

Environmental Assessment Approval

Approval Date: *Original Dated May 26, 2008*

Amherst Wind Energy Project Amherst Wind Power LP, Proponent

Amherst, Cumberland County, Nova Scotia

The 30 MW Amherst Wind Energy Project (the “Undertaking”), proposed by Amherst Wind Power LP (the “Proponent”), Cumberland County, Nova Scotia is approved pursuant to Section 13(1)(b). 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 project 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 2 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 NSE.

2.0 Birds & Bats

- 2.1 The Proponent must develop and implement a program to monitor for birds and bats to the standards as defined by the Nova Scotia Department of Natural Resources (NSDNR) and Canadian Wildlife Service (CWS). Based on the results of monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSE, based on consultation with NSDNR and CWS.
- 2.2 The Proponent must document accidental mortalities of bats and birds and submit an annual report to the Director of Wildlife, NSDNR and CWS. The report shall be submitted in January of each operating year unless otherwise approved by NSE.
- 2.3 If site preparation activities occur between May 1 and August 31 (breeding season for most birds) the Proponent must prepare and implement a monitoring and mitigation plan for breeding activity (i.e. nesting) in consultation with NSDNR and CWS.

3.0 Ground and Surface Water Resources

- 3.1 As part of the application for Part V approval under the *Environment Act*, the Proponent must provide details of alternatives to the land bridge that were considered for the river crossing and include rationale for the final selection.
- 3.2 The Proponent must conduct well surveys of homes adjacent to the site, at the request of NSE.

4.0 Noise and Visual Impact

- 4.1 The Proponent must monitor noise levels, at the request of NSE. Based on the results of monitoring program, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSE.
- 4.2 The Proponent must develop a plan to monitor shadow flicker on an as need basis. Based on the results of monitoring program, the Proponent must develop further mitigation plans and/or wind farm operations to the

satisfaction of NSE.

5.0 Public Consultation

- 5.1 The Proponent must develop a complaint resolution program to address public concerns associated with the project. The Proponent must appoint a contact person designated to deal with complaints from the public, and must provide the contact information to NSE.

6.0 Archaeological and Heritage Resources

- 6.1 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Tourism, Culture and Heritage, the Executive Director, Union of Nova Scotia Indians, and the Executive Director, Confederacy of Mainland Mi'kmaq, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.
- 6.2 The Proponent must have an archaeologist monitor any excavation work that may occur along the banks of the LaPlanche River.

7.0 Environmental Protection Plan (EPP)

- 7.1 Prior to construction of the components of the Undertaking, the Proponent must provide for review and approval to the NSE Amherst District Office, an Environmental Protection Plan (EPP) for the construction, operation and maintenance of the Amherst Wind Energy Project. The EPP must include, but not be limited to:
- a) details of procedures to ensure hazardous material are handled, stored and disposed of properly
 - b) details of erosion and sedimentation control plans, including a monitoring program for site runoff
 - c) measures taken to ensure compliance with the Species at Risk Act (SARA) and the Migratory Birds Convention Act (MBCA)
 - d) exact dimension and siting configuration of the turbines and the associated mitigative buffers (i.e. from the stream banks, to nearest residence)
 - e) such other information as required by NSE
- 7.2 The Proponent must provide NSE for review and approval a contingency plan, as part of the Environmental Protection Plan, that includes but is not limited to:

- a) accidental occurrences, including but not limited to contingencies for spills, spill equipment kept on-site, and list and location of emergency phone numbers
- b) training to be delivered to staff
- c) procedures for responding to incidents occurring during times when the facility is not staffed

7.3 The Proponent must adhere to the EPP once finalized and approved by NSE.

8.0 Site Reclamation

8.1 The Proponent must submit a reclamation plan to NSE for review and approval, six months prior to initiating site reclamation and abandonment. The Proponent must reclaim the site to the satisfaction of NSE.

Original Signed By

Mark Parent
Minister of Environment