

Environmental Assessment Approval

Approval Date: *Original Dated Sept. 2, 2008*

Dalhousie Mountain Wind Energy Project RMSenergy Ltd., Proponent

Pictou County, Nova Scotia

The 51 MW Dalhousie Mountain Wind Energy Project (the "Undertaking"), proposed by RMSenergy Ltd. (the "Proponent"), Pictou 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 occurrences of mortalities of bats and birds, resulting from impact with turbine towers, for a period of two years, in consultation with NSDNR and CWS, and submit an annual report to the Director of Wildlife, NSDNR and CWS.

3.0 Flora & Fauna

- 3.1 The Proponent must provide digital files indicating the precise locations of the plant 'RED' and 'YELLOW' listed species identified during field work.
- 3.2 The Proponent must develop and implement a monitoring program for the Mainland Moose in consultation with NSDNR.
- 3.3 The Proponent must identify all occurrences of the Round-lobed Hepatica and Squashberry, flag the locations and impose a buffer radius of 50m. This information must be submitted to NSE and NSDNR.
- 3.4 Clearing must be done outside the breeding season for most birds (May 1 – August 31), unless otherwise approved by NSE.

4.0 Ground and Surface Water Resources

- 4.1 Prior to the construction of the turbine foundations and interconnection from turbine to substation, the Proponent must determine the relationship between ground surface and groundwater levels and submit results to NSE.
- 4.2 The Proponent must monitor the effects of construction activities on local groundwater, at the request of NSE.
- 4.3 The Proponent must conduct well surveys of homes adjacent to the site, at the request of NSE.
- 4.4 The Proponent must conduct a quarterly visual assessment of the site to ensure the effectiveness of erosion and sedimentation controls, unless otherwise approved by NSE.

5.0 Noise and Visual Impact

- 5.1 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.
- 5.2 The Proponent must develop a plan to monitor shadow flicker, 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.
- 5.3 The Proponent must contact the Protected Areas Branch to discuss their visual, noise and lighting studies as they relate to the Gully Lake Wilderness Area.

6.0 Public Consultation

- 6.1 The Proponent must develop a complaint resolution plan to address all concerns associated with the project. The Proponent must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

7.0 Archaeological and Heritage Resources/Aboriginal Interests

- 7.1 The Proponent must develop a plan, to engage interested Aboriginal Groups following receipt of the MEKS, to discuss any impacts on traditional Mi' kmaq resources, and to clarify project activities and identify associated mitigation measures.
- 7.2 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Tourism, Culture and Heritage, and the Executive Director, Union of Nova Scotia Indians, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

8.0 Environmental Management System

- 8.1 Prior to construction of the components of the Undertaking, the Proponent must provide NSE, for review and approval, an Environmental Management Plan, Operation and Maintenance Program, and Occupational Health and Safety Procedures.
- 8.2 The Proponent must provide NSE, for review and approval, a contingency plan developed in accordance with NSE ' s Contingency Planning Guidelines, September 2004.

9.0 Site Reclamation

- 9.1 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