

Black Point Quarry 2017 Annual Report

Prepared by
Black Point Aggregates Inc.

June 30, 2018

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1. Executive Summary

Black Point Aggregates Inc. (BPAI) has prepared this 2017 annual report describing progress made on its Black Point Quarry project in Guysborough County, Nova Scotia. The report is required by condition 2.6 of the Decision Statement issued under section 54 of the *Canadian Environmental Assessment Act 2012*, which approved BPAI's proposed quarry and marine terminal in April 2016.

Black Point Aggregates Inc. (BPAI) a préparé ce rapport annuel de 2017 décrivant les progrès réalisés dans le cadre de son projet Black Point Quarry, dans le comté de Guysborough, en Nouvelle-Écosse. Ce rapport est exigé par la condition 2.6 du communiqué de décision publié en vertu de l'article 54 de la *Loi canadienne sur l'évaluation environnementale 2012*, qui a approuvé, en avril 2016, le carrière et le terminal maritime proposé par BPAI.

2. Context

Black Point Aggregates Inc. (BPAI), a wholly owned subsidiary of Vulcan Materials Company, is proposing the construction, operation and decommissioning of a granite quarry and marine terminal at Black Point in Guysborough County, Nova Scotia.

Following approval of their Environmental Assessment (EA) in April 2016, BPAI is required to meet a number of conditions issued by the Canadian Environmental Assessment Agency (CEAA) and Nova Scotia Environment (NSE). The conditions of approval are intended to ensure the project is implemented without significant adverse environmental effects. Several of these conditions relate to the Annual Report, due June 30 following 'the reporting year' defined as April 1 of a calendar year through March 31 of the subsequent calendar year.

3. Report Contents

This annual report is submitted to fulfill CEAA condition 2.6 and related clauses as described below.

CEAA 2.6: The Proponent shall, commencing in the reporting year that implementation of the conditions set out in this Decision Statement begins, prepare an **annual report** that sets out:

2.6.1 the activities undertaken in the reporting year to **comply** with each of the conditions set out in this Decision Statement;

2.6.2 how the Proponent complied with condition 2.1;

(CEAA 2.1: The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this Decision Statement are considered in a **careful and precautionary manner**, promote sustainable development, are informed by the best available information and knowledge, including community and Indigenous traditional knowledge, are based on validated methods and models, are undertaken by qualified individuals and have applied the best available economically and technologically feasible mitigation measures).

2.6.3 for conditions set out in this Decision Statement for which **consultation** is a requirement, how the Proponent **considered any views** and information that the Proponent received during or as a result of the consultation;

2.6.4 the **results of the follow-up program requirements** identified in conditions 3.2, 3.8, 4.7, 5.7, 5.8 and 5.9; and

(CEAA 3.2: The Proponent shall develop and implement, in consultation with the relevant federal and provincial authorities, a surface water follow-up program to verify the effectiveness of the mitigation measures referred to in condition 3.1).

(CEAA 3.8: The Proponent shall develop and implement a follow-up program in consultation with Fisheries and Oceans Canada and Indigenous groups, to verify the Designated Project will not result in loss of fish or fish habitat in Reynolds Brook upstream of Hendsbee Lake. The follow-up program shall include:

a pre-construction fish and fish habitat field survey in Reynolds Brook upstream of Hendsbee Lake (...)

(CEAA 4.7: The Proponent shall develop prior to construction and implement, during all phases of the Designated Project, a follow-up program to determine the effectiveness of the mitigation measures used to avoid harm to migratory birds, their eggs and nests, including the measures used to comply with conditions 4.1 to 4.6).

(CEAA 5.7: The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to dust and noise levels. The Proponent shall consider the methodologies described in the *Nova Scotia Pit and Quarry Guidelines* when developing and implementing the program).

(CEAA 5.8: The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on mainland moose (*Alces alces americana*). The Proponent shall conduct field surveys in consultation with the Indigenous groups to monitor the presence of mainland moose (*Alces alces americana*) and its habitat use in the Project area).

(CEAA: 5.9: The Proponent shall develop prior to construction and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on fisheries used for food, social and ceremonial purposes by Indigenous groups. The Proponent shall develop and implement the follow-up program in consultation with Indigenous groups and shall report the results to Indigenous groups).

2.6.5 any additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.4.

(CEAA 2.4: The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:

(2.4.1: undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure(s);

(2.4.2: determine whether additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.4.1; and)

(2.4.3: if additional mitigation measures are required pursuant to condition 2.4.2, implement the additional mitigation measures and monitor them pursuant to condition 2.4.1).

CEAA 2.7: The Proponent shall **submit** to the Agency the annual report referred to in condition 2 including an executive summary in both official languages, **no later than June 30** following the reporting year to which the annual report applies.

CEAA 2.8: The Proponent **shall publish on the Internet**, or any medium which is widely publicly available, the annual report and the executive summaries referred to in conditions 2.6 and 2.7, the plan to offset the loss of fish and fish habitat referred to in condition 3.3, the communication plans referred to in conditions 5.3 and 7.5, the cultural resource management plan referred to in condition 6.1, the reports referred to in conditions 7.4.3 and 7.4.4 and the implementation schedule referred to in condition 8.1 and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents once they are published.

4. Current Status of Reportable Conditions

- 2.6.1 activities undertaken to **comply** with each of the conditions -

Many of the conditions of EA approval are technical in nature, relating to the physical construction and operation of quarry. Construction has not yet begun and so action on most of these conditions must by necessity be deferred until project planning and implementation is further advanced.

The status (percent complete) of all federal and provincial conditions of EA approval are tracked by BPAI on a spreadsheet entitled 'EA Condition Tracking Sheet'. The sections below describe the conditions that must reported annually.

- 2.6.2 ensure that its actions are considered in a **careful and precautionary manner**, etc. -

Future project planning will consider the environmental and social sensitivities identified in the EA report. Project design activities will similarly incorporate measures to avoid and protect vulnerable ecosystems, species and activities that may be affected by the project.

- 2.6.3 **considered any views** received as a result of **consultation** -

Since the EA was approved in early 2016, the BPAI has continued to host meetings with the Community Liaison Committee (CLC) established for the purposes of the EA and subsequent public outreach and has met with Nova Scotia First Nations community representatives on numerous occasions. All meetings, questions and BPAI responses are documented in BPAI's Engagement Table spreadsheet. The spreadsheet documents over 170 meetings before the EA was approved and 50 meetings, emails or telephone calls since then (40 with First Nation groups).

To manage information exchange, consultation and follow-up on issues of particular interest to First Nations, BPAI has prepared, in collaboration with First Nation communities, its Mi'kmaw Engagement Strategy (CEAA 2.3, NSE 9.1). The Strategy was created to guide and document the consultation activities and outcomes between the BPAI and the Mi'kmaw. It is intended to promote timely information exchange on a variety of subjects, which in turn will help BPAI meet the conditions of EA approval.

- 2.6.4 **results of the follow-up programs:**

- Surface Water Monitoring (CEAA 3.2): an internal draft of the surface water monitoring program has been prepared but has not yet been circulated to regulators. Additional project planning must be undertaken before the program is finalized.
- Reynolds Brook fish and fish habitat field survey (CEAA 3.8): **COMPLETED**. Preparatory outreach to DFO and First Nations completed July 2017; report completed October 2017 and submitted to DFO, CEAA, NSE and KMKNO, Millbrook and Sipekne'katik in February 2018. The report concluded that Reynolds Brook upstream of Hendsbee Lake has the physical characteristics of good fish habitat (e.g., instream cover, adequate water depths, etc.) but does not actually support good quality fish habitat due to its acidity (the pH ranged from 3.89 to 4.64). A total of five Ninespine Stickleback (*Pungitius pungitius*) were captured through electrofishing. The report also notes that this reach of Reynolds Brook - upstream of Hendsbee Lake - would not likely support salmonoid species, which cannot tolerate low pH.
- Mitigation measures used to avoid harm to migratory birds (CEAA 4.7): the project is not yet sufficiently advanced to begin this work. This item is being tracked and will be considered in due course.
- Follow up program for dust and noise levels (CEAA 5.7): an internal draft of the dust and noise assessment program has been prepared but has not yet been circulated to regulators. Additional project planning must be undertaken before the program is finalized.

- Follow up program for mainland moose (CEAA 5.8): **COMPLETED**. Preparatory outreach to NSE and the First Nations was initiated during the EA (2014); final report submitted July 2017. Initial site surveys for Mainland Moose were completed in January, February and May, 2015 while follow up surveys were undertaken in February, March, April and May 2017. The final report states “no evidence of Mainland Moose was encountered during the field surveys”. The report concludes their absence may be due to the lack of ideal winter habitat of mid-successional growth and mature softwood stands. The report goes on to state that Mainland Moose may, however, frequent the site during the summer to access wetlands and feed on aquatic vegetation.
- Follow up program on project effects on fisheries used for food, social and ceremonial purposes (CEAA 5.9): the project is not yet sufficiently advanced to begin this work. This item is being tracked and will be considered in due course.
- 2.6.5 Any **additional mitigation measures** implemented where a follow up monitoring program is required: the project is not yet sufficiently advanced to begin this work. This item is being tracked and will be considered in due course.

CEAA 2.8: The Proponent **shall publish on the Internet:**

1. Annual report and the executive summaries in English and French: posted at www.blackpointquarry.com and www.blackpointquarry.ca on June 30, 2018. **COMPLETED**.
2. Plan to offset the loss of fish and fish habitat: to be posted upon finalization
3. Communication plans: to be posted upon finalization
4. Cultural resource management plan: to be posted upon finalization
5. Accident and/or malfunction reports: to be posted in the event of an accident or malfunction
6. Implementation schedule: to be posted upon finalization

END – next report to be posted by June 30, 2019.

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