

# Environmental Assessment Approval

Approval Date: **FEB 17 2016**

**Amherst Community Wind Farm  
Mi'kmaq Wind4All Communities L.P.**

**Cumberland County, Nova Scotia**

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The Amherst Community Wind Farm (the "Undertaking"), proposed by: Mi'kmaq Wind4All Communities L.P. (the "Approval Holder") in Amherst, Cumberland County, Nova Scotia is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the Environmental Assessment Regulations. 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 and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder 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 Document.

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## **Terms and Conditions for Environmental Assessment Approval**

### **1.0 General Approval**

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the Undertaking as described in the Environmental Assessment Registration Document. Any proposal by the Approval Holder 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 (EA).
- 1.2 The Approval Holder must, within two 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 Approval Holder 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 Approval Holder must implement all mitigation and commitments in the Registration Document, unless approved otherwise by Nova Scotia Environment (NSE).
- 1.5 The Approval Holder must provide a report to NSE's Environmental Assessment Branch one year following construction of the Undertaking. The report must include, but not be limited to, site development, mitigation plans, monitoring results, and compliance with the Terms and Conditions of the Environmental Assessment Approval.

## **2.0 Flora and Fauna**

- 2.1 Prior to clearing and/or construction, the Approval Holder must provide Department of Natural Resources (DNR) Wildlife Division with digital way points and/or shape files revealing precise locations for all "RED", "YELLOW" and "UNDETERMINED" listed species (under the General Status Ranks of Wild Species in Nova Scotia), S1, S2 and S3 listed species (under the Atlantic Canada Conservation Data Center), as well as delineated wetland, identified during field work within the area of the Undertaking. The Approval Holder must report to NSE that the files have been provided to DNR.
- 2.2 Prior to clearing and/or construction, the Approval Holder must develop and implement a program to monitor for birds and bats for not less than two years from the time turbines become operational. The monitoring program and associated reporting requirements must be developed to the standards as defined by DNR and the Canadian Wildlife Service (CWS). The Approval Holder must provide details in an annual report by January 15th of each year to NSE, DNR and CWS, unless otherwise approved by NSE. Based on the results of the monitoring, the Approval Holder must make necessary modifications to mitigation plans, and/or wind farm operations, to the satisfaction of NSE.
- 2.3 The Approval Holder must undertake mortality monitoring and other work that may be deemed necessary from time to time based on unforeseen events, or at the request of NSE, and surrender all specimens from such work to the Canadian Cooperative Wildlife Health Centre for necroscopy.
- 2.4 Prior to clearing and/or construction, the Approval Holder must develop and implement a plant protection plan for *Carex wiegandii* and *Polygonum arifolium* in consultation with DNR Wildlife Division, and notify NSE completion of the plan.
- 2.5 Site preparations that include deforestation, clearing and grubbing must be conducted outside of the breeding season for most bird species (April 15 to August 31), unless otherwise approved by NSE.

### **3.0 Noise and Visual Impact**

- 3.1 Prior to clearing and construction, the Approval Holder must provide sound modelling, shadow flicker assessment, and any other information requested for the final turbine selection/placement to NSE for review and approval.
- 3.2 The Approval Holder must monitor noise at the start of the turbines becoming operational, and at the request of and to the satisfaction of NSE under varying climatic conditions in order to ensure that noise levels do not exceed 40 dBA. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or wind farm operations to reduce the noise level to 40 dBA or lower.
- 3.3 The Approval Holder must develop a plan to monitor shadow flicker, at the request of, and to the satisfaction of NSE (does not exceed 30 minutes per day or 30 hours per year at any receptor). Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSE.
- 3.4 The Approval Holder must develop a turbine lighting plan in consultation with CWS and Transport Canada.

### **4.0 Ground and Surface Water Resources**

- 4.1 The Approval Holder must not construct a turbine within 30 m of a wetland or watercourse (measured from the tip of the blade), unless otherwise approved by NSE.
- 4.2 The Approval Holder must obtain an approval from NSE for the construction of watercourse crossings and/or wetland alterations, as specified in the Activities Designation Regulations.
- 4.3 Prior to any blasting, the Approval Holder must conduct a pre-blast survey for water wells within 800 m of the point of blast. The survey must be conducted in accordance with the NSE "Procedure for Conducting a Pre-Blast Survey". Any water well impacts from the blasting must be corrected by the Approval Holder to the satisfaction of NSE.
- 4.4 The Approval Holder must conduct visual assessments, both quarterly and after severe storms events, of the site to ensure the effectiveness of erosion and sedimentation controls, unless otherwise approved by NSE. Results of the assessment must be submitted, at a frequency to be determined, to NSE as part of the Environmental Protection Plan (EPP).

### **5.0 Public Consultation**

- 5.1 The Approval Holder must develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC), including terms of reference. The Approval Holder must operate the CLC for the duration of the Undertaking and until released in writing by NSE. The NSE Guidelines for the Formation of a Community Liaison Committee shall be used for guidance.
- 5.2 The Approval Holder must develop and implement a complaint resolution plan to address all concerns associated with the Undertaking. The Approval Holder must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

## **6.0 First Nation and Aboriginal Engagement**

- 6.1 At the request of NSE, Approval Holder must develop and implement a Mi'kmaq Communication Plan for the Undertaking, which will include a process for communicating project details and seeking input from the Mi'kmaq community.

## **7.0 Archaeological and Heritage Resources / Aboriginal Interests**

- 7.1 The Approval Holder must cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Maw-klusuaqn Negotiation Office.

The Approval Holder should notify Curator of Geology, Nova Scotia Museum if fossil or trace fossil are unearthed during any phase of the Undertaking.

## **8.0 Environmental Management System**

- 8.1 Prior to clearing and/or construction, the Approval Holder must provide to NSE an Environmental Protection Plan (EPP) for the construction, operation and maintenance of the Undertaking. The EPP must include, but not be limited to:
  - i) details of erosion and sedimentation control plans;
  - ii) a monitoring program for surface waters;
  - iii) a plan to deal with sulphide bearing materials and acid drainage;
  - iv) a contingency plan to address accidents that includes spill response procedures, fires, emergency contacts, and staff training.
- 8.2 Prior to clearing and/or construction, the Approval Holder must provide to NSE and DNR for review and approval as part of EPP, the locations and construction details for proposed new roads, turbines and associated infrastructure, and any other such information as required by NSE. The

final locations must be provided in a digital format as specified by NSE.

- 8.3 The Approval Holder must adhere to the EPP once finalized and received by NSE.

## **9.0 Radar/Radio Interference**

- 9.1 This Approval is conditional on NAV CANADA and Department of National Defence (DND) providing their acceptance of the Undertaking. Prior to construction, the Approval Holder must obtain written consent from NAV CANADA and DND demonstrating the final site plan is acceptable to both parties and does not interfere with radar communications.

- 9.2 Telecommunication reception affected by the wind farm must be corrected by the Approval Holder to the satisfaction of NSE.

## **10.0 Site Reclamation**

- 10.1 The Approval Holder must submit a decommissioning and site reclamation plan to NSE for review and approval, two years prior to the end date of the Power Purchase Agreement. The Approval Holder must reclaim the site to the satisfaction of NSE.

- 10.2 The Approval Holder must decommission wind turbines to restore habitat. In the event any turbine ceases to be operational for a period of two years, the Approval Holder must submit a report to NSE outlining a time-line for reparation to the unit(s) to either render it fully functional or provide similar details for removing the turbine from the site within two years from when the report was received.



Randy Delorey, MLA  
Minister of Environment

