

Nova Scotia Environment and Labour (“DEL”)

Environmental Assessment Approval

Approval Date: Original Dated November 7, 2003

Pubnico Point Wind Farm

Pubnico Point Wind Farm Inc., Proponent

**Pubnico Point, Yarmouth County
Nova Scotia**

The Pubnico Point Wind Farm (the “Undertaking”), proposed by Pubnico Point Wind Farm Inc. (the “Proponent”), Pubnico Point, Yarmouth County, is approved pursuant to Section 13(1)(b). 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, 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.

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 the DEL.

2.0 Terrestrial Resources

- 2.1 The Proponent shall establish protocols for reassessing the priority of species to be researched in botanical survey work to the satisfaction of the DNR Wildlife Division. Based on the determination of this work, additional botanical survey work may be required and mitigation plans identified to the satisfaction of DEL in consultation with the DNR Wildlife Division.
- 2.2 The proponent shall provide to the DNR Wildlife Division, for review and approval, a bird monitoring protocol/program, prepared in consultation with DNR Wildlife Division, including a proposal addressing details on how potential impacts to birds will be mitigated. Based on the results of 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 the DEL, based on consultation with the DNR Wildlife Division.
- 2.3 The botanical protocol described in 2.1 and the bird program/protocol described in 2.2 shall be submitted to the DNR Wildlife Division by dates determined by the DNR Wildlife Division.

3.0 Public Consultation

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

Proponent and community.

4.0 Archaeological Resources

4.1 The Proponent shall cease work and contact the Curator of Special Places, Heritage Division, Nova Scotia Department of Tourism and Culture; Executive Director, Confederacy of Mainland Mi'kmaq; and Executive Director, Union of Nova Scotia Indians, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed project.

5.0 Noise and Dust

5.1 The Proponent shall monitor for noise and dust at the request of the DEL.

5.2 Construction related activities shall be limited to daylight hours, Monday to Friday, unless otherwise approved by the DEL.

6.0 Wind Farm Development and Operation

6.1 Prior to construction of the terrestrial components of the Undertaking, the Proponent shall provide for review and approval to the DEL Yarmouth District Office, an Environmental Protection Plan (EPP) for the construction, operation and maintenance of the Pubnico Wind Farm. The EPP shall include, but not be limited to:

- a) details of procedures to ensure hazardous material are handled, stored and disposed of properly,
- b) details of testing for and handling of pyritic slate, and monitoring of runoff if pyritic slate is encountered,
- c) blasting plans if blasting is required,
- d) details of erosion and sedimentation control plans, including a monitoring program for site runoff,
- e) details of proposed mitigation measures for any construction within a wetland,
- f) such other information as required by the DEL.

The proponent shall adhere to the final EPP, including any subsequent revisions as required by the DEL.

- 6.2 The Proponent shall provide in a form acceptable to the DEL, 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 or has the legal right or ability to conduct the activity without the consent of the landowner or occupier.
- 6.3 All plans related to facility operation shall be resubmitted over the lifetime of the project, at a schedule to be established by the DEL, and revised as determined by the DEL.

7.0 Contingency Plan

- 7.1 The Proponent shall provide for review and approval a contingency plan that includes but shall not be limited to:
- a) accidental occurrences, including but not limited to contingencies for spills, including spill equipment kept on-site and location of emergency phone numbers
 - b) training to be delivered to staff
 - c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).

Original Signed By

Kerry Morash
Minister of Environment and Labour