

# Nova Scotia Environment and Labour (“NSEL”)

## Environmental Assessment Approval

Approval Date: *November 14, 2005*

### Wind Energy Project, Creignish Rear Site Black River Wind Limited, Proponent

Creignish Rear, Inverness County,  
Nova Scotia

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The Wind Energy Project, Creignish Rear Site (the Undertaking), proposed by Black River Wind Limited (the Proponent) to be located at Creignish Rear, Inverness County, Nova Scotia is given environmental assessment approval pursuant to Section 13(1) of the *Environmental Assessment Regulations*. The 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.

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### 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, extension, 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 Environmental Assessment Approval shall expire within two years of the date of its issuance unless the Proponent commences work on the Undertaking by the end of the two year period, unless granted a written extension by the Minister.

- 1.3 The Proponent shall 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 shall implement all mitigation and commitments in the Registration Document, unless approved otherwise by NSEL.

## **2.0 Birds**

- 2.1 The proponent shall provide to the Nova Scotia Department of Natural Resources (NSDNR) Wildlife Division and Canadian Wildlife Service (CWS), for review and approval, a bird and bat monitoring program, which shall include details on how any identified potential impacts to birds or bats will be mitigated. Results of the bird and bat monitoring program shall be submitted at dates to be determined in consultation with NSDNR and CWS. Based on the results of the monitoring programs, the Proponent shall make necessary modifications to mitigation plans and/or wind farm operations to prevent continued unacceptable environmental effects to the satisfaction of NSEL.
- 2.2 Prior to wind turbine construction and assembly, the proponent shall submit a proposed turbine lighting plan for review and approval by Environment Canada.

## **3.0 Terrestrial Resources**

- 3.1 Prior to construction, the Proponent shall submit species-at-risk and species-of-concern data for a 100km radius around the development site for all taxonomic groups. Based on the results of this work, additional field inventories may be required and mitigation measures established to the satisfaction of NSEL and NSDNR.

## **4.0 Surface and Groundwater Resources**

- 4.1 Prior to construction the Proponent shall submit a sedimentation and erosion control plan for review and approval by NSEL.
- 4.2 The Proponent shall not blast unless otherwise approved by NSEL.
- 4.3 The Proponent shall implement the best management practices plan to prevent accidental discharge of lubricants as committed to in the environmental assessment registration document.

## **5.0 Noise and Visual Impact**

5.1 The Proponent shall monitor for noise at the request of NSEL.

## **6.0 Public Consultation**

6.1 At the request of NSEL, the Proponent shall form a Community Liaison Committee (CLC) in consultation with NSEL and with municipal and community representatives. The NSEL *Guidelines for the Formation of a Community Liaison Committee* shall be used for the guidance of the Proponent and community.

## **7.0 Archaeological Resources**

7.1 Prior to construction, the Proponent shall conduct an archaeological impact assessment which shall include background research on settlement history and an archaeological reconnaissance survey with sub-surface testing if required. Results of the survey shall be submitted to Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and Culture.

7.2 The Proponent shall cease work and contact the Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and Culture, 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 Wind Farm Development and Operation**

8.1 The Proponent shall provide in a form acceptable to NSEL, proof of either ownership of the site or a lease or other written agreement or option with the landowner or occupier to enable the Proponent to conduct the activity on the site.

## **9.0 Site Reclamation**

9.1 The Proponent shall submit a reclamation plan to NSEL for review and approval six months prior to initiating site reclamation and abandonment.

*original signed by*

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Kerry Morash  
Minister of Environment and Labour