

## APPROVAL

**Province of Nova Scotia  
Environment Act, S.N.S. 1994-95, c.1 s.1**

**APPROVAL HOLDER:** A.J. LEGROW HOLDINGS LIMITED

**SITE PID:** 41280546, 41362161

**APPROVAL NO:** 2021-2886385-00

**EXPIRY DATE:** June 30, 2032

**Pursuant to Part V of the Environment Act, S.N.S. 1994-95, c.1 s.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:**

Water Approval - Wetland Alteration



**Administrator:** Kevin G Garroway

**Effective Date:** June 30, 2022

The Minister's powers and responsibilities under the Act with respect to this Approval have been delegated to the Administrator named above. Therefore, any information or notifications required to be provided to the Minister under this Approval can be provided to the Administrator unless otherwise advised in writing.

# TERMS AND CONDITIONS OF APPROVAL

## Nova Scotia Department of Environment and Climate Change

**Approval Holder:** A.J. LEGROW HOLDINGS LIMITED

**Project:** n/a - PID 41362161 & 41280546

**Site:**

| PID      | Civic # | Street Name | Street Type | Community | County |
|----------|---------|-------------|-------------|-----------|--------|
| 41280546 |         |             |             |           |        |
| 41362161 |         |             |             |           |        |

**Approval No:** 2021-2886385-00

**File No:** 95100-30-BED-2021-2886385

**Grid Reference:** Easting - 457577.57, Northing - 4945118.9

### Reference Documents

- Application submitted December 3, 2021 and attachments.

### 1. Definitions

- a. Act means Environment Act, 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- b. Department means the Nova Scotia Department of Environment and Climate Change, and the contact for the Department for this approval is:  
Nova Scotia Department of Environment and Climate Change  
Central Region, Bedford Office  
30 Damascus Road, Suite 115  
Bedford, Nova Scotia B4A 0C1  
  
Phone: (902) 424-7773  
Fax: (902) 424-0597
- c. Minister means the Minister of Environment and Climate Change and includes any person delegated the authority of the Minister.
- d. Site means a place where a designated activity and/or undertaking is occurring or may occur.
- e. Surface Watercourse means a watercourse as defined in the Environment Act, excluding groundwater.

## **2. Scope**

- a. This Approval (the "Approval") relates to the Approval Holder(s) and their application and all documentation submitted to the Department prior to the issuance of this approval for the Wetland Alteration situated at or near n/a - PID 41362161 & 41280546.
- b. The Approval Holder(s) shall ensure the designated activity is carried out in accordance with this Approval and reference documents, including the application and supporting documentation.

## **3. General**

- a. The Approval Holder(s) shall conduct the Designated Activity in accordance with the following provisions:
  - i. The Act, as amended from time to time;
  - ii. Any standard adopted by the Department, as amended from time to time, which includes but is not limited to the following:

Wetland Conservation Policy for Nova Scotia

- b. Nothing in this Approval relieves the Approval Holder(s) of the responsibility for obtaining and paying for all licenses, permits, approvals or authorizations necessary for carrying out the work authorized to be performed by this Approval which may be required by municipal by-laws, provincial or federal legislation, or other organizations. The Minister does not warrant that such licenses, permits, approvals or other authorizations will be issued.
- c. No authority is granted by this Approval to enable the Approval Holder(s) to commence or continue the designated activity on lands which are not in the control or ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur. The Approval Holder(s) shall provide, to the Department, proof of such control or ownership upon expiry of any relevant lease or agreement. Failure to retain said authorization may result in this Approval being cancelled or suspended.
- d. If there is a discrepancy between the reference documents and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- e. Any request for renewal or amendment of this Approval is to be made in writing, to the Department, at least ninety (90) days prior to the Approval expiry.
- f. The Approval Holder(s) shall not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of the approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.

- g. If the Minister cancels or suspends this Approval, the Approval Holder(s) remains subject to the penalty provisions of the Act.
- h. The Approval Holder(s) shall advise the Department in writing prior to any proposed extensions or modifications to the Activity and/or the Site. An amendment to this Approval may be required before implementing any extension or modification.
- i. The Approval Holder(s) shall immediately notify the Department of any incidents of non-compliance with this Approval.
- j. The Approval Holder(s) shall bear all expenses incurred in carrying out the environmental monitoring required under the terms and conditions of this Approval.
- k. Unless specified otherwise in this Approval, all samples required to be collected by this Approval shall be collected, preserved and analysed, by qualified personnel, in accordance with recognized industry standards and procedures that are all deemed acceptable to the Department.
- l. The Approval Holder(s) shall ensure that this Approval, or a copy, is present on Site while personnel are on Site.
- m. The Approval Holder(s) shall ensure that personnel directly involved in the designated activity are made fully aware of the terms and conditions of this Approval.
- n. The Approval Holder(s) shall notify the Department three business days prior to commencing construction of the Activity. The notification must include the Approval Number.
- o. Within 14 days of completion of the work authorized under this Approval, the Approval Holder(s) is required to submit, to the Department, the enclosed form entitled "Completion of the Approved Work".

#### **4. Covenant Conditions**

- a. The Approval does not authorize any activity that would:
  - i. prejudice any riparian rights of any owner or of any person lawfully in possession of or holding any lands abutting the watercourse;
  - ii. cause any damage or nuisance to adjacent or abutting land; or
  - iii. discharge surface water onto adjoining lands without the authorization of the affected landowner(s).
- b. By granting this Approval, the Department is not responsible for any damages as a result of the approved activities, including any water quality or quantity problems that may be encountered by the Approval Holder(s) or other parties.

#### **5. Surface Water**

- a. Monitoring during construction: The Approval Holder(s) shall ensure that the following water quality limits are met in the water resource downstream of construction activities:
  - i. Total Suspended Solids, Clear Flows (Normal Background Conditions):
    - (a) Maximum increase of 25 mg/l from background levels for any short term exposure (24 hour or less);
    - (b) Maximum average increase of 5 mg/l from background levels for longer term exposure (inputs lasting between 24 hours and 30 days);
  - ii. Total Suspended Solids, High Flow (Spring Freshets and Storm Events)
    - (a) Maximum increase of 25 mg/l from background levels at any time when background levels are between 25 mg/l and 250 mg/l ;
    - (b) Maximum increase of 10% over background levels when background is >250 mg/l;
- b. Additional surface water monitoring may be required at the request of the Department.
- c. If directed by the Department, the Approval Holder(s) shall install erosion and sedimentation controls prior to the commencement of the construction activities.
- d. If directed by the Department, the Approval Holder(s) shall install and maintain erosion and sedimentation controls in line with industry best practices (e.g., Nova Scotia Environment Erosion and Sediment Control Handbook for Construction Sites) as work progresses. The controls shall remain in place until areas disturbed by construction activities are stabilized so that the risk of release of sediment to a water resource has been mitigated.
- e. The Approval Holder(s) shall immediately contact the Department should sulphide bearing material be encountered on the Site.
- f. Any silted water pumped from work areas shall be directed to vegetated areas, settling ponds, or other treatment devices that mitigate the risk of release of sediment to a water resource.
- g. The Approval Holder(s) shall ensure that the following activities take place at a distance of a minimum of 30 metres from a surface watercourse or wetland in an area such that a release will not enter a surface watercourse or wetland:
  - i. Fuel storage, refueling, and/or lubrication of equipment;
  - ii. Washing of machinery or equipment; and
  - iii. Storage of equipment, excavated/stockpiled materials, and potential contaminants.

## **6. Releases**

- a. Releases shall be reported in accordance with the Act.
- b. Spills or releases shall be cleaned up in accordance with the Act.

## **7. Construction**

- a. The Approval Holder(s) shall limit the size of the disturbed area to the approved area for the alteration.
- b. Once the soils in the approved area of alteration have been exposed, the approved activity shall commence immediately.
- c. Any equipment used for work within a watercourse or wetland shall be mechanically sound, with no fuel or oil leaks.
- d. The Approval Holder(s) shall notify the Department in the event new information relating to identification of wetland boundary(ies) or functional assessment(s) are encountered during any phase of construction activities associated with the approved activity.
- e. An emergency spill-kit must be kept on site when vehicles (including machinery) or equipment is used in a watercourse.
- f. Upon completion of construction, modification, or maintenance work all debris resulting from the work must be removed from the work site.

## **8. Contingency Plan**

- a. The Approval Holder(s) shall develop a contingency plan. This plan is to meet the requirements of the Department's "Contingency Planning Guidelines", as amended from time to time. The plan is to include, but is not limited to:
  - i. general procedures for routine or major emergencies (e.g. equipment break-down, upset conditions, maintenance, etc.);
  - ii. a plan for dealing with emergency issues including but not limited to fires, explosions, and releases;
  - iii. a procedure for notifying the Department in the case of unforeseen changes to wetland boundaries and function during construction activities and proposed mitigation, which includes but is not limited to: changes or impacts associated with hydrological/hydrogeological conditions, biological conditions or discovery of species of conservation concern.
- b. The Approval Holder(s) shall ensure that the Contingency Plan is reviewed and updated whenever equipment or products change. The Contingency Plan is to be dated to reflect the most recent update.
- c. A copy of the Contingency Plan is to be maintained on Site at all times and is to be available for review immediately upon request by the Department.

- d. The Approval Holder(s) shall ensure that all employees are trained in accordance with the contingency plan and shall keep a record of training at the facility for a minimum period of five (5) years.

## **9. Post Construction**

- a. A detailed compensation plan, including key restoration/enhancement performance objectives and/or Letter of Understanding is required on or before September 30 after approval is issued, unless otherwise authorized in writing by the Department.
- b. Post-construction monitoring on Partially Altered Wetlands (5 years, one per year) is to be completed for a period of five (5) years post-construction.

## **10. Site Specific**

- a. This authorization is for the alteration of 8064 m<sup>2</sup> of wetland located at PID's 41280546 and 41362161 located in Dartmouth, Nova Scotia. The alteration of the wetland must follow the submission documents put forward to NSE in the application dated December 3, 2021 and supplemental information provided on May 13, 2022 and June 21st, 2022. All information within the documents provided in the application and supplemental information package shall form part of this approval and all work must proceed as proposed in these documents. Should any deviation from the work outlined in the submission documents occur a formal amendment application must be forwarded to Nova Scotia Environment and Climate Change (ECC).
- b. Within ninety (90) days of the issuance of this approval a detailed compensation plan in the ratio of 2:1 (ie compensation of 16 128 m<sup>2</sup> or 1.6128 Ha) must be received and approved by Nova Scotia Environment and Climate Change (ECC) from A.J. LeGrow Holdings Limited (the approval holder). This will include a signed letter of understanding between the proponent and a recognized wetland restoration specialist. This letter may be sent via mail to the Bedford office of ECC, emailed to Inspector Derrick Peverill at [Derrick.Peverill@novascotia.ca](mailto:Derrick.Peverill@novascotia.ca) or faxed to the Bedford office of ECC attention Inspector Derrick Peverill at 902-424-0597
- c. The approval holder must ensure any material removed from the wetland that is to be used as fill or for any other purpose is disposed of or utilized in a manner that is acceptable to Nova Scotia Environment and Climate Change. It cannot be placed in an area where it may have an impact to another wetland or watercourse (ie. siltation & BOD).
- d. All areas of exposed soils are to be stabilised immediately upon completion of final grade. Appropriate measures are to be employed to ensure that siltation does not occur as a result of the use and exposure of soils on site.
- e. All sediment and erosion control barriers/controls are to be properly maintained and monitored daily throughout the construction and alteration of the wetland.

Logs of inspections of the sediment and erosion control measures must be maintained during the length of the alteration and the monitoring logs must be made available to Nova Scotia Environment and Climate Change upon request. Also, emergency response equipment must remain on site during the construction project and be in an area that is readily accessible in the event of an incident.

- f. During the wetland alteration if any form of pyritic slate is discovered it must be reported to NSE outlining the location and quantity of slate discovered. If discovered on site, the pyretic slate must be dealt with according to Sulphide Bearing Material Disposal Regulations made under Section 66 of the Environment Act. This may include, but not limited to the proponent obtaining an approval for disposal of the pyritic slate from Nova Scotia Environment and Climate Change.
- g. Despite the issuance of this Approval, the Approval Holder is still responsible for obtaining any other authorization which may be required to carry out the activity, including those which may be necessary under Provincial, Federal or Municipal law. This includes and is not limited to authorizations from The Habitat Management Division of Department of Fisheries and Oceans Canada in relation to the Fisheries Act.
- h. Five (5) days' notice must be given to Nova Scotia Environment and Climate Change (ECC) prior to construction commencing on the wetland alteration project related to this approval. This notification may be sent to ECC via mail to the Bedford office, emailed to Inspector Derrick Peverill at [Derrick.Peverill@novascotia.ca](mailto:Derrick.Peverill@novascotia.ca) or faxed to the Bedford office of ECC attention Inspector Derrick Peverill at 902-424-0597.
- i. A site-specific sediment and erosion control plan must be prepared by the proponent prior to start of the wetland alteration project. This plan must be forwarded to NSE prior to the start of construction. The plan must be deemed acceptable to NSE prior to the commencement of the project. The sediment and erosion control plan may be sent via mail to the Bedford office of NSE, emailed to Inspector Derrick Peverill at [Derrick.Peverill@novascotia.ca](mailto:Derrick.Peverill@novascotia.ca) or faxed to the Bedford office of ECC attention Inspector Derrick Peverill at 902-424-0597
- j. Sediment laden waters from within the work site cannot be discharged into any watercourse, wetland or water resource. All sediment laden waters must be discharged to a vegetated area or discharged in some manner that they do not affect a wetland or watercourse. This approval does not authorize the release of silt laden water to any other property other than PID's 41280546 and 41362161 noted in this approval unless the proponent first obtains permission from the property owner of any additional PID's affected. At no time does this approval authorize release of sediment laden water to municipal storm water infrastructure or sewer unless written permission is granted from the owners of such infrastructure.
- k. All construction debris encountered during the project must be disposed of at a facility that is permitted by Nova Scotia Environment and Climate Change (ECC)

to accept such material. Records of the amount and type of material that is disposed of must be kept by the proponent and provided to ECC upon request. Records must include official weigh slips from the appropriate facilities and/or transporter.

l.

Clean, pH neutral, coarse fill materials are to be used within the wetland area. Any material used for infilling for the project must be clean and free of contaminants and sized appropriately for the use (sized as per submission documents). Records must be maintained for material used and include the location from which the fill material originated, amount of material used, and any analytical test results obtained from that material. All records mentioned above must be available upon request by Nova Scotia Environment and Climate Change

m. This approval does not authorize work on associated properties not defined in the application paperwork. Work for this approval is only authorized on the reported PID's 41280546 and 41362161 included in the application package and submission documents. Should it be necessary to conduct work on other associated properties (PID) in proximity to the work area, it is the responsibility of the proponent to obtain permissions or authorizations from the applicable property owners to conduct the work and an amendment to this approval must be obtained from by Nova Scotia Environment and Climate Change

n. The Approval Holder shall cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture and Heritage (CCH) immediately upon discovery of an archaeological, or paleontological site, artifact or fossil specimen unearthed during any phase of the Project. If the find is of certain or possible Mi'kmaq origin, the Approval Holder shall also contact the appropriate Mi'kmaq representatives as advised by CCH. In addition to contacting CCH reporting of any findings of the above must also be reported to Nova Scotia Environment and Climate Change immediately upon discovery.

o. Any Snapping or Painted Turtle sightings shall be immediately reported to the Nova Scotia Department Natural Resources and Renewables regional Biologist. Work must be halted until such time advice and/or direction in relation to the sighting is provided by regional Biologist and such advice adhered to. Sightings of Painted or snapping turtles must also be reported to Nova Scotia Environment and Climate Change along with related Natural Resources and Renewables comments.

p. Within ninety (90) days (September 30th, 2022) of the issuance of this approval the proponent shall provide an update on the timeline for baseline monitoring to be completed for satisfaction of section 6.2 of the application submission document

q. As per section 6.2 of the application document information must be submitted to the department prior to construction which includes the following:

-Baseline monitoring for piezometers water levels located as per application

documents

-Baseline conditions of the vegetation plots shall be reported to the department as per application documents. These reports must include photographs

- r. Additional wetland monitoring to the area south/downgradient of the Block 6 or 7S catchment must be installed to identify any indirect alterations that may occur to the wetland. This monitoring must include a piezometer with a water level logger and at least two (2) monitoring plots of wetland vegetation. These plots and piezometer data and location must be provided as part of the baseline monitoring for the wetland alteration. The location of the piezometer and plots must be provided to ECC. This information must be provided to ECC within (90) days of issuance of this approval.

### COMPLETION OF THE APPROVED WORK

A condition of this Approval requires that the Approval Holder notify Nova Scotia Department of Environment and Climate Change that the work authorized is complete.

Please enter the information on this sheet and return it to Nova Scotia Department of Environment and Climate Change at the following address:

Nova Scotia Department of Environment and Climate Change  
Inspection, Enforcement, and Compliance Division  
Central Region, Bedford Office  
30 Damascus Road, Suite 115  
Bedford, NS, B4A 0C1

Phone: 902-424-7773  
Fax: 902-424-0597  
ECC Contact: Derrick Peverill

APPROVAL NUMBER: 2021-2886385-00

NAME OF APPROVAL HOLDER: A.J. LEGROW HOLDINGS LIMITED

WORK AUTHORIZED: Wetland Alteration

DATE WORK WAS COMPLETED: \_\_\_\_\_

NAME OF CONTRACTOR: \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date