

# Environmental Assessment Approval

**Approval Date:** *Original dated March 27, 2012*

## **Pugwash Wind Farm, Project North Cumberland Wind Farm LP, Proponent**

**Cumberland County, Nova Scotia**

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The Pugwash Wind Farm (the “Undertaking”), proposed by North Cumberland Wind Farm LP (the “Approval Holder”) in 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 project is limited to the project as described in the 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.
- 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 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 construction, the Approval Holder must consult with DNR's Wildlife Division and NSE to discuss specific turbine locations, and the location of the substation. Final locations must be approved by NSE and provided in a digital format as specified by NSE.
- 2.2 Prior to construction, the Approval Holder must provide CWS and DNR pre-EA field work reports for birds and plants. Based on this information, further studies may be required, at the request of NSE.
- 2.3 Prior to construction, the Approval Holder must provide DNR's Regional Services and Wildlife Division staff with digital way point files revealing precise locations for all "RED", "YELLOW" and "UNDETERMINED" listed species identified during field work within the area proposed for development. The Approval Holder must report to NSE that the files have been provided to DNR.
- 2.4 The Approval Holder must avoid and/or mitigate habitat of the Halbred-Leaf Tearthumb.
- 2.5 Prior to clearing and construction, the Approval Holder must develop and implement a program to monitor Mainland Moose in consultation with and to a standard as defined by DNR's Wildlife Division. The Approval Holder must provide monitoring details and results in an annual report submitted by January 15th of each year to NSE, DNR, and CWS, unless otherwise approved by NSE.
- 2.6 Prior to clearing and construction, the Approval Holder must develop and implement a program to monitor for birds and bats. The monitoring program and associated reporting requirements must be developed to the standards as defined by DNR's Wildlife Services and CWS. The Approval Holder must provide details in an annual report submitted by January 15th of each year to NSE, DNR and CWS, unless otherwise approved by NSE. Based on the results of bird and bat monitoring, the Approval Holder must make necessary modifications to mitigation plans, and/or wind farm operations, to the satisfaction of NSE.

The Approval Holder must undertake mortality monitoring and other work that may be deemed necessary from time to time based on unforeseen event and surrender all specimens from such work to the Canadian Cooperative Wildlife Health Centre for necroscopy.

- 2.7 If site preparation activities occur between April 1 and August 31 (breeding season for most birds) the Approval Holder must prepare and implement a monitoring and mitigation plan for breeding activity (i.e. nesting) in consultation with DNR and the CWS.

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

- 3.1 Once the final layout and turbines have been selected, but prior to clearing and construction, the Approval Holder must provide an updated map showing all receptors within 1.5km and their relationship to updated sound modelling, shadow flicker and visual zone of influence/photomontage, for review and approval by NSE.
- 3.2 The Approval Holder must monitor noise, at the request of, and to the satisfaction of NSE under varying climatic conditions in order to ensure that noise levels do not exceed an acceptable level. 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 an acceptable level.
- 3.3 The Approval Holder must develop a plan to monitor shadow flicker, at the request of, and to the satisfaction of NSE. 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 TC.

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

- 4.1 The Approval Holder must not blast unless otherwise approved by NSE.
- 4.2 The Approval Holder must inspect and maintain erosion and sedimentation control structures daily to ensure their effectiveness, unless otherwise approved by NSE. A contact person must be assigned to inspect and maintain these structures during storm events or others excessive precipitation events. Results of any assessment must be submitted, at a frequency to be determined, to NSE as part of the EPP.
- 4.3 The Approval Holder must not construct a turbine within 30m of a wetland or watercourse, unless otherwise approved by NSE.

- 4.4 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.

## **5.0 Public Consultation**

- 5.1 The Approval Holder must establish and operate a Community Liaison Committee (CLC). The NSE Guidelines for the Formation of a Community Liaison Committee should be used for guidance. The Approval Holder must operate the CLC for the duration of the undertaking and until released in writing by NSE.
- 5.2 The Approval Holder must solicit CLC membership from the Municipality of the County of Cumberland, The Village Commissioners of Pugwash, the Mi'kmaq community and the general public.
- 5.3 The Project CLC must be established prior to construction.
- 5.4 The Approval Holder must develop a complaint resolution plan to address all concerns associated with the project. 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 Prior to construction, the Approval Holder must supply a copy of the MEKS, upon completion, to the KMKNO for review and comment.

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

- 7.1 The Approval Holder must submit final site design/layout to CCH for review to determine if archaeological testing will be required prior to construction. Confirmation must be sent to NSE.
- 7.2 Prior to clearing and construction, the Approval Holder must submit a report addressing palaeontology, including up-to-date geological map with references and a list of possible fossils they will encounter, to CCH. Should fossil resources be encountered during the course of project, contact must be made with Coordinator, Special Places.
- 7.3 The Approval Holder must cease work and contact the Coordinator, Special Places, Nova Scotia Communities, Culture & Heritage, immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the finds is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the

Executive Director of the KMKNO.

## **8.0 Environmental Management System**

- 8.1 Prior to construction, the Approval Holder must provide for review and approval to NSE, the following information:
- a) 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; and
    - iii) a contingency plan to address accidents that includes spill response procedures, emergency contacts, and staff training.
  - b) The locations and construction details for proposed new roads, turbines and associated infrastructure, and any other such information as required by NSE.
- 8.2 The Approval Holder must adhere to the EPP once finalized and accepted by NSE.
- 8.3 The Approval Holder must adhere to the EPP once finalized and accepted by NSE. Construction work can only commence upon receiving NSE approval for the EPP.

## **9.0 Site Reclamation**

- 9.1 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 timeline for reparation to the unit(s) to either render it fully functional or provide similar details for removing the turbine from the site within not more than 2 years from when the report was received.
- 9.2 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.

*Original signed by*

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Sterling Belliveau  
Minister of Environment