

Environmental Assessment Approval

Approval Date: April 28, 2009

Sydney Harbour Access Channel Deepening and Sydport Container Terminal

**Laurentian Energy Corporation, Proponent
Cape Breton Regional Municipality, Nova Scotia**

The Sydney Harbour Access Channel Deepening and Sydport Container Terminal (the "Undertaking"), proposed by Laurentian Energy Corporation (the "Proponent"), in the Cape Breton Regional Municipality, Nova Scotia is approved pursuant to Section 13(1)(b) of the Environmental Assessment Regulations. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations, by-laws, guidelines, policies or standards before commencing work on the Undertaking. It is the responsibility of the Proponent to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Information.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the project as described in the registration document. Any proposal by the Proponent for expansion, modification or relocation of any aspect of the project from that proposed in the registration document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 The Proponent must, within two years of the date of issuance of this approval, commence work on the Undertaking unless granted a written extension by the Minister.
- 1.3 The Proponent must not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring

consent.

- 1.4 The Proponent must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment (NSE).

2.0 Environmental Management

- 2.1 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must submit for review and approval an Environmental Management Plan (EMP) to be implemented and updated in a phased approach for site development, construction and facility operations. The EMP shall include:
 - a) environmental management roles and responsibilities
 - b) environmental protection plans
 - c) all monitoring and inspection requirements and parameters
 - d) training and education requirements
 - e) communication and reporting protocols
 - f) process and schedule for plan updating
- 2.2 The Proponent must update and revise the EMP as required by NSE throughout the life of the project.
- 2.3 The Proponent, as part of the EMP, must submit for review and approval, a waste management plan to be implemented during construction and operation of the Undertaking. This plan will include waste minimization procedures, recycling procedures, and disposal procedures for both solid waste and hazardous wastes generated or handled on site.
- 2.4 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide for review and approval detailed engineering design drawings and specifications for the confined disposal facilities.
- 2.5 The Proponent, as part of the EMP, must develop and implement a confined disposal facility (CDF) monitoring plan in consultation with NSE's Environmental Monitoring and Compliance Division and Environment Canada. The monitoring plan shall be designed to identify and mitigate the release of any contaminants from the CDFs and must include details of monitoring parameters, frequency and duration over the development and operation of the project.
- 2.6 Land based disposal or placement of contaminated dredge material must be at a location approved by NSE.

3.0 Groundwater and Surfacewater Resources

- 3.1 The Proponent, as part of the EMP, must submit for review and approval a Stormwater Management Plan to minimize impacts and monitor effects to surface water during site development, construction and operational stages of the Undertaking. The plan shall include:
- a) sedimentation and erosion control measures
 - b) emergency spills prevention and management measures
 - c) details for monitoring surface water quality including proposed monitoring locations, sampling parameters, and sampling frequency
 - d) details of watercourse buffers
- 3.2 The Proponent, as part of the application for Part V Approval under the *Environment Act*, must provide details of the water supply demands of the facility and confirm whether these demands will be met within the existing capacity of the Sydney Well Field.

4.0 Air Quality and Greenhouse Gases

- 4.1 The Proponent, as part of the EMP, must submit for review and approval an air quality and dust management plan which shall identify mitigation measures and contingency plans to be implemented during site development, construction and operations. The plan must include measures to reduce vehicle idling in the site preparation and construction phases.
- 4.2 The Proponent must conduct air quality monitoring at the request of NSE.
- 4.3 The Proponent, as part of the EMP, must submit for review and approval a project Greenhouse Gas Management Plan to be developed in consultation with NSE.

5.0 Wetlands, Wildlife and Habitat

- 5.1 The Proponent, as part of the EMP, must submit for review and approval a wetland protection and mitigation plan to be developed in consultation with Nova Scotia Department of Natural Resources (NSDNR) Wildlife Division and NSE.

- 5.2 The Proponent, as part of the application required for altering a wetland under Part V of the *Environment Act*, must submit for review and approval a wetland compensation plan to be approved by NSE and NSDNR Wildlife Division. The plan must be implemented within time frames to be approved by NSE.
- 5.3 The Proponent must consult with NSDNR Wildlife Division regarding measures to preserve eagle nesting activity during construction and operation of the Undertaking.
- 5.4 The Proponent must develop and implement a plan for the long-term conservation and protection of Northern Gentian, Adder's Tongue Fern, Loesel's Twayblade, and Variegated Horsetail found adjacent to the proposed development area. The plan must be developed in consultation with NSDNR's Wildlife Division and Regional Services Biologist.

6.0 Noise

- 6.1 The Proponent, as part of the EMP, must submit for review and approval a noise management plan which shall identify noise mitigation measures and monitoring plans, and procedures to address any noise related complaints that occur during site development, construction or operation.

7.0 Transportation

- 7.1 Prior to construction, the Proponent must submit the project Traffic Impact Study to NSTIR for review, and develop and implement any traffic related mitigation measures as required.

8.0 Archaeological and Cultural Resources

- 8.1 The Proponent, as part of the EMP, must submit for review and approval, an Archaeological Monitoring and Contingency Plan which includes details of monitoring procedures and locations, mitigation measures, and protocols to be implemented in the event of the discovery of an archaeological site or artifact. The Plan shall be developed with input from the Mi'kmaq community and the Heritage Division of the Nova Scotia Department of Tourism, Culture and Heritage.
- 8.2 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, the Executive Director, Confederacy of Mainland Mi'kmaq and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological site or artifact unearthed during any phase of development.

9.0 Contingency Plans

- 9.1 The Proponent, as part of the EMP, must submit for review and approval, an Emergency Response Plan which is consistent with or exceeds the requirements of NSE's Contingency Planning Guidelines. The plan shall be implemented to address spills, fire and environmental emergencies throughout site development, construction and operation of the Undertaking and must be developed in consultation with local emergency service providers.

10.0 Community Involvement

- 10.1 If requested by NSE, the Proponent must develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC) for the Undertaking, including a terms of reference. The NSE Guidelines for the Formation of a Community Liaison Committee shall be used for guidance.
- 10.2 The Proponent, as part of the EMP, shall submit for review and approval, a public communication and complaint response plan.

Original signed by

David Morse
Minister of Environment