD, bedrock of the Goldenville Formation contains both potentially acid-generating and non-acid generating bedrock units and is considered to have a moderate potential for acid rock drainage. Bedrock of the Horton Group is considered to have a low potential for acid rock drainage. The EARD indicates that if sulphide-rich rock is encountered during development, it will be managed and disposed of according to Nova Scotia's Sulphide Bearing Material Disposal Regulations.

Surface Water

The site falls within the St. Croix primary watershed and straddles the watershed divide between the Avon River (1DE-2) and St. Croix (1DE-1) secondary watersheds. The EARD indicates, in sections 2 and 3, that there are no watercourses within the project development area (PDA). However, in section 5.3 and Figure 5.3.1, the EARD identifies the presence of a pond (alternately referred to as pond P2 and P02), which it describes as “a small, shallow 25 x 45 m waterbody surrounded by floating bog (sic) which is a historic flooded quarry” in section 5.3.1.2.2. The proponent did not clarify if it considers this pond to be a watercourse as defined by the Nova Scotia Environment Act.

The EARD indicates that surface water runoff within the project area drains from north to south and within the pit and is collected in a surface water management pond at the north end of the pit. The proponent did not identify the current location of this pond within the pit and did not show how the relative position of the pit and pond were proposed to change as excavation proceeds. It is unclear how south-flowing water will be collected in a pond at the north end of the pit. The proponent indicated that surface water, once treated in the surface water management pond to achieve TSS and pH levels specified by the Canadian Water Quality Guidelines, will be discharged off-site into the surrounding area via ditches.

The EARD indicates that the proponent intends to implement the following mitigation measures to reduce the potential for surface water contamination: erosion and sedimentation control measures, maintain watercourse buffers, avoid work within 30 metres of watercourses, and store hazardous products and conduct all equipment fuelling and servicing more than 100 metres from watercourses and wetlands. In addition, the proponent committed to submitting a project-specific water management plan

All surface water runoff and drainage occurring on the site will be directed via sloping and grading, as well as via rock-lined ditches, swales, or culverts, to the existing settling pond, located in the west central portion of the quarry expansion area. The intention is for this settling pond to remain in place for the life of the quarry expansion. No capacity or sizing information was provided for this pond. Adequate design information for the capacity of this settling pond will be required during IA (post EA approval) amendment application to determine if the existing footprint is large enough to handle the full expansion area for the appropriate storm events.

The EARD states that a Water Management Plan and a Water Quality Monitoring Plan will be developed as part of the IA amendment application. These plans will be modified as needed during quarry expansion to ensure water discharge meets water quality and water volume discharge criteria, prior to release into the receiving environment. Additionally, the IA application will include a Contingency Plan covering identification of key individuals and regulatory contacts, spill prevention, spill procedures, erosion and sediment control, fire management, and incident reporting procedures.

The proponent conducted a water balance assessment for both the Avon River and St. Croix subwatersheds. The EARD indicates that the proponent expects a negligible effect on local hydrology, with annual runoff volume increases of 0.5% and 0.1%, respectively. Increased flow rates of >10% are anticipated in the Avon River subwatershed from August through November, and for the St. Croix watershed in September. The proponent proposes to manage these elevated flow rates during the affected months using on-site water management infrastructure (sedimentation ponds).

The proponent assessed that, after the mitigation measures have been applied, residual project related effects are predicted to be low for surface water quantity. The water management and

surface water quality monitoring plans are intended to validate the findings of the water balance assessment, but the EARD does not include information on the design consideration or approaches for developing these plans. As such, their effectiveness cannot be fully assessed.

Wetlands

The proponent has provided a general overview of the wetlands within the study area and identified five wetlands within the PDA. The EARD did not provide enough information on the wetlands to predict whether adverse environmental effects on the wetlands will occur. The following information was not provided:

- Wetland Delineation field forms including hydric soils and hydrology. Only vegetation was mentioned in the wetland descriptions.
- WESP-AC Functional Assessment results were not included in the documents. WESP-AC functional assessments (WESP-AC WSS Interpretation Tool) should be completed to determine if wetlands are classified as Wetlands of Special Significance (WSS) functionally.
- The EARD stated indirect alterations could occur due to changes in hydrology however it was unclear to what extent they will be impacted since the groundwater zone of influence was not calculated.

Key Considerations:

Groundwater

The EARD identifies potential impacts to nearby water supply wells, including both quality and quantity, as well as potential changes in groundwater discharge to surface water and wetlands. A groundwater monitoring program is necessary to identify baseline conditions, including the seasonal high-water table in both bedrock and the overlying till, and to monitor the effects of the project on groundwater quality and quantity during quarry operations. A baseline well survey should also be completed, including water levels and quality, for private wells within a 1 km radius of the project boundary. Baseline well surveys should also be completed as part of a pre-blast survey, for wells within 800 m of a blast.

Where data indicates the excavation may extend below the seasonal high-water table, the estimated groundwater zone of influence from the quarry excavation area should be determined using calculated analytical drawdown predictions or numerical modeling. The estimated groundwater zone of influence can be used to evaluate drawdown effects on adjacent receptors, i.e., surface water, wetlands, and water supply wells.

The EARD indicates it is likely the quarry will excavate below the water table and dewatering will be required. A plan for managing the discharge water is necessary to identify proper disposal as well as any necessary monitoring of discharge water.

Proper management and disposal of any sulphide bearing material encountered on the site is necessary, as per Nova Scotia’s Sulphide Bearing Material Disposal Regulations.

Surface Water

The proponent should confirm if the pond located within the PDA (P2) constitutes a watercourse in accordance with the provincial Guide to Altering Watercourses and is required to complete the applicable regulatory process (Notification or Approval) if either process applies.

The surface water management plan should include detailed maps showing the current and proposed locations of water management infrastructure to show the location of settling ponds, ditches, and other features and how these are proposed to change throughout the proposed project lifespan.

On-going assessment of the retaining and infiltrating capacity of the quarry floor should be completed and include information regarding representative precipitation events, in consideration of climate change and extreme events, to support planning of appropriate surface water management measures.

A detailed surface water management and erosion and sediment control plan should be developed by a qualified professional prior to the expansion of the quarry. These plans should outline the design basis and rationale for the management and mitigation measures proposed, including stormwater conveyance features (e.g., ditches) if any, and details of the existing sediment ponds that will be used for sediment settling and treatment and associated pond outlet structures. Water quality in the detention pond or discharge from the pond should be characterized and compared against applicable water quality guidelines to inform appropriate surface water management and erosion and sediment control measures design and implementation.

Wetlands

The information provided in the EARD is insufficient in identifying the potential environmental impacts on wetlands. WESP-AC functional assessments are required for all wetlands that could be altered directly or indirectly. The proponent is required to complete WESP-AC functional assessments for all wetlands within the EA study area and confirm which ones are considered wetlands of special significance.

It is unclear to what extent wetlands will be altered indirectly through hydrological changes. The groundwater zone of influence should be calculated to identify which wetlands have the potential to be indirectly altered. The proponent should consider all opportunities to minimize the impacts on wetlands, including changes to the project footprint, and mitigations to minimize indirect impacts.

The proponent is required to submit a Wetland Alteration Approval Application for review and approval for any wetlands proposed to be directly or indirectly altered and complete any necessary compensation and monitoring. The proponent should utilize Nova Scotia’s Wetland Alteration Application’s Guided Template for the permit applications.

NOVA SCOTIA
Department of Municipal Affairs

8th Floor North, Maritime Centre
1505 Barrington Street
PO Box 216
Halifax, NS B3J 2M4

DATE: June 3, 2025

TO: Jeremy W. Higgins, Environmental Assessment Officer

FROM: Christina Lovitt, Provincial Director of Planning

SUBJECT: **SPENCE AGGREGATES QUARRY EXPANSION PROJECT, WEST HANTS REGIONAL MUNICIPALITY**

Scope of Review:
This review focuses on the following Department of Municipal Affairs' (DMA) mandates: Statements of Provincial Interest and engagement with municipalities.

Document Reviewed: Registration Document

Details of Technical Review:
The subject properties are within the Resource Designation and General Resource (GR) Zone where *Structures associated with sand and gravel extraction operations* are a permitted use. More than 70 letters with project information sheets were distributed to properties in and within the vicinity of Newport Station.

Statements of Provincial Interest:

- Drinking Water: Reasonably consistent. There are no Municipal Drinking Water Supplies identified in the area (2017 Map), and there are no designated protected water areas in close proximity to the study area. Municipal Drinking Water Supplies mapping (2017) indicates that there is a Protected Water Area, Natural Watershed, and a Water System in the Windsor area.
- Agricultural Land: Reasonably consistent. Based on the Canada Land Inventory Soil Capability maps, the area appears to have class 7 soils, which would not be suitable for agriculture.
- Flood Risk: Reasonably consistent. There are no Flood Risk Areas under the Canada-Nova Scotia Flood Damage Reduction Program. The Municipal Flood Line Mapping has indicated that the property is not in a flood hazard area.
- Infrastructure: Reasonably consistent. There is no water or sewer servicing in this area.
- Housing: Reasonably consistent. The properties are in the General Resource (GR) Zone. There are no residential uses abutting the properties. To the north and northwest, there appears to be low-density single-unit dwellings on Stark Road and Pleasant Street. Approximately 1km to the north is Newport Station, a hamlet, with Rural Residential (R-4) zoning located in the southern portion of the hamlet boundary.

Key Considerations:
The EA does not indicate that the Municipality nor its elected officials were contacted. It is suggested that the proponent engage directly with the Municipality by providing a notification letter, project information and invite input. It is further suggested that the proponent ensure that information is received by the District 5 Municipal Councillor.

All other components considered under DMA's areas of mandate have been adequately addressed.

NOVA SCOTIA
Public Works

J.W. Johnston Building
1672 Granville Street
6th Floor
Halifax, Nova Scotia
Canada B3J 2N2

Date: May 28, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Department of Public Works, Environmental Services – Brent MacDonald, P.Eng., Manager

Subject: **Spence Aggregates Quarry Expansion Project, Hants, Nova Scotia**

Scope of review:
This review focuses on the following mandate: Traffic Engineering and Road Safety_____

List of Documents Reviewed:
Spence Aggregates Quarry Expansion Project Environmental Assessment

Details of Technical Review:
The Proponent is expanding an existing quarry in Newport Station. The expansion will replace the existing production, no increase in production, truck traffic or changes to the truck routing is anticipated.

The Nova Scotia Department of Public Works provides the following comments on this EA Registration Document:

1. There are two accesses mentioned, one at Stark Road, and the other off Pleasant Street. The Stark Road access is the most used access, and it is noted that a 100 m segment of this access road (where it connects with Stark Road) will be paved as part of the Project. As DPW owns Stark Road, this may require a Working Within Highway Right of Way Permit for any work near the intersection of the access road and Stark Road. Any work areas created on Stark Road must comply with the appropriate section of the Nova Scotia Temporary Workplace Traffic Control Manual. The proponent should reach out to the Area Manager for confirmation of any required permitting. The section on Permitting in the EA does not specifically mention this requirement.

2. The Pleasant Street access is noted to be used infrequently, however; the proponent mentions that it may become more active as the expansion project progresses. The access appears to be at the end of the G class chip seal portion, before it transitions to an I class gravel. If loaded trucks have not been using this access for a very long time, it could potentially introduce more wear and tear on the paved portion of Pleasant Street than it would normally have been subjected to in recent years. The proponent should ensure they communicate with the local DPW Office for advice.

3. There is a provision mentioned in the EA for blasting, however; frequency will be limited to 2-3 times a year and the proponent has indicated that blasting will be done in accordance with the appropriate blasting regulations. The proponent must also ensure that any necessary communication with the local DPW Office is completed and that the community at large is aware of the times for any blasting events to minimize impacts to nearby DPW owned roads at Pleasant Street and Stark Road.

Key Considerations: (provide in non-technical language)

1. The proponent must communicate with the Local Area Manager regarding required permitting, expected changes to accesses and blasting activities.

Public works is a substantial aggregate consumer in the region of Hants County through both Capital Construction and Maintenance activities. Private industry expanding their capabilities, in accordance with the applicable regulatory review, in the region would enhance our access to said aggregate. This should lead to more competitive pricing and reduce any supply constraints which may have been present in the past.

NOVA SCOTIA
Natural Resources and Renewables
Energy

1701 Hollis St.
PO Box 698
Halifax, NS B3J 2T9

Date: June 3, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Department of Natural Resources, Department of Energy

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of review:
This review focuses on the following mandate: Old Growth Forest, Energy Resource Development, authorities and approvals required from the Land Services Branch, Geoscience health and safety, mineral exploration, mineral development, abandoned mines openings, biodiversity, species at risk, wildlife species and habitat conservation.

List of Documents Reviewed:

Land Services Branch:

- Environmental Assessment Registration Document
- Appendices A-E
- Shape files

Geoscience and Mines Branch:

- Spence Quarry Expansion EARD document and Appendices (Parts 1 through 6).
- Mineral Occurrence Database (MODB, Version 12, 2024)
- Google Earth
- Provincial Geoscience Atlas
- Nova Scotia's Registry of Claims (NovaROC)
- Abandoned Mines Opening Database
- Open File Map ME 2000-3, Version 2, Bedrock Geology Map of the Wolfville-Windsor Area, Nova Scotia, scale 1:50,000.

Wildlife Division:

- Spence Aggregates Quarry Expansion Project – EA Registration Document
- Associated appendices

Details of Technical Review:

Land Services Branch:
Based on the information provided, the Project is located on privately owned land, and it does not include/or adjoin Crown lands. No authorities or approvals are required from the Land Services Branch unless the scope of the project changes to include Crown lands.

Geoscience and Mines Branch:
The geological characterization of the proposed site is appropriate and identifies the transition from Cambrian-Ordovician Goldenville Group to Late Devonian-Early Carboniferous Horton Group, specifically Cheverie and Horton Bluff Formations in the northernmost extent of the planned project footprint. Geological maps included in application also display relative location to planned project development area.

Proponent addresses potential for encountering ARD conditions and proposes mitigation measures should geohazards such as ARD and erosion and sedimentation be encountered during the development stage.

There were no abandoned mine openings within the Project Area.

Mineral Occurrences

The proposed Project Area is considered to be within a medium to high level area for mineral and aggregate potential using the 2009 model. No exploration licences are located within the Project Area; however, one exploration licence is located adjacent to the north. It is not anticipated that the proposed project will result in any negative impacts to the nearby mineral exploration licences.

Of note, while no bedrock uranium occurrences have been identified to date in the Project area, the underlying Cheverie and Horton Bluff Formations in the northernmost part of the proposed footprint is deemed prospective for the occurrence of uranium mineralization.

Two uranium occurrences are located between 600 m to 2 km west of the Project Area within the younger stratigraphic units mentioned above. As the planned development area is overwhelmingly within the Goldenville Group metasediments, it is not anticipated that this style of mineralization will be encountered. A baseline check for anomalous radioactivity levels using a hand-held scintillometer or spectrometer to rule out additional uranium occurrences may be recommended.

Wildlife Division:
The Spence Aggregates Quarry Expansion Project report developed by Stantec Consulting for Spence Aggregates Limited is a comprehensive document and of sufficient quality to assess risks to wildlife and wildlife habitat.

The proposed project area overlaps with critical habitat for bats. The known hibernaculum is over 3 kms from the site and dedicated bat and bat habitat surveys were performed. The report suggests clearing and grubbing take place outside of the pupping season for bats and the breeding bird season to mitigate for loss of species; this is

supported by the Department. If clearing and grubbing are not feasible outside these ranges, additional measures will be required as provided by the report.

Common nighthawks and other nesting ground birds have been identified on-site. Due to their presence and vulnerability from ground disturbances; it is preferred that clearing and grubbing occurs outside the migratory breeding bird timing window (for zone C3 – 10 April to 31 August).

A key recommendation is to perform a second year of surveys for bats and migratory birds including Pileated Woodpeckers and Common Nighthawks to gain a better understanding of the breeding habitat and maternity colony habitat. These surveys should also be supplemented with ARU surveys.

Key Considerations: (provide in non-technical language)

Energy Resource Development Branch
No comments

Forestry and Wildlife Branch:

Old Forest Division:
No comments

Forestry Division:
No comments

Wildlife Division:
Based upon a review of the information submitted, the following recommendations are provided:

- Obtain all necessary permits to undertake the project as required under legislation related to wildlife, species at risk, watercourses and wildlife habitat alterations.
- Provide digital waypoints and/or shapefiles for all species detected during flora and fauna surveys, including Species at Risk and Species of Conservation Concern to DNR (those species listed and/or assessed as at risk under the *Species at Risk Act, Endangered Species Act*, COSEWIC, as well as all S1, S2 and S3 species). Data should adhere to the format prescribed in the DNR Template for Species Submissions for EAs and is to be provided within two (2) months of collection.
- Develop a Wildlife Management Plan (WMP) in consultation with DNR and ECCC which includes at minimum:

    - Communication protocol with regulatory agencies.
    - General wildlife concerns (e.g., human-wildlife conflict avoidance).
    - Education sessions and materials for project personnel on Species at Risk, non-Species at Risk-wildlife, and other important biodiversity features they may encounter on-site and how to appropriately respond to those encounters, including guidance for reporting and managing bat sightings or occurrences.
    - Noise, dust, lighting, blasting, and herbicide use mitigation and monitoring.

- Emergency response plans for accidental spills, pollution, chemical exposure, and fire.
- A blasting plan with a completed pre-blast survey, a blast monitoring plan, and a blast damage response plan.
- Apply best management practices to prevent erosion, and sedimentation from entering any watercourses or wetlands. Develop protocol for regular monitoring of these systems to ensure proper functioning during significant weather events.
- Apply standard best management practices for any material stockpiles to avoid creating artificial habitat for wildlife.
- Monitoring and mitigation measures for bank swallows to ensure any stockpiles or banks have a slope of less than 70 degrees to deter bank swallow nesting in high disturbance areas. Quarries and burrow pits are known to provide suitable habitat for herpetofauna, and there may be some suitable habitat in the open water ponds for Snapping turtles and Eastern Painted turtles. An annual turtle nesting monitoring plan is recommended to protect and mitigate against potential impacts to nesting or hatchling turtles in the project area. This will identify needs around use of turtle exclusion fencing or other measures to reduce the potential for access to artificial nesting opportunities.
- Measures to protect and mitigate against adverse effects to migratory birds during all Project phases. The incidental take of migratory birds, as well as their nests and/or eggs, is not permitted under the *Migratory Birds Convention Act* and the *NS Wildlife Act*. Mitigations include avoidance of certain activities (such as vegetation clearing) during the regional nesting period for most birds, buffer zones around discovered nests, limiting activities during the breeding season around active nests, restricting lighting use at night during seasonal migration periods, and other best management practices.
- Mitigation measures consistent with recovery documents (federal and/or provincial recovery and management plans, COSEWIC status reports) to avoid and/or protect Species at Risk/Species of Conservation Concern discovered or with the potential to be found in the Study Area, including mitigations to avoid the destruction of critical and core habitat.
- Areas of avoidance or mitigation should be clearly flagged and visible to workers.
- It is recommended that the proponent ensures standard practices are established during development, construction, and operation of the site to prevent wildlife interactions that may result in entanglement, entrapment, or injury. As part of daily operations staff should be trained to survey the site, identify issues, and consult as appropriate for solutions when wildlife is found to be utilizing artificial or existing habitat conditions during the operation of the site.
- Details on monitoring and inspections to assess compliance with the WMP.

- Employ standard operational practices to minimize external lighting during nighttime operations to mitigate potential influence on the behaviour of migratory birds including but not limited to, the use of directional lighting projected

downward, eliminate all unnecessary lighting and cover only the areas needing illumination.

- Develop a plan to prevent the spread of invasive species both on and off site in consultation with DNR. The plan should include monitoring, reporting, and adaptive management components.
- In consultation with NSDNR establish a decommissioning and site reclamation plan to revegetate areas that are no longer operational with native plant species to aid in the control of invasive species that may be in the process of becoming established. The goal is to restore conditions that are similar to pre-existing conditions, allowing natural communities to reestablish.
- Describe the impacts of the project on landscape-level connectivity for wildlife and habitat (e.g., habitat fragmentation, loss of intact forested habitat, increased road density). Include an assessment of the cumulative effects of the project on landscape-level connectivity and habitat loss, and the measures proposed to mitigate those effects.
- Recommendations specific to this project, to contribute to development of appropriate mitigations:
    - Conduct an additional year of breeding bird and owl surveys.

Land Services Branch:

No further comments.

Geoscience and Mines Branch:

No further comments.

NOVA SCOTIA

Agriculture

60 Research Drive
Suite A
Bible Hill, Nova Scotia
B6L 2R2

Date: June 3, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Heather Hughes, Executive Director, Policy and Corporate Services, Nova Scotia Department of Agriculture

Subject: Spence Aggregates Quarry Expansion Project
Newport Station, Hants County, Nova Scotia

Thank you for the opportunity to review the documents for the above-noted project.

No agricultural impacts are anticipated given that:

- The proposed project is located on Class 7 lands, defined as having “no capacity for arable culture or permanent pasture.”
- 72% of the area within a 2 km buffer around the proposed site is Class 7 land. Two fields within the buffer are situated approximately 600 m from the project site and are classed as ‘inactive’ and ‘long-term crop’.
- There are no registered farms within the buffer. The two closest registered farms are 0.5 and 1 km from the edge of the buffer.
- The project is not anticipated to increase production, so there are no anticipated increases to long-term effects like dust or noise.

NOVA SCOTIA
Environment and Climate Change

Kentville Regional Office
136 Exhibition Street
2nd floor
Kentville, Nova Scotia
Canada B4N 4E5

Date: June 11, 2025

To: Meghan Rafferty, Environmental Assessment Officer

From: Kentville Regional Office – ICE Division - ECC

Subject: Spence Aggregates Quarry Expansion Project, Hants County, Nova Scotia

Scope of review:
This review focuses on the following mandate: Project description; Industrial Approval; Air, soil, and water quality; Consultation and Engagement

List of Documents Reviewed:
Memo regarding the EA registration for Spence Aggregates Quarry Expansion Project, Hants County. To: ECC Kentville Office From: Meghan Rafferty dated: May 9, 2025

Spence Aggregates Quarry Expansion Project – EA Registration Document Final Report dated May 5, 2025 prepared by: Stantec and supporting documents.

Details of Technical Review:

- General:
  - It is understood that the Project is an expansion of the existing Spence Aggregates Quarry which has an Industrial Approval from ECC of 92100-30-KEN-2007-056319-02, once the EA is approved, they would apply for an amendment to this approval. It is unknown if the amendment will be for the entire 59 acres proposed expansion area or for a smaller area. The project also has a Wetland Alteration Approval.

- Reclamation:
  - The registration documents state the project has an active Rehabilitation Plan that will be updated as a result of the of the Project IA amendment. Which involve progress reclamation but does not state the details of the Reclamation Plan, this information would support the review of the Environmental Assessment, particularly in consideration of the limited Provincial guidance and requirements at the IA stage.

Key Considerations: (provide in non-technical language)

- Both public and indigenous consultation has been initiated. The proponent should consider specifying key public stakeholders (e.g., adjacent landowners, developers in the area) and summarizing any engagement, including previous public consultation for the existing quarry and any public concerns received since that time.

Kwilmu'kw Maw-klusuaqn Negotiation Office
Mi'kmaq Rights Initiative
Our Rights. Our Future.

75 Treaty Trail
Truro, NS B6L 1W3

Tel (902) 843 3880 **Fax** (902) 843 3882
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June 19, 2025

Meghan Rafferty
Environmental Assessment Officer
Nova Scotia Environment and Climate Change
Barrington Place
1903 Barrington Street, Suite 2085
PO Box 442, Halifax, NS B3J 2P8

RE: Consultation with the Mi'kmaq of Nova Scotia on the Spence Aggregates Quarry Expansion Project

Mx. Rafferty,

I write in response to your letter dated May 14, 2025 requesting consultation under the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process* (ToR) as ratified on August 31, 2010, on the above noted project. We wish to proceed with consultation.

EA Review

Our team at Kwilmu'kw Maw-klusuaqn has reviewed the EA registration, Spence Aggregates Quarry Expansion Project Environmental Assessment Registration document and has found that concerns have not fully been addressed.

5.1 Atmospheric Conditions

5.1.4 Air Quality

Contamination of food sources for fauna and Mi'kmaq harvesters is a major concern with particulate. How can the proponent and the province guarantee these food sources will not become contaminated? What are the proposed monitoring locations for particulate? Have there been exceedances of the current limits outlined in the Industrial Approval? There are concerns with cumulative effects of particulate over the lifespan of the project. There are several watercourses near the project area, how does the proponent plan to monitor the health of these watercourses to ensure particulate does not adversely affect fish and fish habitat? The Mi'kmaq expect to be included in the development of a monitoring plan through comment and review.

Will monitoring for NO2 and SO2 be conducted onsite? It is recommended that monitoring locations be established.

5.2 Groundwater Resources

It is expected that revisions to the Surface Water Management Plan, Groundwater Management Plan and Environmental Protection Plan will be developed with input from the Mi'kmaq through review and comment.

5.3 Aquatic Environment

Section 5.3.1.2.1 states "Currently, surface water from the existing quarry is allowed to drain naturally, either east to the St. Croix watershed or west to the Avon River watershed. No current water management infrastructure or water management plan is implemented for this site". It is recommended that a Water Management Plan be implemented and developed with input from the Mi'kmaq.

Section 5.4.1.2.1 states that "No lichen surveys were conducted." Without surveys it is impossible to know whether SAR lichen exists within or adjacent to the project area. It is recommended that a lichen survey be conducted.

Wetlands support thousands of aquatic, terrestrial, and flora species. In addition to playing an important role for Mi'kmaw who inhabited and steward the forest since time immemorial, they are essential for maintaining a healthy biodiversity within and over arching ecosystem. It is expected that a Wetland Monitoring and Compensation Plan will be developed with input from the Mi'kmaq through review and comment.

Has there been any investigation of the hydrological connection between the proposed pit and surrounding wetlands?

Any effects to fish and fish habitat are effects to Mi'kmaq rights, it is encouraged to set the boundary at 50 metres from the watercourse rather than the regulated 30 metres.

Is a *Fisheries Act* Authorization application anticipated for this project?

5.5 Wildlife and Wildlife Habitat

It is expected that the Wildlife and Vegetation Management Plan will be developed with input from the Mi'kmaq through review and comment.

There is concern with nesting of bank swallows in potential stockpiles. How does the proponent intend to mitigate nesting in stockpiles?

Sensory Disturbance

Over 70% of avian species are at night, with 30% relying solely on an undisrupted nighttime ecology. In addition to this, over half of the insect population is nocturnal. Lighting in remote areas significantly and negatively alters the performance of the night ecology in that area. Dark work sites are becoming less common and it is important to acknowledge this moving forward on any and all development. Hence, we recommend that night lighting be limited and/ or amber or red lighting be used.

5.7.1.3 Archaeological Resources

We consistently recommend in areas that will undergo impact, that subsurface testing be undertaken to confirm the presence, or lack of presence, of archaeological heritage. This is especially important in landscapes which will undergo significant permanent mechanical alteration associated with quarry activities. We wish to clarify that negative tests and negative evidence are considered relevant and important data, regardless of suspected disturbances or classifications of low potential to exhibit archaeological resources.

The Assembly of Nova Scotia Mi'kmaw Chiefs expects a high level of archaeological diligence with evidence-based decisions grounded in an understanding of the subsurface environmental data. The Maw-lukutijik Saqmaq (Assembly of Nova Scotia Mi'kmaw Chiefs) expects subsurface data, adequate to eliminate concern for presence, protection, and management of Mi'kmaw archaeological and cultural heritage as part of assessment of potential in advance of any development. Disturbance is defined, for archaeological purposes, as the dislocation of soils and/or sediments, such as that by heavily treaded or tracked vehicles, as well as purposeful excavation by heavy equipment.

We would recommend that all areas impacted be subjected to shovel testing prior to any development (both high and low potential areas) to eliminate concern for presence, protection, and management of Mi'kmaw archaeological and cultural heritage as part of assessment. We strongly recommend subsurface data, adequate to eliminate concern for presence, protection, and management of Mi'kmaw archaeological and cultural heritage as part of assessment of potential in advance of any development. Without subsurface testing, the evidence of a lack of concern in impact areas does not exist. We wish to clarify that negative tests and negative evidence are considered relevant and important data.

Additional comments will be provided upon review of the ARIA.

Additional Questions and Comments

- Have any Offsetting Plans been developed? If so, please provide for our review and comment

Finally, the Mi'kmaw Nation in Nova Scotia has a general interest in all lands, waters and resources in Nova Scotia as the Mi'kmaq have never surrendered, ceded, or sold the Aboriginal Title to any of its lands in Nova Scotia. The Mi'kmaq have a Title claim to all of Nova Scotia and as co-owners of the land and its resources it is expected that any potential impacts to Rights and Title shall be addressed.

Yours in Recognition of Mi'kmaw Rights and Title,

Director of Consultation
Kwilmu'kw Maw-Klusuaqn

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Maritime Aboriginal Peoples Council

The Maritime Regional Aboriginal Leaders
Intergovernmental Council of Aboriginal Peoples
Continuing to Reside on Traditional Ancestral Homelands

Forums

- ☐ Leaders Congress
- ☐ MAPC Commissions/Projects
- ☒ MAARS Secretariate
- ☐ MAPC Administration

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June 20th, 2025

Environmental Assessment Branch
P.O. Box 442
Halifax, Nova Scotia
B3J 2P8

RE: Spence Aggregates Quarry Expansion Project

To Whom It May Concern,

On behalf of the Native Council of Nova Scotia (NCNS), the Maritime Aboriginal Aquatic Resources Secretariate (MAARS) is providing comments to the Environmental Assessment Branch of the Nova Scotia Department of Environment and Climate Change regarding the Environmental Assessment Registration Document (EARD) for the Spence Aggregates Quarry Expansion Project being undertaken by Spence Aggregates Ltd.

We raise concerns that there has not been any hydrogeological assessment completed for this project, and the proponent has not completed any baseline condition assessment of groundwater or installed any pre-development monitoring wells. In accordance with the *Guide to Preparing an EA Registration Document for Pit and Quarry Developments in Nova Scotia*[1], Section 6.1.3, the proponent must complete pre-development well water surveys to obtain baseline conditions across seasonal fluctuations before this project can be approved. A comprehensive water quality monitoring program, including detailed sampling protocols and designated monitoring locations, as outlined in the above-mentioned NS Guide, has not yet been provided. MAARS would request that Spence Aggregates completes regular, random sampling, with a minimum of 12 samples per year, equivalent to at least one sample per month, and complete water sampling following any blasting events or significant rainstorms.

[1] Nova Scotia Department of Environment, "Guide to Preparing an EA Registration Document for Pit and Quarry Developments in Nova Scotia."

The EARD notes that this project will result in the loss of approximately 2.44 hectares of wetland habitat, and that none of the wetlands are considered Wetlands of Special Significance (WSS). The conclusion that none of the wetlands are considered Wetlands of Special Significance (Section 5.4.4.2, page 5-64) has not been appropriately considered given that the wetland areas have not undergone functional assessments. The proponent's claim that functional assessments will be completed within a year is concerning, given that determinations about WSS status have already been made without supporting data.

Of particular interest is Wetland 4 (WL4), which supports the Downy Rattlesnake-Plantain (*Goodyera pubescens*), a Species of Conservation Concern (SOCC). During the Breeding Bird surveys, there was also an observation of a Common Nighthawk where the point count buffer overlaps with WL4. The Common Nighthawk is assessed as special concern by SARA and threatened in Nova Scotia. Objective 1 of the Nova Scotia Wetland Conservation Policy states that wetlands supporting at-risk species, as designated under the federal Species at Risk Act (SARA) or the Nova Scotia Endangered Species Act, are to be considered WSS. Given the presence of two species of conservation interest, and the lack of wetland functional assessments, the Proponent should provide further evidence and clarification to validate the conclusions presented.

The lack of dedicated non-vascular plant surveys, including for lichens, is concerning. The information used to identify lichens is based on forestry activities and not on-ground surveys, and much of the lichen data referenced is outdated, with the Boreal Felt Lichen layer dating back to 2008. This does not reflect the current ecological conditions and does not substitute proper fieldwork surveys. Accurate and up-to-date surveys are essential to understanding the full impact of the proposed development on local plant biodiversity.

During field assessments, no surveys for Mainland Moose were conducted, despite the area being within 10 km of a known concentration area and scoring highly on the Habitat Suitability Index (HSI) outlined in the *Recovery Plan for the Moose (Alces alces Americana) in Mainland Nova Scotia*[2]. MAARS requests that the proponent complete habitat suitability monitoring, as well as targeted terrestrial surveys to confirm potential interactions of this project with Mainland Moose. We also request that a Wildlife Management Plan be developed, including provisions for continuous Mainland Moose monitoring throughout the lifetime of the quarry. This is especially important given that the Mainland Moose Recovery Plan lists mining and quarrying as a high impact activity, with serious impacts due to habitat fragmentation, hazards due to dramatic changes in terrain, and population fragmentation/isolation.

Development across Mainland Moose habitat continues to shrink the area acceptable to an already at-risk species that is also culturally significant to the Mi'kmaq people. With this, we call upon the Province of Nova Scotia to commit seriously to the Recovery Plan for Mainland Moose and implement the second objective: *To enhance connectivity to improve genetic health and demographic parameters and to support symmetrical exchange of migrants between each pair of localized groups within the Eastern mainland (Cumberland/Colchester, Pictou/Antigonish/ Guysborough) and the Tobeatic*. It is not acceptable to continually decimate or fragment the habitat available to Mainland Moose.

[2] Nova Scotia Department of Natural Resources and Renewables, "Recovery Plan for the Moose (Alces Alces Americana) in Mainland Nova Scotia."

Similarly, no dedicated migratory bat surveys were completed, even though acoustic monitoring detected their presence. Although migratory bats are not currently listed under the Species at Risk Act (SARA), they have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as endangered and are likely to be listed within the lifetime of the project. Additionally, the *Guide to Addressing Wildlife Species and Habitat in an EA Registration Document*[3] highlights the priority species and habitats to be considered, which is inclusive of those species assessed by COSEWIC as endangered. The replacement of dedicated biophysical assessments with outdated records from the Atlantic Canada Conservation Data Centre (ACCDC) does not accurately reflect the current environment.

MAARS also raises concerns around the Mitigation and Management Measures (Section 5.5.3), which lacks consideration of the potential impacts blasting can have on migratory species. Mitigation measures for all avifauna (birds and bats) must also include consideration for the timing of activities outside of key migration and nesting periods for both birds and bats. The timing of vegetation management and herbicide spraying are also key factors in protecting migratory bats, and these activities, as well as removals of potential roosting habitat, must be done outside the key season for these species.

Despite the presence of two significant registered archaeological sites within 5 km of the study area, one of which is only 2.3 km from the study area, no shovel testing was conducted. Without any evidence of shovel testing, it is difficult to accept the conclusion that the potential for disturbing artifacts or heritage resources is low. Due to the proximity to many other archeological resource sites in the area, we cannot agree with the generalized statement that this project will not impact Mi'kmaq access and use of this site for fish, fowl, and game.

Given the proximity to significant archaeological sites, we strongly recommend that shovel testing be conducted at regular intervals prior to any ground disturbance. An archaeologist should also be present during these activities to ensure the protection of any potential cultural resources. On our review of the report, the proponent needs to conduct further archaeological investigations in and around this site, considering the report noted proximity to other sites in the area that revealed significant discoveries and the impacts of continuing to disturb historic Mi'kmaq resources. This includes the St Croix site, which contains evidence of over 3,000 years of occupation, and is one of the most significant archaeological sites for the Maritime provinces and is only 2.3 km from the study area. As well, the Panuke Lake I contains an artifact scatter, including quartzite cores and flakes and four sherds (sic) of grit-tempered ceramics, and is only 3.8 km from the study area (as noted in Section 5.7.1.3.2 of the EARD).

Lastly, we make note that Section 6.1.1 of the EARD states that there are no known traditional land uses in the Project Development Area or surrounding lands. However, this conclusion is based solely on information from the KMKNO and has yet to include the off-Reserve community represented by the Native Council of Nova Scotia (NCNS), who have not been consulted.

[3] Nova Scotia Department of Environment, "Guide to Addressing Wildlife Species and Habitat in an EA Registration Document."

Overall, we do not agree with the conclusion in Section 6.1.3 that effects on Indigenous communities are not anticipated. Without a fulsome view of all potential Indigenous traditional and cultural use of this area, further evidence must be provided as to how this conclusion was reached. The exclusion of the off-Reserve community represented by the NCNS from the consultation process undermines the integrity of the assessment and fails to capture the full scope of traditional land use in the area.

For contextual purposes

We would like to take this opportunity to reiterate that it is important for all proponents of projects to understand that the Off-Reserve Aboriginal Community represented by the NCNS is included within the definition of the word "Indian" of Section 91(24) of the *Constitution Act*, 1982. The Supreme Court of Canada in a landmark decision in *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12. declared that "the exclusive Legislative Authority of the Parliament of Canada extends to all Indians, and Lands reserved for the Indians" and that the word "Indians" in s.91(24) includes the Métis and non-Status Indians[4]. Since 2004, in multiple decisions passed by the Supreme Court of Canada: *Haida Nation*[5]*, Taku River Tlingit First Nation*[6]*, and Mikisew Cree First Nation*[7], has established that,

> Where accommodation is required in decision making that may adversely affect as yet unproven Aboriginal Rights and title claims, the Crown must balance Aboriginal concerns reasonably with the potential impact of the decision on the asserted right or title and with other societal interests.

Further, both the Government of Nova Scotia and the Government of Canada are aware that the "Made in Nova Scotia Process" and the *Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference* does not circumvent the Provincial Government's responsibility to hold consultations with other organizations in Nova Scotia that represent Indigenous Peoples of Nova Scotia. While the proponent may have to engage with the thirteen Mi'kmaq First Nations through the Assembly of Nova Scotia Mi'kmaq Chiefs, represented by the Kwilmu'kw Maw-klusuaqn Negotiation Office (KMKNO), the KMKNO does not represent the Off-Reserve Aboriginal Community who have elected to be represented by the NCNS since 1974.

We assert that the Off-Reserve Aboriginal Communities, as 91(24) Indians, are undeniably heirs to Treaty Rights and beneficiaries of Aboriginal Rights as substantiated by Canada's own Supreme Court jurisprudence. As such, there is absolutely an obligation to consult with the Off-Reserve Community through their elected representative body of the NCNS. The Crown's duty is to consult with all Indians, not only the Indian Act Bands.

For over forty years, the three Native Council partners of the Maritime Aboriginal People's Council (MAPC) have continued to be the Aboriginal Peoples Representative Organizations

[4] Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12, [2016] 1 S.C.R. 99
[5] Haida Nation v. British Columbia (Minister of Forests), (2004), 2 S.C.R. 511
[6] Taku River Tlingit First Nation v. British Columbia (Project Assessment Director), (2004), 3 S.C.R. 550
[7] Mikisew Cree First Nations v. Canada (Minister of Canadian Heritage), (2005), 3 S.C.R. 388

representing and advocating for the Rights and issues of the Mi'kmaq/Wolastoqiyik/Peskotomuhkati/Section 91 (24) Indians, both Status and non-Status, continuing to reside on their unceded Traditional Ancestral Homelands. In the early 1970s, the communities recognized the need for representation and advocacy for the Rights and Interests of the off-Reserve community of Aboriginal Peoples, "the forgotten Indian". Women and men self-organized themselves to be the "voice to the councils of government" for tens of thousands of community members left unrepresented by Indian Act-created Band Councils and Chiefs. Based on the Aboriginal Identity question, Statistics Canada (2021 Census - 25% sample) enumerate 25,415 off-Reserve Aboriginal Persons in New Brunswick, 42,580 in Nova Scotia, and 2,865 in Prince Edward Island.

Each Native Council in their respective province asserts Treaty Rights, Aboriginal Rights, with Interest in Other Rights confirmed in court decisions, recognized as existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada in Part II of the Constitution Act of Canada, 1982. Each Native Council has established and maintains Natural Harvesting Regimes, and each have a co-management arrangement with DFO for Food, Social, and Ceremonial use of aquatic species, through the: Najiwsgetaq Nomehs (NBAPC), the Netukulimkewe'l Commission (NCNS), and the Kelewatl Commission (NCPEI).

The Native Council of Nova Scotia was organized in 1974 and represents the interests, needs, and rights of Off-Reserve Status and Non-Status Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples continuing to live on our Traditional Ancestral Homelands throughout Nova Scotia as Heirs to Treaty Rights, Beneficiaries of Aboriginal Rights, with Interests to Other Rights, including Land Claim Rights.

The Native Council of Nova Scotia (NCNS) Community of Off-Reserve Status and Non-Status Indians/Mi'kmaq/Aboriginal Peoples supports projects, works, activities and undertakings which do not significantly alter, destroy, impact, or affect the sustainable natural life ecosystems or natural eco-scapes formed as hills, mountains, wetlands, meadows, woodlands, shores, beaches, coasts, brooks, streams, rivers, lakes, bays, inland waters, and the near-shore, mid-shore and off-shore waters, to list a few, with their multitude of in-situ biodiversity. Our NCNS Community has continued to access and use the natural life within those ecosystems and eco-scapes where the equitable sharing of benefits arising from projects and undertakings serve a beneficial purpose towards progress in general and demonstrate the sustainable use of the natural wealth of Mother Earth, with respect for the Constitutional Treaty Rights, Aboriginal Rights, and Other Rights of the Native Council of Nova Scotia Community continuing throughout our Traditional Ancestral Homeland in the part of Mi'kma'ki now known as Nova Scotia.

We would appreciate an opportunity to engage on the Spence Aggregates Quarry Expansion Project directly with the proponent, Spence Aggregates. We respectfully request that these concerns be addressed in full and that further engagement with the Native Council of Nova Scotia and local communities be prioritized as this project moves forward. We look forward to further dialogue as we continue to advocate for the rights of Off-Reserve Status and Section 91(24) Indians/Mi’kmaq/Aboriginal Peoples of Nova Scotia. To continue to represent the interests and

needs of the off-Reserve Aboriginal Community in Nova Scotia, we would like to request the opportunity to participate in early engagement in future Environmental Assessment Reviews.

Advancing Aboriginal Fisheries and Oceans Entities
Best Practices, Management, and Decision-making

Habitat Impact Advisor, MAARS Executive Director, MAARS & MAPC Projects

CC: , Chief & President, NCNS
, Netukulimkewe'l Commission, NCNS