

APPROVAL

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

APPROVAL HOLDER: MUNICIPALITY OF THE DISTRICT OF EAST HANTS

SITE PID: 45275484

APPROVAL NO: 2017-103564

EXPIRY DATE: June 8, 2027

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: Norma Bennett

Effective Date: June 8, 2017

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 Environment

Approval Holder: MUNICIPALITY OF THE DISTRICT OF EAST HANTS

Project: Shubenacadie River - PID 45275484

Site:

PID	Civic #	Street Name	Street Type	Community	County
45275484	14	Commerce	Crt.	Elmsdale	Hants

Approval No: 2017-103564

File No: 95100-30-BED-2017-103564

Grid Reference: Easting - 459707, Northing - 4980555

Reference Documents:

- Application submitted April 27, 2017 and attachments.

1. Definitions

- a. Act means Environment Act, Chapter 1 of the Acts of 1994-95, and includes, unless the context otherwise requires, all regulations made pursuant to the Act.
- b. Administrator means a person appointed by the Minister for the purpose of this Act, and includes an acting administrator.
- c. Approval means an Approval issued pursuant to this Act with respect to an activity.
- d. Arch or open-bottom box culvert means a structure which conveys the flow of a surface water body under a roadway, railway, canal or other impediment which completely spans the water body from bank to bank, is supported by footings and the top of the cover material is graded to form the travel surface.
- e. Bridge means a structure which conveys the flow of a surface water body under a roadway, railway, canal or other impediment which completely spans the water body from bank to bank, is supported by abutments and has stringers and a deck which form the travel surface.
- f. Culvert means a Pipe Culvert and/or an Arch or Open-Bottom Box Culvert.
- g. Department means the Department of Environment, and the contact for the

Department for this approval is:
Nova Scotia Environment
Central Region, Bedford Office
30 Damascus Road, Suite 115
Bedford, Nova Scotia B4A 0C1

Phone: (902) 424-7773
Fax: (902) 424-0597

- h. Erosion Protection means protective works constructed along the banks of water bodies to prevent erosion by surface runoff, stream flows and/or wave action.
- i. Harvest Block means a contiguous geographical area of land designated to have the trees or vegetation harvested.
- j. Minister means the Minister of Environment and includes any person appointed as a designate of the Minister.
- k. Nova Scotia Environment Watercourse Alteration Certification Training Manual means the training manual developed in accordance with the New Brunswick Watercourse Alteration Training Manual and Nova Scotia Watercourse Alteration Specifications current edition.
- l. Pipe Culvert means a closed conduit used for the conveyance of surface water under a roadway, railway, canal or other impediment which is embedded into the bed of the surface water body.
- m. Recognized Individual means an individual who has successfully completed the Nova Scotia Environment Watercourse Alteration Certification Training Program.
- n. Site means the location of the authorized work.
- o. Temporary Bridge means a portable structure which conveys the flow of a surface water body under a roadway, railway, canal or other impediment which completely spans the water body from bank to bank, is supported by abutments and has stringers and a deck which form the travel surface. A temporary bridge shall be designated to convey at least the equivalent flow from a 1 to 2 year return period storm event. A temporary bridge shall not remain in place for a period greater than 30 days.
- p. Watercourse means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and all groundwater.
- q. Wetland means lands commonly referred to as marshes, swamps, fens, bogs, and shallow water areas that are saturated with water long enough to promote wetland or aquatic processes which are indicated by poorly drained soil, vegetation and various kinds of activity which are adapted to a wet environment.

2. Scope

- a. This Approval (the "Approval") relates to the Approval Holder(s) and their application and supporting documentation, as listed in the reference documents above, to construct the Wetland Alteration on Shubenacadie River situated at or near 14 COMMERCE CRT.
- b. Under authority of this Approval, the watercourse alterations specified herein shall be conducted between June 1st and September 30th (inclusive) of the same calendar year unless otherwise stated in the site specific terms and conditions.
- c. Temporary bridges can be installed between September 30th of the application year and March 31st of the following year provided they are temporarily removed prior to a 1 in 2 year (or larger) storm rainfall event. Installations of temporary bridges are restricted to a maximum time period of 30 days in one location. A extension may be obtained in writing should the bridge be required to remain in use longer than 30 days in one location.

3. General

- a. The Approval Holder(s) shall construct the watercourse alterations in accordance with provisions of the most recent version of:
 - i. Environment Act S.N.S. 1994-1995, c.1, s.1 as amended from time to time
 - ii. Regulations pursuant to the above Act, as amended from time to time
 - iii. Nova Scotia Watercourse Alteration Specifications
- 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 or provincial or federal legislation. 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 construct the watercourse alterations 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 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. The Minister may modify, amend or add conditions to this Approval at any time pursuant to Section 58 of the Act.
- f. This Approval is not transferable without the consent of the Minister.
 - i. If the Minister determines that there has been non-compliance with any or all of the terms and conditions contained in this Approval, the Minister may cancel or suspend the Approval pursuant to subsections 58A(1) and 58A(2) of the Act, until such time as the Minister is satisfied that all terms and conditions have been met
 - ii. If the Minister cancels or suspends this Approval, the Approval Holder(s) remains subject to the penalty provisions of the Act and regulations
- g. The Approval Holder(s) shall notify the Department prior to any proposed extensions or modifications of the activities outlined in the original Application for Approval.
- h. Pursuant to Section 60 of the Act, the Approval Holder(s) shall submit to the Minister any new and relevant information respecting any adverse effect that actually results, or may potentially result, from any activity to which the Approval relates and that comes to the attention of the Approval Holder(s) after the issuance of the Approval.
- 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.
- l. Unless written authorization is received otherwise from the Minister, all samples required by this Approval shall be analysed by a laboratory that meets the requirements of the Department's Policy on Acceptable Certification of Laboratories as amended from time to time.
- m. The Approval Holder(s) shall submit any monitoring results or reports required by this Approval to the Department. Unless specified otherwise in this Approval, all monitoring results shall be submitted within 30 days following the month of monitoring.
- n. The Approval Holder(s) shall ensure that this Approval, or a copy, is kept on site at all times and that personnel directly involved in the watercourse alterations are made fully aware of the terms and conditions which pertain to this Approval.

- o. Failure to comply with the terms and conditions is an offence under the Environment Act.
- p. 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.
- q. 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 Holder(s) may alter the watercourse, or store water in any watercourse as authorized and, without limiting the generality of the foregoing, shall not alter or use the watercourse so as to:
 - i. prejudice any riparian rights of any owner or of any person lawfully in possession of or holding any lands abutting the watercourse or any rights therein
 - ii. suffer any loss, damage or nuisance to adjacent or abutting lands
- b. The Approval Holder(s) shall not, at any time or for any purpose, place a pecuniary value on or claim any pecuniary value for the rights and privileges granted by this Approval, whether considered alone or in conjunction with any other property rights or privileges, over and above the amounts, if any, actually paid to the Minister by the Approval Holder(s) for said rights and privileges.
- c. It is recognized and agreed that this Approval does not give sole or exclusive rights to any watercourse, and the Minister reserves the right to use the watercourse and water therein for any purpose and to allow others to use the watercourse and water for any purpose, provided that such use or purpose does not constitute a substantial interference with the rights granted to the Approval Holder(s).
- d. The Approval Holder(s) shall be responsible for obtaining and paying the costs of any and all approvals, services, easements, rights of way and authorizations of any kind necessary for the performance of any activities undertaken pursuant to this Approval. The Minister does not covenant that such approvals, services, easements, rights of way and authorizations of any kind will be issued by the Province of Nova Scotia, any other body or person.
- e. The Approval Holder(s) shall maintain any bridge, culvert, dam, sluice, flume, conduit or other structure built or used in or on the watercourse in a state of good repair and in a clean and tidy condition to the satisfaction of the Minister. The Approval Holder(s) shall conform to any and all directions of the Minister

concerning the rehabilitation of a watercourse or the construction, reconstruction, maintenance, removal, operation and location of any bridge, culvert, dam, sluice, flume, conduit or other structure built, used or maintained in and on the watercourse.

- f. The Approval Holder(s) shall indemnify and save harmless the Minister against any loss, cost or damage occasioned by the Approval Holder(s)'s relocation of a watercourse or the construction of, repair, alteration or addition to any culvert, bridge, dam, sluice, flume, conduit or other structure. Such indemnity shall include, but not be restricted to, all losses, costs or damages occasioned by the improper or faulty relocation of a watercourse or the improper or faulty construction of repair, alteration or addition to any culvert, bridge, dam, sluice, flume, conduit or other structure in or on the watercourse, or by any trespass, negligence or willful act of the Approval Holder(s) or any employees, agents, contractors, or guests of the Approval Holder(s).
- g. On the expiry or termination of this Approval or at the end of the useful life of the structure, as determined by the Minister, the Approval Holder(s) shall immediately cease operations and peaceably and quietly yield up and deliver possession of the watercourse in a condition satisfactory to the Minister, and the Minister shall incur no further expense, liability or cost in this regard.
- h. The Approval Holder(s) shall remove any bridge, culvert, dam, sluice, flume, conduit or other structure or remnants thereof, and any equipment or personal property built, used or maintained in and on the watercourse at the end of the useful life of the structure, to the satisfaction of the Minister. In the event the Approval Holder(s) fails to remove such bridge, culvert, dam, sluice, flume, conduit or other structure or remnants thereof and any equipment or personal property, the Minister may, without any attaching liability, remove or demolish the same in whatever manner the Minister deems necessary. The Approval Holder(s) shall pay all expenses and costs of such removal or demolition.
- i. The Minister or any employee, servant or agent of the Department will not be liable for any damage, loss or claim of any kind which may or hereafter arise.
- j. If the Approval Holder(s) assigns or sublets their Approval or any part thereof except as is expressly provided herein, if the contractor becomes bankrupt or insolvent, if a receiver is appointed for any part of the assets of the Approval Holder(s), if any assignment is made for the benefit of the creditors of the Approval Holder(s), or if it is wound up or goes into liquidation, the Minister may terminate the Approval.
- k. This Approval shall ensure to the benefit of and be binding upon the Minister, the Minister's successors, assigns and authorized representatives, and upon the Approval Holder(s), and the heirs, administrators, executors and assigns of the Approval Holder(s).

- I. The failure of the Minister to insist upon a strict performance of any covenant, proviso or terms and conditions contained in this Approval shall not be deemed a waiver of any rights or remedies that the Minister may have and shall not be deemed a waiver of any subsequent breach or default in the covenants, provisos or terms and conditions contained in this Approval.

5. Spills or Releases

- a. Spills or releases shall be reported in accordance with the Act and the Environmental Emergency Regulations.
- b. Spills or releases shall be cleaned up in accordance with the Act and the Contaminated Sites Regulations.

6. Construction

- a. All construction activities within or immediately adjacent to the watercourse channel must be carried out in isolation of the streamflow (in the dry).
- b. Prior to the commencement of the proposed activity, sediment control measures shall be installed to prevent sedimentation of the watercourse and maintained as required until all exposed erodible soil adjacent to both a watercourse and the road surface are stabilized. Erosion control measures include but are not limited to flow checks, sediment traps and/or filters.
- c. Erosion control materials shall be clean, non-erodible, non-ore-bearing, non-watercourse derived and non-toxic materials. The Approval Holder(s) shall ensure the materials for this project, (i.e. aggregate, etc.) is suitable for the purpose intended.
- d. Sulphide bearing materials are not to be used without prior written consent from the Minister. The Approval Holder(s) shall notify the Department immediately when sulphide bearing materials are encountered during any part of construction.
- e. All potentially erodible areas shall be stabilized with erosion protection material as work progresses (not at the end of the project).
- f. All work operations shall be conducted in a manner to protect the watercourse from siltation and disturbance to the adjacent and downstream areas. Silted water is not to be released directly into the watercourse. Any silt laden water pumped from work areas is to be directed to heavily vegetated areas, settling ponds, or other treatment devices.
- g. Any overland flow which has the potential to enter the construction area is to be diverted away from the construction site and into vegetated areas.
- h. All construction site and roadway runoff shall be directed through natural vegetation before it reaches the watercourse. Where direction through natural

vegetation is not possible, runoff shall be treated through erosion and sediment control devices to prevent siltation of watercourses.

- i. Road drainage must not be discharged over a cut or fill unless appropriate vertically staged erosion control measures are in place on the slope from the crest to the toe along the face of the embankment.
- j. Settling ponds shall meet a minimum requirement of 1/16 acre-ft. of storage for every acre of exposed construction area. Settling ponds are to be cleaned out when they are half full of sediment or when they no longer provide for the precipitation of solids.
- k. The Approval Holder(s) shall ensure that the following discharge limits are met for any water which is discharged from the Site to a watercourse or wetland:
 - 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 hours 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) Shall not increase more than 10% over background levels when background is >250 mg/L.
- l. The Approval Holder(s) shall limit the size of the disturbed area to the area of the watercourse alteration. Once the soils in the area of installation have been exposed for installation, the structure installation shall commence immediately.
- m. The Approval Holder(s) shall limit the removal of riparian vegetation to the area of the watercourse alteration only.
- n. All excavated material shall be placed in a location where it will not enter the watercourse. All debris resulting from construction activities shall be disposed of at a facility which is approved to accept the specific material. Any material not regulated by the Department shall be removed to an area where flood water will not come in contact with the debris and excavated material must be removed from the areas adjacent to the watercourse and be disposed of in a manner acceptable to the Department.
- o. On site machinery and potential pollutants are to be stored in an area above the flood water limits.

- p. Fuel storage and refuelling or lubrication of equipment is to take place in an area such that an accidental pollutant discharge will not enter surface water or domestic water supplies. Under no circumstances will the designated area be within 30 metres of a watercourse or wetland. Note: this clause is not applicable to pile-driving equipment.
- q. Blasting in or near a watercourse is not permitted unless authorized in writing by the Minister.
- r. Machinery and equipment (e.g., concrete trucks) are not to be washed out within 30 metres of a body of water or in an area where wash water will run into a watercourse.
- s. Equipment required to work within a watercourse is to be mechanically sound, having no leaking fuel tanks or leaking hydraulic connections.

7. Site Specific Conditions

- a. This approval authorizes the alteration of approximately 0.0343 ha (343 m²) of Freshwater Marsh, located at 14 commerce Court, Elmsdale (PID 45275484), as identified in the application and supporting documentation submitted to Nova Scotia Environment on April 27th, 2017 by Strum Consulting on behalf of the Municipality of East Hants. Please note that although the alteration of this wetland is not restricted to the June 1st - September 30th time frame, all efforts should be made to complete the alteration during periods of low flow and outside breeding seasons.
- b. All erosion and sediment controls are to be in place and functioning prior to commencing the wetland alteration, properly maintained and monitored throughout construction, and re-instated as necessary.
- c. Any material removed from the wetland is to be disposed of in a manner that is acceptable to the department. It should not be placed in an area where it may have an impact on another wetland or watercourse (from a siltation or a BOD consideration).
- d. Materials used to infill the wetland must be clean, non-sulphide bearing, and pH neutral coarse material.
- e. Infilling must be conducted in a manner as not to cause an adverse effect.
- f. All areas of exposed soils are to be stabilized immediately upon reaching final grade.
- g. Where a wetland is partially altered, the Approval holder is responsible to ensure the continued function and health of any unaltered portions, and is responsible for demonstrating the continued function and health to the satisfaction of NSE.

- h. This Approval does not authorize alteration or impacts to any watercourses, a separate and unique Approval is required for a watercourse alteration.
- i. The compensation plan must be prepared and compensation work managed and regularly overseen by a recognized wetland specialist or a person the Department recognizes as having suitable qualifications, knowledge and experience in wetland restoration and construction.

COMPLETION OF THE APPROVED WORK

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

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

Nova Scotia Environment
Environmental Monitoring and Compliance Division
Central Region, Bedford Office
30 Damascus Road, Suite 115
Bedford, NS, B4A 0C1

Phone: 902-424-7773
Fax: 902-424-0597
NSE Contact: Tanya M Farrell

APPROVAL NUMBER:

NAME OF APPROVAL HOLDER: MUNICIPALITY OF THE DISTRICT OF EAST
HANTS

WORK AUTHORIZED: Wetland Alteration

DATE WORK WAS COMPLETED: _____

NAME OF CONTRACTOR: _____

COMMENTS: _____

Signature

Date