

# **DOCUMENT “A”**

## **MINISTER’S DETERMINATION**

### **CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

September 28, 2007

File Number: 4561-3-1128

1. In accordance with section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation (87-83) – Clean Environment Act* again, unless otherwise stated by the Minister of Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated June 5, 2007, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must conduct post construction follow-up bird and bat usage and mortality monitoring in consultation with the Canadian Wildlife Service and the New Brunswick Department of Natural Resources. The proposed carcass monitoring protocol must be submitted to the Canadian Wildlife Service and the Department of Natural Resources before any such survey work commences. The proponent must provide copies of the monitoring reports to the above agencies.
5. Prior to the transportation of major project components to the site (wind turbine components, power transmission poles and cables, materials for foundation construction and cable bedding such as sand, gravel, concrete, etc.) a detailed transportation study must be prepared, and submitted to the New Brunswick Department of Transportation (NBDOT) and the City of Moncton for review, and approval. As part of this study measures to ensure safe, event free transportation from Moncton to the project location (including dust control) must be addressed. In addition: a) The proponent must contact Mr. Marc Martin, the District transportation Engineer, NBDOT in Moncton, N.B. at (506) 856-2000, to seek his input ; b)The location of the access point off the Prosser Brook Road must be acceptable to the NBDOT (the proponent maybe required to apply for an access road permit from the District Engineer before construction begins); c) the proponent must contact Susan Andrews-Caron, Director of the Transportation Policy Branch, NBDOT at (505) 453-2802 to review the project in more detail and to discuss any possible road or bridge modifications to existing infrastructure; and d) the proponent will be required to obtain a special permit from the Transportation Policy Branch, NBDOT and submit an engineered traffic management plan for review.

6. Prior to the commencement of facility construction, the proponent must obtain the required exemption under the Watershed Protected Area Designation order.
7. The watercourse protection measures described in the letter of advice from the DFO dated September 11, 2007 must be adhered to unless otherwise determined by DFO. Prior to construction of Phase 2b of this project, the proponent must consult with the Watercourse and Wetland Alteration Section, Department of Environment and obtain any required Watercourse and Wetland Alteration Permits.
8. The proponent must ensure that any merchantable Crown wood that is harvested relative to this project is offered to the Crown land Licensee for this area (JD Irving). Further details about obtaining a cutting permit, and the licensee contact information, etc., can be obtained from Mr. Dave Black, DNR Regional Forester, Island View, 1-506-444-4888.
9. The proponent must obtain authorization from DNR to develop this wind farm on Crown land . The terms and conditions of the Crown land lease agreement must be adhered to.
10. If the project requires the excavation or disturbance of 500 cubic metres or more of rock (measured cumulatively for the project as a whole) having the potential to be acid generating, the rock must be sampled analysed and identified, and the proponent must contact the following parties to discuss appropriate measures: Rodger Albright, Environment Canada at (902) 426-4480 and Don Fox, NB Department of the Environment at(506) 457-7257.
11. The proponent must prepare and submit for approval a Site-Specific Environmental Protection Plan (SSEPP) to address environmental issues pertaining to facility construction and operation. As part of this plan specific commitments to mitigation must be made, based on site-specific environmental constraints. The SSEPP must include a spill response contingency plan, and must address measures pertaining to on site concrete production, if the latter is proposed. The portions of the SSEPP addressing construction-related activities must be submitted for review and approval prior to the commencement of these activities.
12. Prior to the commencement of any ground disturbing activities in relation to this project, the proponent must submit for review and approval a contingency plan for discovery of archaeological resources. For further information, please contact Albert Ferguson, Manager, Archaeological Services Section, Department of Wellness, Culture and Sport at (506) 453-2756.