

Appendix A
Disposition Table of Regulatory Comments from Draft EA Review

Table A-1 Disposition Table with Comments and Responses from the Draft EA Review

| Comment No. | Comment Issuer | Comment Received | Comment Response |
|-------------|---|---|--|
| 1 | Nita MacLean, Environmental Health Consultant Nova Scotia Health and Wellness | We have completed our review of the Clydesdale Ridge Wind Farm Draft EA and the only recommendation we have is that a public health hazard assessment (in regards to pedestrians, road ways - any traffic issue that could cause human health hazards) is conducted when the traffic study is done. | <p>It is anticipated that the current road network (outside of onsite turbine access roads) will not require upgrades to accommodate construction traffic. If TIR permits allow, the same travel routes that were used for the Dalhousie Mountain Wind Farm will be used for the proposed Clydesdale Ridge Wind Farm. Implementing good transportation planning and safety measures during construction will minimize the potential for traffic related safety concerns. Public safety has been and will continue to be incorporated into the Project design. As well, land access to the construction site will be controlled through signage and restricted to authorized personnel only.</p> <p>Please also refer to Comments # 3 and 4.</p> |
| 2 | Andrew Murphy Director, Air Quality and Resource Management, Nova Scotia Environment | Air Quality- The Environmental Protection Plan should include provisions (e.g., dust reduction measures, no idling policy) on how to mitigate air emissions (e.g., dust from excavation, emissions from vehicles) during the construction phase. | <p>During construction, the following measures will be implemented, and will be included in the Environmental protection Plan (EPP):</p> <ul style="list-style-type: none"> • Maintaining equipment in good running condition and in compliance with regulatory requirements; • Protecting stockpiles of friable material with a barrier or windscreen. In the event of dry conditions and excessive dust, dust suppression (e.g., water and/or calcium chloride sprayed on the road surfaces) and covering loads of loose materials during transport; • In terms of emissions from combustion engines, all construction equipment will be maintained in good working order to minimize emissions. This will assist in minimizing the Project's short-term contributions of greenhouse gases, odour, and other emissions. |

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| | | | <p>In addition, the sand, aggregate and concrete will be prepared on site in the Weeks Construction Ltd. quarry in accordance with the Provincial standards. This will reduce the fuel consumption of the concrete delivery trucks by over 80% and greatly reduce noise, dust disturbance and delays.</p> <p>Any additional considerations will be included in the EPP.</p> |
| 3 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | The report indicates that a detailed transport study will be undertaken to determine the appropriate routes and means for the equipment to be delivered to the site. Completion of this study and approval by TIR should be required as part of the environmental permitting process. | A detailed transport study is not anticipated and this text has been removed from the Final EA. As noted in Comment # 4, the same travel routes that were used for the Dalhousie Mountain Wind Farm will be used for the proposed Clydesdale Ridge Wind Farm and therefore the Proponent and TIR do not anticipate that road upgrades to accommodate construction traffic will be required. |
| 4 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | The report also indicates the same travel routes that were used for the Dalhousie Mountain Wind Farm will be used for the proposed Clydesdale Ridge Wind Farm. If this is the case, we do not anticipate that road upgrades to accommodate construction traffic will be required. | Comment noted. |
| 5 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | Spring weight restrictions may apply to some roads along routing to the site. This restriction could potentially impact the delivery of heavier equipment and materials and should be considered in the construction scheduling. | Equipment delivery is anticipated to be from July to October 2013 and therefore considers and will avoid the spring season where weight restrictions are in place |
| 6 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | Table 1.2 should refer to the new permit "Working within Highway Right-of-Way" as this permit now replaces the former Breaking Soil of Highways permit as well as the Minister's Consent for Building or Access permit. | Comment noted and Table 1.2 has been updated. |
| 7 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | Additional heavy truck traffic use during construction phase often creates dust problems on local TIR gravel roads and causes additional costs to TIR for dust control treatments. The Proponent should consider means to minimize dust due to project truck traffic on local gravel roads. | Comment noted. See response to Comment #2. Any additional considerations will be included in the EPP. |

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| 8 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | Transportation planners should ensure that all oversized loads can negotiate all ramps and roads without the need for removal of guard rail or signage, or mitigate any such occurrences well in advance of the moving stage. | Comment noted. These considerations will be addressed in the EPP. Guardrails and signs were not moved for transportation of components for the Dalhousie Mountain Wind Farm (Phase I). |
| 9 | Angela Swaine, Environmental Analyst, Nova Scotia Transportation and Infrastructure Renewal | The report indicates that applications have been made to NSTIR for use of Right of Way for pole lines. As of January 25, 2012, NSTIR Area Managers for Pictou and Colchester Counties reported they had not received the surveys/applications. | The Proponent has submitted an application to use the RoW of the existing road to install poles and to do the upgrades to allow transport of the loads. This is on dirt road sections of the Gunshot, Bericoïn and the Glenn Rd. The Proponent also commissioned a NS surveyor to prepare a survey report and drawings have been submitted to Troy Webb (New Glasgow Area Manager) and to James Webster (Colchester Area Manager). The Proponent has met with NSTIR and submitted the paperwork. This does not affect paved roads, mostly K-class unmaintained sections of old historical roads and the Glenn Rd. The Proponent held another meeting with James Webster (Colchester Area Manager) on March 28, 2012. |
| 10 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | I have reviewed the draft EA registration document dated January 2012 for the above referenced project. My comments are provided for your consideration related to surface water resources. Note that general comment on wetlands are provided only, with specific comments likely provided by other reviewers. | Comment acknowledged. |
| 11 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | The proposed wind farm project is an expansion of an existing wind farm operation and is located between Mount Thom, Pictou County and Earltown, Colchester County, with as many as 30 additional turbines planned. This project involves construction, operational activities, and potential sources of impact to surface waters, as would typically be expected from a wind farm operation. | Comment acknowledged. |
| 12 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | The report identifies 9 confirmed stream crossings including the outlet stream of Bezansons Lake which is also in the project area. The Gully Lake Wilderness Area is additionally shown to be located nearby (Figure 6.2). | Comment acknowledged. |

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| 13 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | The report does not seem to assess whether any municipal or public drinking water supplies are located nearby or whether they would be potentially affected by this project. It would be beneficial to have this included in the report, as well as identification of any nearby water withdrawals, and all downstream water uses. All such important surface water aspects would need to be identified and protected. It is recognized that fish and aquatic habitat has been identified as an important water use to be protected, but other water uses need to be considered as well. | Comment acknowledged. Text in Section 5.2 of EA has been updated to include the additional surface water information as requested. The majority of the Project is situated on a ridgeline which separates three primary watersheds (River John, Salmon River, and Pictou River watersheds). None of these watersheds contain Protected Water Areas or municipal water withdrawals. |
| 14 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | Activities associated with the project which can impact surface water resources are quite well defined in the report and include the development of gravel pits, road construction, stream crossings, blasting, concrete use and disposal, and petroleum products from turbines and heavy ground moving equipment. | Comment acknowledged. |
| 15 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | Standard avoidance and mitigation measures should assure protection of surface water resources and wetlands, if applied properly. Proposed mitigation measures in the report include reducing land erosion and siltation of watercourses through various specified actions. However, I saw no mention of the NSE Erosion and Sedimentation Control handbook, which should be referenced. | Comment acknowledged. Text in Section 6 and mitigation tables have been updated to include reference of the handbook. |
| 16 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | Contingency plans for accidental spills and other events are mentioned but could be elaborated upon. It might also be prudent to include procedures in the Environment Protection Plan to follow if sulphide bearing materials are encountered - to prevent acid drainage and water related impacts. | The EPP for the Project will contain spill prevention and response measures. In the unlikely event of a spill, it is assumed that the spill would be limited to relatively small quantities given the nature of Project activities and limited on-site storage of hazardous materials. Acid drainage is not anticipated to be an issue given the underlying geology (Parrsboro Formation and Canso Group bedrock). |
| 17 | Darrell Taylor, Environmental Analyst, Nova Scotia Environment | It may be prudent to capture baseline pre- and post- development water quality and quantity in the project area streams (and if appropriate the identified lake(s) to be able to assess impacts and EA predictions. It is unclear whether Gully Lake or Bezansons Lake is in the project watershed and potentially exposed to downstream effects. This should be clarified and if appropriate, mitigation and protection measures proposed - as well as water related baseline and follow -up monitoring proposed. | Gully Lake is outside the Study Area. It is located in a section of the Salmon River Watershed that is up- gradient from the Project Study Area. No project tasks will interact with Gully Lake based on the gradients and watershed divides. |

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| 18 | Beata Dera Senior Consultation Advisor, Nova Scotia Office of Aboriginal Affairs | <u>Stakeholder Consultation and Mi'kmaq Engagement</u> p E.3 - last paragraph. Report states: "Dalhousie Wind Farms Inc. will develop and implement a community liaison and issues resolution program for Project operations." Proponent should indicate whether the Mi'kmaq have been invited or will be invited to participate in the event that a Community Liaison Committee or similar forum is formed. | Comment acknowledged and EA has been updated to acknowledge that Mi'kmaq will be invited to participate in the event that a CLC is formed. |
| 19 | Beata Dera Senior Consultation Advisor, Nova Scotia Office of Aboriginal Affairs | <u>s 2.4 Location of Project</u> p 2.2 - 1st paragraph. Proponent indicated that an application was submitted to DNR Crown Land Lease Division for the use of one crown land parcel and also states that "Private long term leases and easements are in place to permit the entire installation of this Project." It is unclear whether and when the Proponent intends to develop the crown land parcel should its use be approved by DNR. | Yes, the crown land parcel will be used if approved. The crown land portion is an important part of Project design because it is relied on for 5 turbine locations. As well, the area is currently logged and has existing access roads so by using the crown land parcel, further cutting and new road construction will not be required at that location. By using existing road on the crown land parcel it separates the nesting location of the Wood Thrush at point count 203 by over 2 km and eliminates the need to use sections of road that parallel two major streams. |
| 20 | Beata Dera Senior Consultation Advisor, Nova Scotia Office of Aboriginal Affairs | <u>s. 3.1 Regulatory Consultation</u> p 3.2 - 1st paragraph. Report states: "This Draft EA is being submitted for regulatory review and comment and will be distributed by NSE to relevant provincial and federal agencies and Mi'kmaq organizations." It is unclear whether a draft EA has been shared with the Mi'kmaq. It is our understanding that NSE does not share draft EA registration documents outside of provincial regulators and that the decision to share a draft EA belongs to the Proponent. | This text has been revised to more accurately reflect the draft review process. The Proponent provided the archaeology report to the KMK in December as requested. |
| 21 | Beata Dera Senior Consultation Advisor, Nova Scotia Office of Aboriginal Affairs | <u>Table 3.3 - Consultation Efforts Conducted in Support of the Clydesdale Ridge Wind Farm Project</u> p 3.8 It would be useful if the Proponent provided an update in the final EA registration document regarding additional consultation efforts with the Mi'kmaq, including copies of any correspondence, Open House invitation letters, dates of any site visits that took place, and a list of information provided to the KMK and Pictou Landing First Nation. | Table 3.4 has been updated to include additional information. Most meetings were held by telephone call (KMK) or in person (Pictou Landing First Nation). The Proponent spoke with Twila Gaudet and Melissa Nevin on December 12, 2011. After this conference call, the archaeology study and public open house invitation letter (the same as all others distributed) were emailed to both. Follow up emails were sent by Lisa to ensure the data was received. The archaeology study and open house invitation were sent to CMM. The |

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| | | | <p>Proponent also visited the Pictou Landing First Nation Band office to provide notification of the open house meeting. An invitation was posted at the entrance of the Band Office.</p> <p>Subsequent to the draft EA submission, the Proponent met with the Pictou Landing First Nation. On February 3, 2012, the Proponent met four council members (two were missing) and new Chief Andrea Paul, as well as Band Manager John Paul to discuss the Project. No issues of concern were raised at that time. Roger Hunka of the Maritime Aboriginal People's Council, was also contacted regarding the proposed project.</p> |
| 22 | Beata Dera Senior Consultation Advisor, Nova Scotia Office of Aboriginal Affairs | In addition, an update should be provided from the meeting with Pictou Landing First Nation Council which was scheduled for January 31, 2012. This update should include the concerns raised by the Mi'kmaq and any resulting actions taken or that will be taken by the Proponent to address those concerns. If the concerns cannot be addressed, a reason why this is not possible should be provided. | The meeting scheduled for January 2012 was actually held on February 3, 2012. Discussions focused on the proposed project area, size of project, consultations with KMK and CMM. Proponent explained that an MEKS would be commissioned upon receiving a contract. No issues were raised by the Band Council. Continued correspondence has taken place since then with the PLFN on separate wind related issues and nothing has ever been raised by the PLFN (Chief, council members) regarding the Project. |
| 23 | Mark Elderkin, Nova Scotia Department of Natural Resources | Wildlife Division staff have reviewed the Clydesdale Wind Power draft EA. Environment Canada has also reviewed the draft and has significant concerns surrounding the project for several reasons pertinent to migratory birds. Notably habitat fragmentation, landscape connectivity, and potential impacts on interior forest species were some of the issues identified. I would also note that some of their concerns surround the lack of comprehensive information and inventory data presented in the report. NSDNR shares these concerns, not only with consideration of their potential for adverse effects on migratory birds, but also as they may negatively impact endangered mainland moose. For these reasons we recommend that the Proponent arrange with | A meeting was held on March 21, 2012 at the DNR office in Kentville, with DNR, NSE, the Proponent and Stantec in attendance. These issues were discussed and the EA has been updated to reflect the discussions. As requested by DNR, addition details have been provided regarding the site selection and "historical" layouts and are now shown as well to demonstrate how the Proponent came to the current layout based on energy, environmental and social reasons. As well, |

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| | | <p>NSE and NSDNR a meeting as soon as possible to discuss issues with the draft before submitting a final registration. Thank you.</p> | <p>additional information is provided in the EA regarding education and stewardship initiatives where the Proponent is committed to working with landowners for the long-term. In particular, the Proponent has worked with the landowners in a voluntary forest management plan and avoided cutting on over 500 acres over the last two years. RMSenergy is the landowner of about 3000 acres of land that will have a forest management plan that considers the existence of Mainland Moose and will attempt to control all cutting activities to help create suitable habitat. The Proponent is committed to working with DNR and landowners to protect the mainland moose population, e.g, through initiatives in the Mainland Moose Recovery Program. The bird monitoring data have also been updated and are included in Appendix H and Sections 5 and 6 of the EA. The primary concern that was expressed by NSDNR is fragmentation and loss of habitat. The layout has been modified to eliminate turbines from the perimeters and from sensitive habitat types that may offer habitat transportation routes. The layout has been reduced to 28 locations that offer the best use of the land suitable for wind development while leaving wide tracts of land that currently just have dirt road crossing. This eliminates the concern of “funneling”, by moving and eliminating sections of turbines in these three main areas will allow the land to remain much like it is before the wind farm was built. Two sections, one with five locations and the north-most section with three locations have been eliminated in favor of the current layout. This is also in-line with the idea that large space between has been gained by condensing this proposal. As mentioned previously and in the</p> |

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| | | | EA, the original plan was 34 GE 1.5 turbines; by increasing the MW size and now the blade diameter, the year end production has been able to be achieved with 28 turbines. The Proponent shares with NSDNR the desire to reduce water-crossings, road, power-line and overall site plan in favor a more efficient layout and lowering impacts to all stakeholders. |
| 24 | Monique Breau, Canadian Wildlife Service | While EC's CWS will provide a few preliminary comments regarding the 2010 draft post-construction monitoring report for the Dalhousie wind farm report since it was included with the EIA document, it should be emphasized that the report should not have been submitted in such a rough draft and that it requires significantly more effort. | Comment noted. The Proponent has withdrawn the Dalhousie Mountain Wind Farm post-construction reports from this EA but is currently revising the draft post-construction reports to address CWS comments. |
| 25 | Monique Breau, Canadian Wildlife Service | The Proponent indicates that the project would be considered Low Sensitivity based on EC guidance documents. However, based on Table 1 in Wind Turbines and Birds - A Guidance Document for Environmental Assessment prepared by EC's CWS, the Site Sensitivity for this project is Very High due to the presence of species at risk in the project area. Therefore, based on Table 3 in the CWS guidance document, the proposed project's Level of Concern is a Category 4. | <p>CWS has identified the presence of species at risk as the reason to consider the site a very high sensitivity. The guidance indicates "The presence of a bird species listed as "at risk" by the SARA, COSEWIC or provincial/territorial threat ranking, or the presence of the residence(s) of individuals of that species if listed under the SARA, or of its critical habitat. To be of concern, either the bird or its residence or critical habitat must be considered to be potentially affected by the Project." The only species identified in the vicinity of the Project that potentially fits the definition is Olive-sided Flycatcher, likely nesting adjacent an existing disturbance source (a local quarry), and more than 1.2 km from the nearest proposed turbine, and is 1.2 km from an active turbine. As such, the nesting site is unlikely to be potentially affected by the Project.</p> <p>While not meeting the definition of an "At Risk" species, Wood Thrush (ranked S1) has also been detected near the Project Study Area, however was detected over 1.6 km from</p> |

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| | | | the nearest proposed turbine or access road. |
| 26 | Monique Breau, Canadian Wildlife Service | The EIA should clarify if the substation will include lighting. | The substation currently has security lighting. One light illuminates the courtyard, with the light being shielded from shining up into the skyline which could attract birds at night. Lighting allows for security camera detection for health and safety and security reasons. |
| 27 | Monique Breau, Canadian Wildlife Service | It is expected that poles for collector lines will be placed using drilling and/or jackhammer (page 2.7). Since the installation of the collector line is expected to overlap with the breeding season for most birds (page 1.5), how is the Proponent proposing to avoid disturbing birds during the breeding season? | The proposed schedule has been revised to drill outside the breeding season for birds (January –March 2013). |
| 28 | Monique Breau, Canadian Wildlife Service | Wetlands in the project area should be clearly shown on maps in relation to proposed turbine sites and other proposed infrastructure, and with corresponding wetland number (as mentioned in the text). At this point, it is not clear why wetland functional analysis have not yet been conducted for those wetlands potentially affected by the project. Furthermore, it appears that not all wetlands in the Study Area have been visited in the field yet. Adequate information would be useful in order to better site project infrastructure in a manner that would avoid impacts to wetlands, as well as allowing a better evaluation of effects of the project on wetlands. | <p>There are several areas that were identified by Stantec and led to the elimination of proposed roads and in some cases moving roads to one side of the study path was required to avoid wetland disturbance. In any case wet areas are of major cost and concern to the Proponent and will be avoided. In the case of crossing wet areas, the Proponent has chosen crossings that currently exist and are in need of repair. Local vehicle traffic is using the deteriorated structures and in some cases creating sediment and erosion conditions. The Proponent believes that this approach of following the path of vehicles will allow the users to follow the newly built structures and avoid areas and roads now used.</p> <p>During preliminary planning it was not considered to be feasible to conduct extensive evaluations of all wetlands in the study area. As the layout has changed considerably, many wetlands within the study area will now be avoided. Any remaining wetlands that may require alteration will be subject to a functional analysis and application will be made for a Water Approval for wetland alteration.</p> |

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| 29 | Monique Breau, Canadian Wildlife Service | <p>Several types of migratory bird habitat are in decline in Nova Scotia (NS), including mature coniferous forest, mature deciduous forest and mature mixed forest. This is of concern because certain bird species prefer mature forest habitat. Furthermore, some bird species, generally known as interior species, only prosper when the tracts of mature forest are relatively large and unfragmented (<i>i.e.</i>, interior forest). It is desirable for projects to avoid causing further loss and fragmentation of these habitat types, and to avoid further fragmentation of the landscape. Considering the amount of clearcut and immature habitat present in the area, why is it not possible to site project infrastructure (<i>e.g.</i>, turbines 43, 12, 17, 19, 31, and access roads leading to turbines 20, 21, 31) in a manner that would avoid further fragmentation of interior forest habitat? The EIA should clarify why it is not possible to avoid stands of mature forest habitat.</p> | <p>It is possible to relocate access road to reduce fragmentation of interior forest. This has been considered in the current, revised turbine and access road layout. In particular, several adjustments have been made: Turbine sites 43 and 12 have already been cleared by the landowners, which is not yet reflected in the available habitat data or Google maps: Turbine 17 is located on Crown land and is currently under forest management (clearing certain sections). When the clearing is complete, the Proponent will microsite this turbine to be on a cleared area if possible. The hardwood around Turbine 31 has been entirely cleared of about 60 acres. Turbine 20 has been moved towards 21 which allows the road to be slightly down slope from the existing route in less mature forest. The Turbine 21 area has mature deciduous that has major areas of blow down, the Proponent and landowner are very aware of the forest type and have had previous discussions on how to locate the layup area within this blow down. In any case the land required to locate one turbine is 1 acre. The Proponent, working with landowners, will attempt to reduce all cutting of trees during the entire operation period over 20 years. This will be made possible from the turbine lease income generating an offset to existing forest income.</p> |
| 30 | Monique Breau, Canadian Wildlife Service | <p>How were point count locations chosen? Based on Figure 5.5, it appears that hardly any point count locations are in the vicinity of proposed turbine locations.</p> | <p>Point counts were chosen to include a variety of different habitat types to best identify Species at Risk, based on existing protocols and based on findings during 5 years of bird monitoring of the existing Dalhousie Mountain Wind Farm.</p> |

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| 31 | Monique Breau, Canadian Wildlife Service | Figure 5.5 should show the specific locations where Bobolink and Barn Swallow were observed by Blaney, and where Canada Warbler was observed during the 2011 post-construction monitoring at Dalhousie Mountain. | The survey area where Blaney recorded Bobolink and Barn Swallow is off the Project map and is located more than 12 km from the Clydesdale area in an agricultural area. No suitable habitat for these species was found in the Project Area. The Canada Warbler was located once during post construction monitoring, approximately 3 km from nearest turbine in the existing Dalhousie Mountain wind farm. |
| 32 | Monique Breau, Canadian Wildlife Service | Why are there still 3 turbine sites west of turbine S-31 on Figure 1.2 when in Table 6.4 (page 6.14), the Proponent states that no turbines will be erected west of turbine S-31? | Turbines have been retired in favor of the current layout. |
| 33 | Monique Breau, Canadian Wildlife Service | On page 5.52, it is stated that Wood Thrush was detected near the adjacent points 203 and 207. Where is point 203? | Point 203 has now been added to the mapping. It is approximately 2 km from the nearest proposed turbines (45° 34' 39" N, 63° 02' 37" W). |
| 34 | Monique Breau, Canadian Wildlife Service | The location of Week's Construction Ltd rock quarry, where a large flock of Snow Buntings is known to occur, should be clearly shown on a map in relation to wind turbines. | This has been added to Figure 5.5. |
| 35 | Monique Breau, Canadian Wildlife Service | It should be clearly indicated both on maps and in the text which areas of the proposed Clydesdale wind farm study area overlap with areas where bird surveys have been conducted for the Dalhousie wind farm. It should be clear which reports are being referenced, and copies of those relevant reports should be included in an Appendix in the EIA. | Point count 210 211, 213, 220 are shared with both sites due to shared roads and location. Bird survey data appended to the EA Report has been updated to provide clarity. |
| 36 | Monique Breau, Canadian Wildlife Service | What measures are proposed to avoid spreading invasive species? | The gravel trucks and cement trucks once onsite remain onsite and the Proponent will purchase all aggregate from the existing Weeks rock quarry. The erosion cloth and re-seeding methods will not contain invasive species. |
| 37 | Monique Breau, Canadian Wildlife Service | It is not clear what is meant by the following comment "Due to the timing of activities, it is predicted that there will be no residual effect on bird mortality." (pages 6.6, 6.12, 6.22)? | Tree clearing will be done during winter months and not during migration or breeding season. |
| 38 | Monique Breau, Canadian Wildlife Service | It is proposed that "All activities, including equipment maintenance and refueling, will be controlled or done off-site to prevent entry of petroleum products or other deleterious substances, including debris, waste, rubble or concrete material, into a watercourse." (page 6.8) and | Comment noted and EA Report has been updated to reflect this commitment. |

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| | | "Construction material, excess material, construction debris, and empty containers will be stored away from watercourses and watercourse banks." (pages 6.15, 6.23, 6.70 and 6.81). Similar mitigation measures should be implemented for wetlands and their buffers. | |
| 39 | Monique Breau, Canadian Wildlife Service | Would temporary erosion and sediment control structures be placed near wetlands and their buffers, as would be done for watercourses (page 6.9, 6.15, 6.23, 6.28, 6.70, and 6.81)? | Yes. EA Report has been updated to reflect this commitment. |
| 40 | Monique Breau, Canadian Wildlife Service | The fact that there is existing disturbance to birds and habitat loss should not be used to diminish the effect of disturbance and habitat loss potentially resulting from the project. Rather, these should be considered in the context of cumulative effects. | The discussion of cumulative effects does recognize the influence of existing disturbance. However, the Proponent is making an effort to minimize the Project's direct contribution to habitat loss by using existing disturbed areas to the extent possible. |
| 41 | Monique Breau, Canadian Wildlife Service | Pages 6.12 and 6.20: EC's CWS does not agree that sensory disturbance is likely to be restricted to the Project footprint. | The EA has been updated to reflect a more accurate extent of sensory disturbance, although it is still predicted to be less than several hundred metres from the Project footprint. |
| 42 | Monique Breau, Canadian Wildlife Service | Pages 6.5 and 6.22: Habitat alteration and loss: This section does not appear to consider the effects of habitat fragmentation or of loss of interior habitat. | Additional information has been added to the report with respect to habitat fragmentation and quantification of loss of interior habitat. |
| 43 | Monique Breau, Canadian Wildlife Service | It should be clarified how sensory disturbance is proposed to be performed in compliance with the MBCA (Tables 6.3, 6.4, 6.6, 6.7, 6.8, 6.11, and 6.79) (<i>i.e.</i> , what does the Proponent mean by that?)? | Clearing and drilling/jackhammering will be done during non migratory months and breeding months to the extent possible. |
| 44 | Monique Breau, Canadian Wildlife Service | EC's CWS does not agree that bird habitat loss caused by road construction would be temporary in nature. | For new road construction, habitat loss will be likely be permanent. For the majority of the Project, existing access roads will be used and this will minimize habitat loss. |
| 45 | Monique Breau, Canadian Wildlife Service | Page 6.28: It is the Avian Power Line Interaction Committee (APLIC), rather than the Avian Power Line Intervention Committee, that produces documents with mitigation measures that help avoid/minimize effects of power lines. The Proponent should be made aware that the APLIC has produced new documents since 1996, and that a new manual on avoidance of collisions is expected to be released in the near future. | Comment noted and EA Report has been updated. |

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| 46 | Monique Breau, Canadian Wildlife Service | Page 6.30: How is sensory disturbance to birds during the Operational Phase considered Reversible? Potential sensory disturbance would not be limited to effects on birds migrating through the area, but also to birds during the breeding season. Furthermore, the potential impact of behaviour change on breeding or migrating birds may cause birds to face reduced breeding success or energetic issues during migration. | The Proponent has made considerable effort to schedule certain activities which may be create higher sensory disturbance outside of the breeding season. During construction, disturbances will happen but as the construction phase if finished, the behaviour should return back to normal. This will be monitored during post-construction monitoring. |
| 47 | Monique Breau, Canadian Wildlife Service | Page 6.31: A bird monitoring program is not a mitigation measure. Furthermore, the Proponent states that "Based on the results of the program, necessary modifications to mitigation plans and/or wind farm operations will be undertaken. This statement gives the impression that there are large numbers of proven mitigation options known for wind farms. Other than in situations where lights were attracting birds to the site (and where turning off lights was shown to eliminate the problem), ECÁ's CWS is not aware of proven mitigation options other than the removal or relocation of turbines for reducing or eliminating bird strikes with turbines. If the Proponent is familiar with cases where other mitigation measures have been shown to be effective in reducing numbers of bird collisions with turbines, then those cases should be presented to the Technical Review Committee. | The Proponent acknowledges that monitoring is not in itself a mitigation measure. However, monitoring and adaptive management will allow identification of modifications that may need to be implemented if current mitigation is not shown to be effect. Furthermore, the Proponent is committed to keeping up to date on technological advances and relevant research. New mitigation identified through technological advances or research will be considered if needed. |
| 48 | Monique Breau, Canadian Wildlife Service | It should also be noted that post-construction monitoring is not just undertaken for detection of mortality, but also for detection of disturbance effects, as well as specific monitoring for any listed species under the Species at Risk Act. | It is acknowledged that post-construction monitoring is a form of environmental effects monitoring including monitoring of effects for species at risk. |
| 49 | Monique Breau, Canadian Wildlife Service | CWS will generally not comment on Table 6.10 until all relevant reports have been provided. | Comment noted. |
| 50 | Monique Breau, Canadian Wildlife Service | Page 6.40: While the fatalities were slightly lower than that which occurred in West Virginia, fatality events occurred at 3 NS wind farms in 2011. As with the fatality event in West Virginia, it is suspected that lights played a role in all 3 NS events. | Comment noted. The EA Report has been updated to reflect the NS 2011 mortality event. |
| 51 | Monique Breau, Canadian Wildlife Service | It is not clear what is meant by the statement that "Environment Canada generally recommends that lights be used on towers at night ". In order to minimize the risk to migrant birds, EC's CWS recommends that the minimum amount of pilot warning and obstruction avoidance lighting should be used on tall structures. The use of only strobe lights at night, at the minimum intensity and minimum number of flashes per minute (longest duration between flashes) allowable by Transport | This statement has been removed from the report, and mitigation updated. |

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| | | Canada, is recommended. Also, using the minimum number of lights possible is recommended. The use of solid-burning or slow pulsing warning lights at night should be avoided. | |
| 52 | Monique Breau, Canadian Wildlife Service | It is also recommended that Proponents avoid or restrict the time of operation of exterior decorative lights such as spotlights and floodlights whose function is to highlight features of buildings, or to illuminate an entire building. Especially on humid, foggy or rainy nights, their glow can draw birds from far away. Any such lights should be turned off, at least during the migratory season, when the risk to birds is greatest. Furthermore, lighting for the safety of the employees should be shielded to shine down and only to where it is needed, without compromising safety, and turned off when not in use. Street and parking lot lighting should also be shielded so that little escapes into the sky and it falls where it is required. | There are no outer lights present on the turbines other than required obstruction lights. The spotlights were removed from the Dalhousie turbines. Necessary lighting will be shielded down and used only where necessary to avoid compromising safety. |
| 53 | Monique Breau, Canadian Wildlife Service | There is brief mention of daily movements of Canada Geese in Table 6.10, while page 6.42 mentions a flock of geese commuting between a corn field near Loganville and McIntosh Lake in fall. This species is not discussed in section 5.4.1, other than brief mention of a flock of 11 birds in fall. The flight path of Canada Geese between the corn field in Loganville and McIntosh Lake should be clearly shown on a map in relation to proposed turbines. A better discussion of the potential effects of the proposed wind farm expansion on this flock of birds should be included in the EA. | This anecdotal observation by a local hunter was not verified and this observation has been removed from the EA. MacIntosh Lake will have to be visited during fall migration and staging seasons in order to verify this. According to the hunter the 11 geese documented were flying over Bezansons Lake which is situated in the valley between the two projects. No proposed turbines are located near Bezansons Lake. In this case turbine 20 has been moved to the north to allow a 2km wide wildlife transportation route in this area for birds and moose. |
| 54 | Monique Breau, Canadian Wildlife Service | The Proponent should be reminded of the Migratory Birds Convention Act and associated regulations (MBCA) (see further details below). On page 2.11, it is stated that "Clearing activities will be scheduled outside the breeding season (May to August) to the extent practical. However, in the remote possibility that clearing activities will need to take place during the breeding season, an adequately trained specialist will be required to inspect the proposed work area for nesting birds prior to any site clearing." In Table 6.3, it is stated that "If clearing must be conducted during the breeding season for most birds, a contingency plan will be implemented to ensure compliance with MBCA." | All clearing activities will be undertaken during the winter months to reduce the likelihood for interactions with birds. |

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| 55 | Monique Breau, Canadian Wildlife Service | On page 6.43, it is indicated that "Construction on-site will occur outside the breeding season to the extent possible to avoid contravention of the Migratory Birds Convention Act. If clearing activities cannot be scheduled to avoid the breeding season for most birds (May to August), then a birder on-site will identify nests within or immediately adjacent to work areas, and flag them for avoidance during construction." It is difficult to locate most nests of migratory birds. Nest sites are cryptic and adult birds avoid approaching their nests in a manner that would attract predators to their eggs or chicks. The amount of habitat to be searched also often limits the success of surveys intended to locate active nests. | Clearing is scheduled for the winter months and will not be undertaken during the breeding bird season. |
| 56 | Monique Breau, Canadian Wildlife Service | If there is a need to determine whether nests are present in vegetated areas, the Proponent should consider using non-intrusive searching methods in order to prevent disturbing migratory birds while they are nesting. For example "point counts" (a technique where singing territorial males are located) may provide a good indication of the presence of song bird nests in an area. Also, certain bird behaviours can be very good predictors of nesting or chick-rearing activities nearby. Should an adult be flushed or display agitated behaviour, it should be suspected that a nest or chicks are present. | Clearing will not occur during these months. |
| 57 | Monique Breau, Canadian Wildlife Service | Using active nest searching techniques must be carefully evaluated because in most habitats nest detectability remains very low while the risk of disturbing active nests is high. Flushing nesting birds increases the risk of predation of the eggs or young, or may cause the parent birds to abandon the nest. Therefore, except when nests are known to be easy to locate, active nest searches are not recommended because of the inability to locate most nests and because of the disturbance to nesting birds they are likely to cause. Thus, in most circumstances incidental take is unlikely to be avoided through active nest searches. | Comment noted. |
| 58 | Monique Breau, Canadian Wildlife Service | If nests containing eggs or young of migratory birds are located or discovered, all activities in the nesting area should be halted until nesting is completed (<i>i.e.</i> , the young have left the vicinity of the nest). Any nest found should be protected with a buffer zone appropriate for the species and the surrounding habitat until the young have left their nest. Nests should not be marked using flagging tape or other similar material as these increase the risk of nest predation. | Comment noted. |
| 59 | Monique Breau, Canadian Wildlife Service | Considering that the project is expected to result in the loss and fragmentation of mature forest habitat, interior forest habitat, and wetlands, and that past human activities in the project area have also | The Project as currently proposed will not add substantively to the loss of interior forest, and fragmentation will be limited, given the |

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| | | <p>resulted in the loss and fragmentation of forest and wetland habitat, how can the Proponent state that "The Project is not expected to result in additional loss of high quality habitat or expected to contribute to the cumulative environmental effects of human activities on wildlife habitat." (page 6.77)?</p> | <p>substantive use of existing forestry roads, and the placement of turbines largely in disturbed (usually previously harvested) areas. As well, the Proponent intends to continue with education and stewardship initiatives where the Proponent is committed to working with landowners on managing their land for wildlife considerations. The Proponent has worked with landowners by establishing voluntary forest management practices and avoided cutting on over 500 acres of mature forest over the last two years. RMSenergy is the landowner of about 3000 acres of land that will have a forest management plan that considers wildlife management (including migratory birds and Mainland Moose and will attempt to control all cutting activities to help create suitable habitat.</p> <p>The layout has been modified to eliminate turbines from the perimeters and from sensitive habitat types that may offer habitat transportation routes. The layout has been reduced to 28 locations that offer the best use of the land suitable for wind development while leaving wide tracts of land that currently just have dirt road access. The original plan was 34 GE 1.5 turbines; by increasing the MW size, the year-end production is achievable with 28 turbines.</p> |
| 60 | Monique Breau, Canadian Wildlife Service | <p>It is indicated that topsoil and subsurface soils would be separated and stockpiled on site for subsequent use. It should be noted that certain species of migratory birds (e.g., Bank Swallows) may choose to nest in piles of soil. If this occurs, it should be ensured that nests are not hydroseeded, that alternate measures are taken to reduce potential for erosion, and that nests are protected until chicks have fledged and left the area. For a species such as Bank Swallows, the period when the nests would be considered active would include not only the time when birds are incubating eggs or taking care of flightless chicks, but</p> | <p>Stockpiling occurs only for periods of hours or several days in duration, however all stockpiles are smoothed and sloped with the back of the excavator bucket. This prevents erosion but also eliminates the overhang and loose dirt required for nesting.</p> |

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| | | also a period of time after chicks have learned to fly since swallows return to their colony to roost. | |
| 61 | Monique Breau, Canadian Wildlife Service | It should be ensured that stockpiled soils are not placed in wetlands or watercourses or their buffers, or in the other sensitive habitats (e.g., habitats of species at risk or species of conservation concern). | Comment noted and EA Report has been updated. |
| 62 | Monique Breau, Canadian Wildlife Service | The use of tubular towers rather than lattice towers is provided as mitigation in Table 6.9. Are lattice towers still used for the construction of new wind farms? | Newer turbines of this class are constructed using solid tube like towers. |
| 63 | Monique Breau, Canadian Wildlife Service | <p>The following are a limited number of preliminary comments regarding the draft 2010 post-construction monitoring bird survey report for the Dalhousie Wind Farm presented in Appendix F. As previously stated, this report is in very rough form at this point. EC's CWS would be happy to provide further comments once a revised copy of this report is available.</p> <p>Note: Several subsequent comments from CWS comments pertain to post-construction monitoring reports for Dalhousie Mountain Wind Farm and have not been included in this table.</p> | Comment noted. Stantec is currently working with the Proponent to update these reports and address CWS comments. These reports when finalized will be submitted separately to CWS for review, outside of the Clydesdale EA review process. Appendix H now contains updated bird survey data specifically for Clydesdale Ridge Wind Farm. |
| 64 | Monique Breau, Canadian Wildlife Service | The following section describes legislation and policy applicable to the proposed project: Migratory Birds Convention Act (MBCA) | Comment noted. |
| 65 | Monique Breau, Canadian Wildlife Service | The conservation of migratory birds is the joint responsibility of the countries these birds visit during the breeding, migration, and non-breeding seasons. Environment Canada is responsible for fulfilling Canada's obligations for the conservation of migratory birds through administration of the MBCA. Migratory birds protected by the Act generally include all seabirds except cormorants and pelicans, all waterfowl, all shorebirds, and most landbirds (birds with principally terrestrial life cycles). Most of these birds are specifically named in the Environment Canada publication, Birds Protected in Canada under the Migratory Birds Convention Act, Canadian Wildlife Service Occasional Paper No. 1 (available online at http://www.ec.gc.ca/Publications/default.asp?lang=En&xml=97AC4B68-69E6-4E12-A85D-509F5B571564). | Comment noted. |
| 66 | Monique Breau, Canadian Wildlife Service | Under Section 6 of the Migratory Birds Regulations (MBR), it is forbidden to disturb, destroy or take a nest or egg of a migratory bird; or to be in possession of a live migratory bird, or its carcass, skin, nest or egg, except under authority of a permit. It is important to note that under the current MBR, no permits can be issued for the incidental take of migratory birds caused by development projects or other | Comment noted. |

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| | | <p>economic activities. Furthermore, Section 5.1 of the MBCA describes prohibitions related to deposit of substances harmful to migratory birds:</p> <p>"5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds."</p> | |
| 67 | Monique Breau, Canadian Wildlife Service | It is the responsibility of the Proponent to ensure that activities are managed so as to ensure compliance with the MBCA and regulations. In fulfilling its responsibility for MBCA compliance, the Proponent should take the following points into consideration: | Comment noted. |
| 68 | Monique Breau, Canadian Wildlife Service | The breeding season for most birds within the Project area occurs between May 1st and August 31st; however some species protected under the MBCA nest outside this timeframe. | Comment noted. Clearing is scheduled to occur between January and March. |
| 69 | Monique Breau, Canadian Wildlife Service | While most bird species construct nests in trees and shrubs, a number of species of birds nest at ground level (e.g., Common Nighthawk, Killdeer), and some species may nest in burrows in stockpiles of soil or the banks of pits (e.g., Bank Swallows). | Comment noted. |
| 70 | Monique Breau, Canadian Wildlife Service | One method frequently used to minimize the risk of destroying bird nests consists of avoiding certain activities, such as clearing, during the nesting period for migratory birds in the region. Risk of impacting active nests or birds caring for pre-fledged chicks, discovered during project activities outside the May 1st to August 31st window, can be minimized by measures such as the establishment of vegetated buffer zones around nests, and minimization of activities in the immediate area until nesting is complete and chicks have naturally migrated from the area. It is incumbent on the Proponent to identify the best approach, based on the circumstances, to complying with the MBCA. | No clearing activities will be done outside of the winter months. |
| 71 | Monique Breau, Canadian Wildlife Service | <p>Species at Risk Act (SARA):</p> <p>The Proponent must ensure its activities are managed so as to comply with the Species at Risk Act (SARA). SARA is one of three elements of</p> | The Proponent will comply with SARA requirements. There is no expected interaction with any SARA-listed species. |

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| | | Canada's Strategy for the Protection of Species at Risk. The other two are the federal-provincial/territorial Accord for the Protection of Species at Risk and the Habitat Stewardship Program for Species at Risk. | |
| 72 | Monique Breau, Canadian Wildlife Service | The 1996 Accord for the Protection of Species at Risk commits the federal government, provinces and territories to establish complementary legislation and programs to protect Canada's species at risk. The Act complements the work being done by provincial and territorial governments while ensuring federal responsibilities and standards are met. | Comment noted. |
| 73 | Monique Breau, Canadian Wildlife Service | The goal of SARA is to prevent endangered or threatened wildlife from becoming extinct or lost from the wild, and to provide for the recovery of these species. The Act is also intended to manage species of special concern and to prevent them from becoming endangered or threatened. The Act recognizes that the protection of wildlife species is a joint responsibility and that all Canadians have a role to play in the protection of wildlife. | Comment noted. |
| 74 | Monique Breau, Canadian Wildlife Service | The Minister of Environment's responsibilities under the Act include the protection and recovery of migratory birds and species at risk on federal lands, other than those under the responsibility of the Minister of Fisheries and Oceans or those individuals under the responsibility of the Parks Canada Agency. The Minister of Fisheries and Oceans is responsible for aquatic species at risk. | Comment noted. |
| 75 | Monique Breau, Canadian Wildlife Service | Under the Accord for the Protection of Species at Risk, it is understood that the provinces and territories will undertake actions and enforce prohibitions for the conservation of species at risk that come under their management authority. SARA allows the federal government to enact protective prohibitions in cases where a province or territory fails to provide effective protection for a species or its critical habitat. | Comment noted. |
| 76 | Monique Breau, Canadian Wildlife Service | SARA amends the definition of "environmental effect" in CEAA to include "any change [a project] may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act". In addition, Section 79 of SARA confers specific duties to persons required by an Act of Parliament to ensure that an environmental assessment (EA) is conducted. "Persons" are defined to include Responsible Authorities of projects undergoing a federal EA. Responsible Authorities must identify adverse effects of a project on listed species and their critical habitat or residences. If the project is | Comment noted. |

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| | | ultimately carried out, Responsible Authorities must ensure that measures are taken to avoid or lessen adverse effects and that effects are monitored. It should also be noted that while SARA prohibitions do not apply to species listed as Special Concern, section 79 of SARA does apply to these species. | |
| 77 | Monique Breau, Canadian Wildlife Service | In addition to SARA requirements, application of the precautionary principle and the consideration of potential impacts on all rare or imperilled species in Canada (e.g., species of conservation concern) is considered by Environment Canada to be a best practice approach to fulfilling EA responsibilities. | Comment noted. |
| 78 | Monique Breau, Canadian Wildlife Service | The Federal Policy on Wetland Conservation (FPWC): The Federal Policy on Wetland Conservation (FPWC) was introduced "to promote the conservation of Canada's wetlands to sustain their ecological and socio-economic functions, now and in the future". The policy recognizes the importance of wetlands to the environment, the economy and human health, and promotes a goal of no-net-loss of wetland functions. In support of this goal, the FPWC and related implementation guidance identify the importance of planning, siting and designing a project in a manner that accommodates a consideration of mitigation options in a hierarchical sequence - avoidance, minimization, and as a last resort, compensation. If no federal decisions (e.g., funding, permit) or lands are related to this project, then Environment Canada advocates application of the FPWC to the Project as a best practice. | Comment noted. Considerable effort has been made to avoid interactions with wetlands during Project layout design. |
| 79 | Monique Breau, Canadian Wildlife Service | For those wetlands where avoidance is not possible, a detailed description of the reasons why avoidance and minimization of impacts were determined to not be possible should be provided. This information should be provided during the EIA project review process. The mitigation measures and monitoring plan, as well as a proposed compensation plan, should be consistent with those proposed for other projects in Atlantic Canada. | Considerable effort has been made to avoid interactions with wetlands during Project layout design. During micro-siting, additional wetland surveys will be conducted as necessary to refine delineations and minimize interactions with wetlands. If avoidance is not possible, A Water Approval application will be submitted to NSE for consideration and wetland habitat compensation will be implemented to avoid net loss of wetland area and functions. |
| 80 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | Please ensure minimum requirements are met when submitting your Registration Document. Section 9 of the Environmental Assessment Regulations provides a complete list of minimum requirements that must be met. The minimum requirements are available for your | Comment acknowledged. |

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| | | reference online at: http://www.gov.ns.ca/just/regulations/REGS/envassmt.htm . In particular, please ensure at least one document provides the name and signature of the Chief Executive Officer or a person with signing authority, if the Proponent is a corporation. | |
| 81 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | Please include the manufacturers rated sound power level as part of the turbine technical specifications detailed in Table 2.1. | Table 2.1 has been updated. |
| 82 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | Nova Scotia has no set regulatory limits respecting exposure to shadow flicker. However the EA Branch recommends Proponents meet the recognized industry standard of no more than 30 hours per year and/or 30 minutes per day. As detailed on page 6.59, preliminary model results suggests receptors may be at risk of exposures exceeding the industry standard. Please ensure the final registration document includes a discussion on mitigating exposures exceeding the industry standard. | The receptors in question have been visited since the modeling was conducted and it is believed that due to vegetative cover, visual effects will be greatly reduced than what has been predicted by the model. However, the Proponent has made a commitment to monitor shadow flicker concerns as necessary and will implement appropriate mitigation to avoid exceedance of the recognized industry standard. This may include shutting down specific turbines for certain periods of the day/year when shadow flicker may be at its peak. |
| 83 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | It is unclear if crown land is required for the development of this Project. It has been indicated in the draft report that an application was provided to DNR Crown land Lease Division for the use of one crown land parcel. The report also suggests that private long term leases and easements are in place to permit the entire installation of the Project. | Please refer to Comment #19. |
| 84 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | It is unclear if the Draft EA has been shared with the Nova Scotia Mi'kmaq. While the EA Branch encourages Proponents to share draft reports with the Mi'kmaq of Nova Scotia, the distribution of the Draft EAs are limited to provincial and federal reviewers. If the Draft EA has not been provided to the Mi'kmaq of Nova Scotia by the Proponent, this reference should be removed as it does not reflect current practice. | Comment acknowledged and EA text has been updated. See Comments # 21 and 22 for additional communication with the Mi'kmaq. |
| 85 | Steve Sanford, Environmental Assessment Office, Nova Scotia Environment | All reviewer comments have been provided to you as received. NSDNR has indicated that comments will be provided no later than February 23 rd and will be forwarded to you upon receipt. If you have any questions or would like to discuss these in greater detail, please call me. | See Comment # 23 for DNR comments and response. |