

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

12 March 2009

File Number: 4561-3-1168

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 August 2008, and subsequent addendums, 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 Manager of the Project Assessment Section of the Department of Environment (DENV) 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 (CWS) and the New Brunswick Department of Natural Resources (DNR). The proposed monitoring protocol must be submitted to CWS and DNR before any such survey work commences. The proponent must provide copies of the monitoring reports to the above agencies for review and approval, and if significant mortality is identified, additional mitigation and monitoring may be necessary.
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) for review and approval. As part of this study measures to ensure safe, event free transportation to the project location (including dust control) must be addressed.
6. The proponent must contact the District Transportation Engineer, NBDOT in Bathurst, N.B. at (506) 547-2144, to seek his/her input on the project prior to beginning construction. The location of the potential highway crossing for the proposed power transmission line on Route 113 must be acceptable to the NBDOT District Engineer (the proponent may be required to apply for a highway usage permit from the District Engineer before construction begins).

7. The proponent must contact the Director of the Transportation Policy Branch, NBDOT at (506) 453-2802 to review the project in more detail and to discuss any possible road or bridge modifications to existing infrastructure; In addition, 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.
8. Prior to construction of this project, the proponent must consult with the Watercourse and Wetland Alteration (WAWA) Program, DENV and obtain any required Watercourse and Wetland Alteration Permits. Please contact the Manager at (506) 444-5149.
9. Monitoring of all wetlands directly or indirectly impacted by project activities will be required for years 1, 3, and 5 to measure whether the wetland function has changed. Reports shall be submitted to the Manager of the Project Assessment Section ENV, after each monitoring period. Compensation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function. Restoration will be required if there are impacts to the function of any of the wetlands located within the project area.
10. The proponent must contact the Habitat Protection Area Chief, Tracadie-Sheila office, Department of Fisheries and Oceans (DFO), a minimum of 10 days prior to beginning construction, at (506) 395-7722. A copy of the DFO letter of advice (dated February 24th, 2009) must be kept on site throughout the entire construction phase of the project.
11. The proponent must obtain authorization from DNR to develop this wind farm on Crown land, and all terms and conditions of the Crown land lease agreement must be adhered to (as per the *Crown lands and Forests Act*. For information on land use applications, please visit DNR's website at www.gnb.ca/0263 or contact the Land Use Application Service Centre, Crown Lands Branch, at 1-888-312-5600. Please note that the final decision regarding any land use application submitted to the Crown lands Branch shall only be made upon completion of the EIA process.
12. 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 disposal and mitigation measures: Rodger Albright, Environment Canada (EC) at (902) 426-4480 and Don Fox, DENV at (506) 457-7257.
13. 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 the Manager, Archaeological Services Section, Department of Wellness, Culture and Sport at (506) 453-2756.
14. Within 6 months of the onset of operation of the wind farm, the proponent must submit to the Manager, Project Assessment Section, for review and approval, a noise monitoring plan that is to be undertaken to validate the predictions made in the noise modeling analysis.
15. A noise complaint report must be submitted to the Manager, Project Assessment Section, for review and approval, after the first twelve months of operation of the project. This must include a noise mitigation plan and must be submitted and approved by HC and DENV as required.

16. A minimum two (2) osprey nesting platforms must be constructed within 3 months of completion of construction of the project.
17. No less than 24 hours prior to any tree clearing activities inside the nesting season, a qualified ornithologist must traverse the area to be cleared, identify all bird nests, and flag buffers around these nests that are not to be disturbed during the clearing. This is to be done in consultation with CWS and DNR.
18. An avian and bat monitoring plan must be completed and submitted for approval by DNR and CWS within 3 months of the date of this Determination.
19. An avian and bat mortality report must be submitted for review after the first 12 months of project operation, to DNR, CWS and the Aboriginal Affairs Secretariat (AAS) for review. This report must also include options for mitigation as appropriate.
20. A site-specific Environmental Management Plan (EMP) must be submitted to the Manager, Project Assessment Section, DENV for review/approval prior to the start of construction. The EMP must include: an Environmental Protection Plan (EPP), linking mitigation to locations, a monitoring plan (compliance and environmental effects monitoring), and contingency plans.
21. Prior to the onset of construction, the following is required for submission and approval to the Project Assessment Section DENV:
 - a) Addendums to the revised EIA Document;
 - b) Site specific EPP for tree clearing activities;
 - c) Site specific EPP's for all watercourse and wetland crossings. The plans must include, but not be limited to: proposed crossing methodology, measures to prevent sedimentation and bank destabilization, surface water management plans, monitoring plans, and plans to protect other sensitive features that may be present such as species at risk, etc.
22. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.