

## Comment Index

### Upper Afton Wind Project Antigonish and Guysborough Counties

Comment Period End Date: February 3, 2026

#### Government

Number	Source	Date Received
1	Health Canada	17 March 2026
2	Impact Assessment Agency of Canada	18 March 2026
3	Transport Canada	18 March 2026
4	Environment and Climate Change - Sustainability and Applied Science Division (Air Quality Unit)	23 March 2026
5	Department of Municipal Affairs	23 March 2026
6	Environment and Climate Change - Compliance Division	25 March 2026
7	Department of Fisheries and Aquaculture	25 March 2026
8	Department of Communities, Culture, Tourism and Heritage	25 March 2026
9	Environment and Climate Change Canada	26 March 2026
10	Environment and Climate Change - Sustainability and Applied Science Division (Water Resource Management Branch)	26 March 2026
11	Department of Public Works	27 March 2026
12	Department of Agriculture	27 March 2026
13	Environment and Climate Change – Climate Change Division	27 March 2026
14	Fisheries and Oceans Canada	27 March 2026
15	Department of Natural Resources and Department of Energy	13 April 2026

**Nova Scotia Mi'kmaq**

<b>Number</b>	<b>Source</b>	<b>Date Received</b>
1	Kwilmu'kw Maw-Klusuaqn (KMK)	09 April 2026

**Public**

<b>Number</b>	<b>Source</b>	<b>Date Received</b>
1-2	Anonymous Public Comments	06 March 2026
3	TEP Engineering Canada ULC	12 March 2026
4	Anonymous Public Comments	16 March 2026
5	Stark International Inc.	16 March 2026
6	Anonymous Public Comments	29 March 2026
7	Maritime Aboriginal Aquatic Resources Secretariate and Native Council of Nova Scotia	14 April 2026
8-9	Anonymous Public Comments	15 April 2026

**From:** [Allain, Jérémie \(HC/SC\)](#) on behalf of [IA-ATL / EL-ATL \(HC/SC\)](#)  
**To:** [Rafferty, Meghan](#)  
**Cc:** [Maclean, Lachlan \(HC/SC\)](#)  
**Subject:** RE: EA Registration: Upper Afton Wind Project, Antigonish and Guysborough Counties  
**Date:** March 17, 2026 12:29:52 PM  
**Attachments:** [image001.jpg](#)  
[Human Health Considerations in JA.pdf](#)  
[Generic noise advice for wind farm projects EN.pdf](#)

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Unclassified / Non classifié

Hello Meghan,

As per your email below regarding Upper Afton Wind Project, Antigonish and Guysborough Counties, please identify any project-related human health impacts to which you require advice and guidance from Health Canada.

HC's role in Impact/Environmental Assessment is founded in statutory obligations under the Canadian Impact Assessment Act, and its knowledge and expertise can be called upon by reviewing bodies (e.g., Impact Assessment Agency of Canada, review panels, Indigenous groups and/or other jurisdictions). In the absence of such a request from one of the above noted groups, HC is unable to carry out a comprehensive review of the project. **However, HC can accommodate specific requests for human health advice and guidance related to provincial environmental assessments within a reasonable timeframe.**

Health Canada currently possesses expertise in the following areas related to human health:

- air quality;
- recreational and drinking water quality;
- traditional foods (country foods);
- noise; and
- methodological expertise in conducting human health risk assessments.

To help with your review of human health impacts, I have attached a document of common human health considerations in project reviews including links to Health Canada's guidance documents and generic noise advice for wind farm projects.

Regards,

Jérémie Allain, M.Sc  
(il | he)

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**Human Health Considerations in Impact Assessment**

Health Canada (HC) provides the following generic considerations for evaluating human health impacts in environmental/impact assessment (EA/IA). Please note that this is not an exhaustive list of human health concerns that may result from projects, and that issues will vary based on project specifics. Please also note that HC does not approve or issue licenses, permits, or authorizations in relation to the IA. HC's role in Impact Assessment is founded in statutory obligations under the Canadian Impact Assessment Act, and its knowledge and expertise can be called upon by reviewing bodies (e.g., Impact Assessment Agency of Canada, review panels, Indigenous groups and/or other jurisdictions). In the absence of such a request from one of the above noted groups, HC is unable to carry out a comprehensive review of the project. However, HC is able to accommodate specific requests for human health advice and guidance related to provincial environmental assessments within a reasonable timeframe.

HC currently possesses expertise in the following areas related to human health: air quality, recreational and drinking water quality, traditional foods (country foods), noise, and methodological expertise in conducting human health risk assessment. Based on Health Canada's "Guidance for Evaluating Human Health Impacts in Environmental Assessment", please consider the following information on these topics to assist in your review.

Consideration		Reference Document
<p><b>Receptor Location(s)</b></p> <p>Please ensure the registration document clearly identifies the locations of all receptors that may be impacted by the proposed project, including any receptors located along the transportation route, if applicable.</p>	<ul style="list-style-type: none"> <li>It is important to clearly describe the location and distance from the proposed site(s) to all potential human receptors (permanent, seasonal or temporary), taking into consideration the different types of land uses (e.g. residential, recreational, industrial, etc.), and identifying all vulnerable populations (e.g. in schools, hospitals, retirement or assisted living communities). Note that the types of residents and visitors in a particular area will depend on land use, and may include members of the general public and/or members of specific population subgroups (Indigenous peoples, campers, hunters, etc.)</li> <li>If there is the potential that project-related activities could affect human receptors, impacts to human health should be considered.</li> </ul>	<p><i>Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Human Health Risk Assessment. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.</i></p> <p><a href="https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-6-2023-eng.pdf">https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-6-2023-eng.pdf</a></p>

<b>Atmospheric Environment</b>		
<p>Project impacts to the atmospheric environment include changes to air quality and noise, and can occur in both the construction, operation and decommissioning phases of the project. Project impacts to air quality are commonly caused by emissions from equipment or vehicles as well as by dust. Noise impacts are commonly caused by equipment as well as by activities such as blasting.</p>	<ul style="list-style-type: none"> <li>• If there are receptors that could be affected by project-related activities, impacts to the atmospheric environment should be considered. Changes to the atmospheric environment that may impact human health include: <ul style="list-style-type: none"> <li>○ impacts to air quality (dust or fumes including PM<sub>2.5</sub>, NO<sub>x</sub>, SO<sub>x</sub>, PAHs)</li> <li>○ increased noise from construction or operations</li> </ul> </li> <li>• If there are receptors who could be impacted by project-related noise, it may be necessary to inform receptors prior to loud activities, such as blasting.</li> <li>• If there is the potential for impacts to human receptors from noise and/or air quality changes from the project, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required.</li> </ul>	<p><i>Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario</i>  <a href="https://publications.gc.ca/collections/collections/collectio_2024/sc-hc/H129-54-3-2023-eng.pdf">https://publications.gc.ca/collections/collections/collectio_2024/sc-hc/H129-54-3-2023-eng.pdf</a></p> <p><i>Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Air Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.</i>  <a href="https://publications.gc.ca/collections/collectio_2024/sc-hc/H129-54-1-2023-eng.pdf">https://publications.gc.ca/collections/collectio_2024/sc-hc/H129-54-1-2023-eng.pdf</a></p>
<b>Recreational and Drinking Water Quality</b>		
<p>The proponent should consider whether any nearby waterbodies are used for recreational (i.e. swimming, boating, or fishing) or drinking water purposes, as well as whether there are any drinking water wells in the area potentially impacted by the project. Nearby drinking and/or recreational water quality may be impacted by</p>	<ul style="list-style-type: none"> <li>• If there is the potential for impacts to drinking and/or recreational water quality from the project site, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required.</li> </ul>	<p><i>Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Drinking and Recreational Water Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.</i>  <a href="https://publications.gc.ca/collections/collections/collectio_2024/sc-hc/H129-54-2-2023-eng.pdf">https://publications.gc.ca/collections/collections/collectio_2024/sc-hc/H129-54-2-2023-eng.pdf</a></p>

<p>accidents or malfunctions, such as a fuel spill; by dust and increased sediment runoff; and by other chemical discharges to the environment. Additionally, wells in the area potentially impacted by the project may be impacted by activities such as blasting.</p>	<ul style="list-style-type: none"> <li>• The proponent should consider preparing a response plan in the event of an accident or malfunction with the potential to impact drinking and/or recreational water quality. Response plans should include a spill response kit, adequate spill response training, and a communication plan to notify all recreational and drinking water users in the impacted area as well as all relevant authorities.</li> <li>• In some cases, for projects that are likely to have an impact on drinking and/or recreational water quality, the proponent should consider conducting water monitoring prior to the start of the project (to establish a baseline). Monitoring would continue throughout the construction, operation and decommissioning phases of the project (as applicable) to monitor for any changes in water quality or quantity.</li> </ul>	
<p><b>Country Foods</b></p>		
<p>If there are plants or animals present in the area potentially impacted by the project that are consumed by humans, there may be potential for impacts to country foods. The proponent should consider all country foods that are hunted, harvested or fished from the area potentially impacted by the project. Impacts to country foods may occur from the release of contaminants into soil or water (including from an accident or spill) or from deposition of air borne contaminants.</p>	<ul style="list-style-type: none"> <li>• If there is the potential for impacts to country foods from the proposed project, the proponent should consider establishing mitigation measures. If complaints are received additional mitigation measures may be required.</li> <li>• The proponent should consider preparing a response plan in the event of an accident or malfunction with the potential to impact country foods. Response plans should include a spill response kit, adequate spill response training, and a communication plan to notify all potential consumers of country foods in the impacted area as well as all relevant authorities.</li> </ul>	<p><i>Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Country Foods. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.</i>  <a href="https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-5-2023-eng.pdf">https://publications.gc.ca/collections/collection_2024/sc-hc/H129-54-5-2023-eng.pdf</a>.</p>

For more information on HC’s guidelines for evaluating human health impacts in environmental assessments, please see:

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario*  
[https://publications.gc.ca/collections/collection\\_2024/sc-hc/HI29-54-3-2023-eng.pdf](https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-3-2023-eng.pdf)

Appendix B of this guidance document provides a checklist that may be beneficial in verifying that the main components of a noise environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Air Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*  
[https://publications.gc.ca/collections/collection\\_2024/sc-hc/HI29-54-1-2023-eng.pdf](https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-1-2023-eng.pdf)

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of an air quality environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Drinking and Recreational Water Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*  
[https://publications.gc.ca/collections/collection\\_2024/sc-hc/HI29-54-2-2023-eng.pdf](https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-2-2023-eng.pdf)

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of a water quality environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Country Foods. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*  
[https://publications.gc.ca/collections/collection\\_2024/sc-hc/HI29-54-5-2023-eng.pdf](https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-5-2023-eng.pdf)

Appendix A of this guidance document provides a checklist that may be beneficial in verifying that the main components of a country foods environmental assessment are completed.

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: Human Health Risk Assessment. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario.*  
[https://publications.gc.ca/collections/collection\\_2024/sc-hc/HI29-54-6-2023-eng.pdf](https://publications.gc.ca/collections/collection_2024/sc-hc/HI29-54-6-2023-eng.pdf)

Appendix B of this guidance document provides a checklist that may be beneficial in verifying that the main components of a human health risk assessment are completed.

**Human Health Considerations when Assessing Noise Impacts Related to Wind Turbine Projects<sup>1</sup>**

Last updated: March 20, 2024

Health Canada (HC) provides the following general considerations for evaluating human health impacts of noise from wind turbine project-related activities. This is not an exhaustive list of human health concerns related to wind turbine projects, and issues will vary based on individual aspects of each project. Further HC guidance on other areas of expertise (i.e., air quality, recreational and drinking water quality, traditional/country foods, and methodological expertise in conducting human health risk assessment and health impact assessment) is available and referenced at the end of this document\*.

Please note that HC does not approve or issue licenses, permits, or authorizations in relation to environmental/impact assessment (EA/IA). HC's role in EA/IA is founded in statutory obligations under the *Impact Assessment Act*, and its knowledge and expertise can be called upon by reviewing bodies (e.g., Impact Assessment Agency of Canada, review panels, Indigenous groups and/or other jurisdictions). In the absence of such a request from one of the above noted groups, HC is unable to carry out a comprehensive review of the project. However, whenever feasible, HC is able to accommodate requests for specific human health advice and guidance related to provincial EAs within a reasonable timeframe.

HC advises that an assessment of noise exposure for human receptors located near the project site consider the following:

Consideration	Reference Document
<p><b>Receptor Location</b></p> <p>It is important to identify and describe all existing and reasonably foreseeable human receptors (i.e., permanent, seasonal, or temporary) in the area that may be influenced by project-related noise—including a description of how the receptors were identified (e.g., recent land-use maps, verification in person).</p> <ul style="list-style-type: none"> <li>• HC prefers that noise assessments identify and describe any particular receptors that may have a heightened sensitivity to noise exposure (e.g., locations where Indigenous peoples' cultural or religious ceremonies occur, schools, childcare centres, hospitals).</li> <li>• It may also be useful to include map(s) illustrating modelled noise levels from the project at receptor locations in the study area.</li> </ul>	<p>Appendix G of HC's noise guidance<sup>2</sup> provides a list of commonly encountered receptors and related characteristics.</p> <p>Section 6.1 of HC's noise guidance contains additional information regarding identification of human receptors in a project area.</p>

<sup>1</sup> This document includes general advice on wind turbine noise and health. It should not be interpreted as formal Department guidance.

<sup>2</sup> Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. [https://publications.gc.ca/site/eng/9\\_930338/publication.html](https://publications.gc.ca/site/eng/9_930338/publication.html)

Last updated: March 20, 2024

### Health Impacts Associated with Noise

In reviewing an E/A/IA, HC focuses on noise exposure levels that have the potential for adverse human health effects. Wind turbine noise can be generated through modulation noise (caused by rotation), low frequency noise (rattle), or transformer noise. There may also be construction-related noise (e.g., heavy machinery). These noises may adversely impact human health predominately through sleep disturbance, decreased speech comprehension, and/or high levels of annoyance. Impacts may vary depending on the project phase (e.g.: impulsive noise events during the construction phase and continuous noise sources during the operational phase), sensitivity of nearby receptors, and duration and frequency of noise exposure.

- Sleep disturbance encompasses the following: difficulty falling asleep; awakenings; curtailed sleep duration; alterations of sleep stages or depth; and increased body movements during sleep. The short-term effects of sleep disturbance have been shown to include, but are not limited to: increased fatigue; irritability; and decreased concentration and performance. The guidelines and recommendations of the World Health Organization (WHO)<sup>3,4</sup> regarding sleep disturbance can be considered in the E/A/IA.
- The WHO's Guidelines for Community Noise (1999)<sup>3</sup> report a threshold for sleep disturbance as being an indoor sound level of no more than 30 A-weighted decibels (dBA) equivalent continuous sound level (LAeq) for continuous noise, during the sleep period.
  - The WHO has published night-time noise guidelines that are intended to protect the public, including the most vulnerable groups, from adverse health effects associated with sleep disturbance due to night-time noise. The recommended annual average is 40 dBA night-time sound level (Ln) outdoors (WHO 2009)<sup>4</sup>.

For more information on noise-induced sleep disturbance, please see Section 5.2 of HC's noise guidance<sup>2</sup>.

<sup>3</sup> World Health Organization (WHO). 1999. Guidelines for Community Noise. Berglund, B., Lindvall, T. and Schwela, D.H (Eds.). Available online at: [www.who.int/docstore/peh/noise/guidelines2.html](http://www.who.int/docstore/peh/noise/guidelines2.html)

<sup>4</sup> World Health Organization (WHO). 2009. Night Noise Guidelines for Europe. Hurtley, C. (Ed). Available online at: [www.euro.who.int/en/health-topics/environment-and-health/noise/publications/2009/night-noise-guidelines-for-europe](http://www.euro.who.int/en/health-topics/environment-and-health/noise/publications/2009/night-noise-guidelines-for-europe)

	<ul style="list-style-type: none"> <li>For individual noise events, the WHO<sup>3</sup> has stated: “<i>For a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dBA L.Amax (maximum A-weighted sound level) more than 10–15 times per night...</i>” <ul style="list-style-type: none"> <li>As people may keep windows partially open at night, HC uses an outdoor-to-indoor transmission loss of 15 dBA for windows at least partially open. Fully closed windows are assumed to reduce outdoor sound levels by approximately 27 dBA.</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>To sustain adequate speech comprehension, HC holds the view that background noise levels (i.e., noise due to project activities as measured indoors) be maintained below 40 dBA. <ul style="list-style-type: none"> <li>When a school is identified as a potentially impacted receptor, the WHO recommends an ideal background noise level of 35 dBA in the classroom (WHO 1999)<sup>3</sup>.</li> </ul> </li> </ul>		<p>Please see Section 5.3 of HC’s noise guidance<sup>2</sup> for more information on interference with speech comprehension.</p>
<ul style="list-style-type: none"> <li>In quiet rural areas, HC suggests that during construction, the short-term average day-night sound level (L<sub>dn</sub>) be below 47 adjusted dBA at residences, as this is expected to be the threshold for widespread complaints for construction noise, and mitigation measures be considered if predicted noise levels are above this threshold.</li> </ul>		<p>Section 6.3.1 of HC’s noise guidance<sup>2</sup> provides advice related to short-term construction noise (&lt;1 year).</p>
<ul style="list-style-type: none"> <li>Community annoyance due to noise, measured as the Percent Highly Annoyed (%HA), can be thought of as an aggregate indicator of assorted noise effects that are creating a negative effect on the community. HC uses the change in %HA as an appropriate indicator of noise-induced human health effects from exposure to long-term construction noise and project operational noise.</li> </ul>		<p>Sections 6.3.1 and 6.3.2 of HC’s noise guidance<sup>2</sup> provides advice related to long-term construction noise (≥ 1 year)</p>

	<ul style="list-style-type: none"> <li>○ To assess the impacts of noise from projects using this indicator, the project-related change in the sound environment and the related increase in %HA are evaluated.</li> <li>○ Noise mitigation measures should be considered when a change in the calculated %HA at any given receptor location exceeds 6.5%.</li> </ul>	<p>Appendix F in HC’s noise guidance<sup>2</sup> presents the %HA equations as well as the methodology for obtaining variables used in the equations.</p>
<b>Low Frequency Noise (LFN) and Infrasonic</b>		
<p>Low frequency noise (LFN) (typically 20-100 Hertz (Hz); whereas infrasound is typically defined as being below 20 Hz) may result from wind turbines, particularly from larger turbines (&gt;2.3 Megawatts (MW)(Moller, H and C.S. Pederson, 2010)<sup>5</sup>). LFN is an important component of the total noise levels experienced by receptors near large wind turbines.</p>	<ul style="list-style-type: none"> <li>● LFN is not generally well perceived by the human ear; however, it may induce vibrations in lightweight structures in residences or sleeping quarters that may be perceptible or cause a “rattle.” Research indicates that annoyance related to noise is greater when LFN is present (ISO 1996-1:2003)<sup>6</sup> and one of the main reasons is the annoyance caused by rattles. <ul style="list-style-type: none"> <li>○ The indoor environment can also be evaluated in the assessment; however, this should be addressed on a case-by-case basis given the uncertainty associated with specific resonances indoors that may affect the audibility of tones indoors. Due to the potential for masking by certain octave bands indoors, it is possible that certain tones may be audible indoors but not outdoors and vice versa.</li> </ul> </li> </ul>	<p>Please see Appendix C.2 of HC<sup>2</sup> for more information on LFN.</p>

<sup>5</sup> Moller, H. and C. S. Pederson. 2010. Low-frequency noise from large wind turbines. J. Acoust. Soc. Am. 129(6), June 2011. Available at : <https://pubs.aip.org/asa/jasa/article/139/3/1431/910721/Wind-turbine-sound-power-measurements>

<sup>6</sup> International Organization for Standardization (ISO). 2003. ISO 1996-1:2003 Acoustics – Description, measurement and assessment of environmental noise – Part 1: Basic quantities and assessment procedures. [www.iso.org/iso/catalogue\\_detail?csnumber=28633](http://www.iso.org/iso/catalogue_detail?csnumber=28633)

Last updated: March 20, 2024

	<ul style="list-style-type: none"> <li>• As sound environments are usually characterized using A-weighted decibel levels (dBA) that reflect the frequencies most audible to the human ear, the impacts of low-frequency noise may need to be assessed separately. <ul style="list-style-type: none"> <li>○ To prevent rattles from low-frequency noise and the associated annoyance from this effect, American National Standards Institute ANSI indicates that the (energy) sum of the sound levels in the 16-, 31.5- and 63-Hz octave bands be less than 70 Z-weighted decibels (dBZ). If this 70-dBZ “rattle criterion” is exceeded, HC suggests the implementation of feasible mitigation measures.</li> <li>○ Additionally, ANSI 2005<sup>7</sup> provides a more sophisticated mathematical procedure for assessing %HA when low-frequency noise is present. HC prefers using this procedure when the C-weighted Ldn exceeds the A-weighted Ldn by more than 10 dB.</li> <li>○ Broner (2011)<sup>8</sup> has provided simplified outdoor dBC LFN criteria based on the type of receptor (i.e., residential and commercial) and time of day. Based on these criteria, LFN does not generally require further consideration if outdoor Ld is ≤ 60 dBC, and Ln ≤ 55 dBC. At 10 Hz, 60 dBC is approximately 69 dBZ.</li> </ul> </li> </ul>	<p>The ANSI standard on environmental sound regarding noise assessment and the related prediction of long-term community response (2005)<sup>7</sup> provides guidance for low-frequency sound (or infrasound) in the 16-63 Hz octave bands.</p> <p>Appendix D of ANSI 2005<sup>7</sup> further outlines the procedure for assessing %HA when low-frequency noise is present.</p>
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<sup>7</sup> American National Standards Institute (ANSI). 2005. Quantities and Procedures for Description and Measurement of Environmental Sound Part 4: Noise Assessment and Prediction of Long-Term Community Response (ANSI S12.9-2005/Part 4). Standards Secretariat Acoustical Society of America.

<sup>8</sup> Broner, N. 2011. A Simple Outdoor Criterion for Assessment of Low Frequency Noise Emission. Acoustics Australia: 39:1–7. Available at: [https://www.acoustics.asn.au/journal/2011/2011\\_39\\_1\\_Broner.pdf](https://www.acoustics.asn.au/journal/2011/2011_39_1_Broner.pdf)

<b>Noise Modelling, Mitigation and Monitoring</b>	
<p>Assessing potential impacts to human health from project-related noise, including calculating %HA, may require measuring baseline noise levels, modelling predicted project-related noise levels, and monitoring noise levels during project's construction and operational phases to verify model predictions.</p>	<ul style="list-style-type: none"> <li>• When baseline measurement is conducted, HC prefers that the measurement be completed in accordance with the International Organization for Standardization (ISO) 1996-2:2007<sup>9</sup> at each representative receptor (existing and reasonably foreseeable), and that the reports include the dates and hours used to characterize these measurements. <ul style="list-style-type: none"> <li>○ HC recommends adjustments to baseline noise levels in certain settings, for example, baseline levels in quiet rural areas are adjusted by adding 10 decibels (dB). This 10 dB adjustment also applies to the predicted project noise levels in determining %HA, resulting in a greater change in %HA than would occur with unadjusted noise levels.</li> <li>○ In addition, HC recommends that non-anthropogenic sounds (e.g. ocean, wind, and animal noises) be removed from baseline measurements. Not removing them may result in an overestimation of baseline sound pressure levels and impact of baseline and future changes in %HA calculations.</li> <li>○ HC recommends use of an appropriate windscreen must always be used and sound is not to be measured in the presence of precipitation or when wind speeds exceed 14 km/hr (3.9 m/s) unless these effects can be shown to be negligible (ISO 1996-2:2007)<sup>9</sup>. The specific windscreen required will be dependent on atmospheric conditions including wind speed and air turbulence (Van den Berg, 2006)<sup>10</sup>. For wind speeds below 14 km/hr, outdoor measurements always require a minimum 70 mm</li> </ul> </li> </ul>
	<p>For more information on adjustments, please see Section 6.1 of HC's noise guidance<sup>2</sup>.</p>
	<p>Please see Section 6.2.1 of HC's noise guidance<sup>2</sup> for more information on removing non-anthropogenic sounds.</p>

<sup>9</sup> International Organization for Standardization (ISO). 2007. ISO 1996-2:2007 Acoustics – Description, measurement and assessment of environmental noise – Part 2: Determination of environmental noise levels. [www.iso.org/iso\\_catalogue/catalogue\\_tc/catalogue\\_detail.htm?csnumber=41860](http://www.iso.org/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=41860)

<sup>10</sup> Van den Berg, G. P. 2006. Wind-induced noise in a screened microphone. J. Acoust. Soc. Am; 119:824-833. <https://doi.org/10.1121/1.2146085>

	<p>diameter windscreen. For other conditions, including evaluating low frequency sounds (e.g., C-weighted decibels or dBC), larger windcreens may be required.</p>	
<p>Please see Section 6.3.2 of HC’s noise guidance<sup>2</sup> for more information on modelling project operational noise.</p>	<ul style="list-style-type: none"> <li>• It is important that the predicted operational noise levels for both daytime (Ld) and night-time (Ln) at all representative receptor locations should be reported in the EA/IA. To permit a proper comparison of noise levels, the units, averaging times and other measurement parameters (including the uncertainty associated with any of the measurements) should be the same as those used in establishing the baseline. <ul style="list-style-type: none"> <li>○ The assessment should clearly identify the model(s) used and justify their suitability. Specific models may be selected on a site-by-site basis and different modelling software may be appropriate depending on the size of the turbine(s). HC prefers that any assumptions used are conservative (i.e., reasonable worst-case scenarios, including for wind speed and ground attenuation) and be adequately described in the assessment.</li> <li>○ It is recommended that the EA/IA indicate whether or not there will be a transformer located adjacent to each wind turbine. If individual transformers are present, it is recommended that this additional noise source be included in any operational noise modeling.</li> </ul> </li> </ul>	
<p>Section 6.4 of HC’s noise guidance<sup>2</sup> provides additional information on noise management and noise monitoring plans.</p>	<ul style="list-style-type: none"> <li>• While modelling software can be useful in predicting wind turbine noise at nearby receptors, actual noise levels may differ from predicted levels due to uncertainties in model predictions. <ul style="list-style-type: none"> <li>○ If there are uncertainties in the noise modelling, consider monitoring noise levels, particularly in the event of public complaints.</li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>• If Ldn levels from table 6.2 in HC Noise guidance for short-term construction noise cannot be obtained or if 6.5 % of HA is attained for long-term construction and operational noise with the use of quieter technology during construction, HC suggests that community consultation be undertaken to determine work schedules and to inform the public of the times and duration of noisy activities (including blasting if applicable). In general, HC suggests that impulsive sources (e.g., hammering, pile driving) be avoided at night and in the early morning.</li> <li>• If noise levels are predicted or measured to exceed acceptable levels at the exterior of any nearby receptor location (during construction or operation), the implementation of additional mitigation should be considered.</li> </ul>	<p>Sections 6.4.1 and 6.4.2 of HC’s noise guidance<sup>2</sup> provide advice on appropriate mitigation noise levels.</p> <p>Please see Appendix H of HC<sup>2</sup> for suggested construction noise mitigation measures.</p>
<p>Developing a community consultation plan may be helpful for wind turbine projects. Community reaction to noise impacts following community consultation is more likely to be understanding and accepting of noise, and more likely to make appropriate adjustments to limit noise exposure.</p> <p>Meaningful community consultation and engagement throughout the lifespan of the project can be an effective way to identify and mitigate project-related noise concerns.</p>	<ul style="list-style-type: none"> <li>• It is recommended that the EA/IA should specify whether community consultation with respect to noise has occurred, and whether any human health concerns have been expressed by potentially impacted receptors.</li> <li>• Consider implementing a formalized complaint-response protocol (i.e., a formalized means of receiving and responding to complaints in a timely fashion) with additional monitoring and mitigation measures defined, particularly in the event of public complaints. <ul style="list-style-type: none"> <li>○ Noise management and noise monitoring plans, including complaint resolution plans, are often incorporated as part of the EA/IA’s Environmental Management Plan.</li> </ul> </li> </ul>	<p>Section 6.4.1 of HC’s noise guidance<sup>2</sup> provides additional information on community consultation as it relates to noise.</p>

For more information on HC’s guidelines relating to project noise and the use of these guidelines, please see:

*Health Canada. 2023. Guidance for Evaluating Human Health Effects in Impact Assessment: NOISE. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. <https://publications.gc.ca/site/eng/9.930338/publication.html>*

- Appendix B of this guidance document provides a checklist that may be beneficial in verifying that the main components of a noise impact assessment are completed.

**Please also refer to HC’s other guidance documents for evaluating human health impacts in environmental/impact assessments:**

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Air. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. <https://publications.gc.ca/site/eng/9.902734/publication.html>*

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Water Quality. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. <https://publications.gc.ca/site/eng/9.902736/publication.html>*

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Country Foods. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. <https://publications.gc.ca/site/eng/9.930343/publication.html>*

*Health Canada. 2023. Guidance for Evaluating Human Health Impacts in Impact Assessment: Human Health Risk Assessment. Healthy Environments and Consumer Safety Branch, Health Canada, Ottawa, Ontario. <https://publications.gc.ca/site/eng/9.930345/publication.html>*

\*For consideration of other human health impacts (i.e., other than noise; including atmospheric impacts during construction, run-off to recreational water, etc.) related to EA/IA, please find the attached document entitled *Human Health Considerations in IA*. Additionally, please contact HC if you are interested in the draft *Interim Guidance on Health Impact Assessment of Designated Projects Under the Impact Assessment Act*, which focuses on a determinants of health approach.



Impact Assessment  
Agency of Canada

Agence d'évaluation  
d'impact du Canada

Suite 200  
1801 Hollis Street  
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March 18, 2026

Meghan Rafferty  
Environmental Assessment Officer  
Policy Division, EA Branch  
Meghan.Rafferty@novascotia.ca

**SUBJECT : Upper Afton Wind Project**

Dear Meghan Rafferty:

Thank you for the opportunity to review the registration document for the Upper Afton Wind Project (the project), received on February 27, 2026.

The federal environmental assessment process is set out in the [Impact Assessment Act](#) (the IAA). The [Physical Activities Regulations](#) (the Regulations) set out a list of physical activities considered to be “designated projects” under the IAA.

While it is the responsibility of proponents to determine whether their proposed project includes physical activities described in the Regulations of the IAA, based on the information submitted to the Province of Nova Scotia on the proposed Upper Afton Wind project, the Impact Assessment Agency of Canada (IAAC) is of the opinion that, as proposed, the project does not appear to be described in the Regulations. As such, the proponent would not be expected to submit an Initial Project Description of a designated project. If the project changes from what has been described in its provincial registration, the proponent is advised to contact IAAC if, in their view, any proposed project activities may be described in the Regulations.

The proponent is advised that under section 9(1) of the IAA, the Minister may, on request or on the Minister’s own initiative, by order, designate a physical activity that is not prescribed by regulations made under the Regulations if, in the Minister’s opinion, the carrying out of that physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects. Should IAAC receive a request for a project to be designated, IAAC would contact the proponent with further information.

Please note that for physical activities not described in the Regulations, should the project be carried out in whole or in part on federal lands, section 82 of the IAA would apply if any federal authority is required to exercise a power, duty or function under an Act other than IAA in order for the project to proceed, or if a federal authority is providing financial assistance for the purpose of enabling the project to be carried out. In that case, that federal authority must ensure that any project assessment requirements under the applicable sections of the IAA are satisfied.

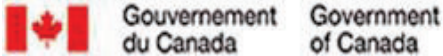
We also note that in proceeding with the project, the proponent may still be required to obtain or seek amendment to other federal regulatory permits, authorizations and/or licences.

The proponent is encouraged to contact IAAC at (902) 426-0564 if it has additional information that may be relevant to IAAC or if it has any questions or concerns related to the above matters.

Kevin Cassell

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Impact Assessment Agency of Canada / Government of Canada  
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Agence d'évaluation d'impact du Canada / Gouvernement du Canada  
[Kevin.Cassell@iaac-aeic.gc.ca](mailto:Kevin.Cassell@iaac-aeic.gc.ca) / Tel: 709-327-5841





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Date: March 18, 2026

To: Meghan Refferty, Environmental Assessment Officer

From: Melissa Ginn, Regional Environmental Advisor, Transport Canada

Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia**

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**Scope of review:**

This review focuses on the following mandate: Navigation, aviation.

**List of Documents Reviewed:**

EA Registration Document

**Details of Technical Review:**

Transport Canada (TC) has reviewed the Environmental Assessment Registration Document (EARD) and is providing the specialist advice/information below in areas related to its mandate and responsibilities. Our advice is meant to inform the recommendation that Nova Scotia Environment and Climate Change (NSECC) will make.

**Key Considerations: (provide in non-technical language)**

**Impact Assessment**

As the proposed project will not occur wholly or partially on federal lands, TC does not require an environmental review under Section 82 of the *Impact Assessment Act* (IAA).

**Civil Aviation**

The Proponent will need to complete an Aeronautical Assessment Form (AAF) for the wind turbines to assess marking and lighting requirements as per Standard 621 of the *Canadian Aviation Regulations* (CARs) - Obstruction Marking and Lighting.

Further information regarding the AAF and how to submit it can be found at:

<https://tc.canada.ca/en/aviation/general-operating-flight-rules/markings-lighting-obstacles-air-navigation>

**Navigation Protection Program**

The Project consists of components that may implicate navigable waters including: access road and transmission lines.

The proposed access roads, and transmission lines appear to potentially involve non-scheduled waterways under the *Canadian Navigable Waters Act* (CNWA), and the proponent will need to consider the following:



These proposed project components may require a CNWA approval.

**Access Roads – watercourse crossings:**

**\*\*Note, that any bridges with piers placed below the high water mark of a watercourse always require an approval as outlined in the Major Works Order. (and an application for approval would be required)**

**Major Works Order**

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2019-320/index.html>

If the bridge is not a Major Work, the proponent can assess any individual access road watercourse crossings (culverts and bridges etc against the criteria in the **Minor Works Order** (Section 34 – Watercourse Crossings):

**Minor Works Order**

<https://laws.justice.gc.ca/eng/regulations/SOR-2021-170/index.html>

**Transmission Lines:**

The proponent can assess the transmission lines against the criteria in the **Minor Works Order** (Section 16– Aerial Cables):

**Minor Works Order**

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-170/index.html>

IF a specific watercourse crossing or transmission line crossing meets ALL the criteria in the respective section of the Minor Works Order, they are considered Minor Works and do not require a CNWA approval and would only be required to follow the Deposit and Publication requirements in sections 3(2), 3(3) and 4 of the Minor Works Order.

IF a specific watercourse crossing or transmission line crossing does NOT meet ALL the criteria, the proponent may be required to submit an application for approval.

Under the CNWA, owners of works – (other than a minor work or a major work) – including culverts, bridges and watercourse crossings - that are located on navigable waterways not listed in the schedule, have the option to:

1. either apply to the Minister of Transport for an approval; (approval review process and advertising and 30 day registry public review)  
**or**
2. seek authorization through the public resolution process, and deposit specific information regarding their work on the new Common Project Search (online registry) inviting any interested party to comment. (Public Resolution Notification)

The application process, the public resolution process and process for publishing a notification of a Minor Work can be accessed at the following link:

[External Submission Site for the Navigation Protection Program](#)

(create an account first if needed)



Additional guidance information and links for the NPP regulatory process can be found here:

*Canadian Navigable Waters Act (CNWA)*

<https://www.tc.gc.ca/eng/programs-632.html>

<https://www.tc.gc.ca/eng/canadian-navigable-waters-act.html>

Navigation Protection Program, Transport Canada

<http://www.tc.gc.ca/eng/programs-621.html>

NPP Contact Coordinates:

### **Navigation Protection Program | Programme de protection de la navigation**

Transport Canada - Atlantic Region / Heritage Court, 6<sup>th</sup> Floor, 95 Foundry Street, Moncton, N.B. E1C 5H7 |

Transports Canada - Région de l'Atlantique / Place Héritage, 6<sup>e</sup> étage - 95 rue Foundry, Moncton, N.-B. E1C 5H7

Tel | Tél. : 506-851-3113 / Fax | Téléc. : 506-851-7542

**Email / Courriel** : [NPPATL-PPNATL@tc.gc.ca](mailto:NPPATL-PPNATL@tc.gc.ca)



Transport Canada has introduced new fees for services, under the *Canadian Navigable Waters Act*, as part of the Fee Modernization initiative. Find out more at: [Canada Gazette, Part 2, Volume 158, Number 14: Canadian Navigable Waters Act Fees Regulations](#)

Transports Canada introduit une nouvelle structure de redevances, en vertu de la *Loi sur les eaux navigables canadiennes*, dans le cadre de l'initiative de modernisation des frais. Plus d'informations ici: [La Gazette du Canada, Partie 2, volume 158, numéro 14 : Règlement sur les droits relatifs à la Loi sur les eaux navigables canadiennes](#)

Date: March 27, 2026  
To: Meghan Rafferty, Environmental Assessment Officer  
From: Air Quality Unit  
Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia**

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**Scope of review:**

This review focuses on the following mandate: Air Quality

**List of Documents Reviewed:**

- *Upper Afton Wind Project EA Registration Document to Appendix E*
- *Drawings 3.1H – 8.1*

**Details of Technical Review:**

The purpose of the proposed undertaking is to construct and operate an up to 176 megawatt (MW) wind power project with up to 28 turbines and associated infrastructure (i.e., access roads, substation, buildings, etc.) that will generate renewable electricity to produce green hydrogen and ammonia for local use and export. The Project intends to begin construction in 2026 and is expected to be operational for 35 years.

No baseline monitoring was undertaken, instead the baseline review relied on data from the National Air Pollution Surveillance (NAPS) monitoring station in Port Hawkesbury, approximately 24.4 km northeast of the Project, from 2020-2024. Existing air quality conditions indicate that most of the measured contaminants are well below their respective NS Ambient Air Quality Standards (AAQS) Schedule A limits.

Project activities will primarily interact with the atmospheric environment through fugitive dust and exhaust emissions during the construction phase. The Project area is vegetated, which may help to reduce the travel distance of fugitive dust emissions from the Project.

There were 42 potential receptors identified within the local assessment area for air quality impacts. The Proponent states they will implement mitigation measures to minimize air quality impacts on nearby receptors. The Proponent lists several proposed mitigations that could be used during the construction phase, these mitigations are appropriate and would reduce impacts if they are employed.

Overall, fugitive dust and exhaust emissions are considered intermittent and short-term (construction phase only). It is not anticipated that the fugitive dust and exhaust emissions would impact the closest receptors or impact baseline air quality conditions beyond the local assessment area.

**Key Considerations:**

The Air Quality Unit notes the following key considerations:

- It is unclear how effective dust management will be in the absence of a dust management plan with a clear chain of responsibility for actions, including timely complaint resolution.



Operational noise levels were assessed using CadnaA noise modelling software. The assessment included a baseline noise level of 35 dBA, which is based on Health Canada guidance, and a ground attenuation factor of 0.7. The use of this ground attenuation factor is a less conservative approach than would be recommended, which may lead to an underestimation of impacts on receptors. Two of the non-participating receptors modelled had a predicted impact of 40 dBA. Five non-participating receptors had a predicted impact of 39.5 dBA or above, so when rounding to the nearest decibel (which is standard practice), these five receptors are predicted to experience noise at the 40 dBA limit. The modelling results were achieved with all turbines using serrated trailing edge (STE) blades to reduce the noise levels in the Study Area and at receptors.

The study included an assessment of low frequency noise and no low frequency tonal components were identified.

The applicant commits to developing a complaints resolution plan as part of their measures to mitigate potential effects.

### **Key Considerations:**

The Air Quality Unit notes the following key considerations:

- If the baseline noise level exceeds 35 dBA, it is possible that noise levels could exceed the 40 dBA noise limit at receptor locations once the windfarm is operational. Recording baseline noise levels prior to construction can be used as evidence by the proponent in the event that the Department requests monitoring as part of complaints investigations in the future.
- The noise assessment was completed using a less conservative ground attenuation factor than would be recommended. Consequently, the noise impact at a number of receptors may be underestimated.
- Modelling was completed with all of the turbines using STE blades. It is possible noise levels could exceed the 40 dBA noise limit at receptor locations if a different blade type is used.
- Modelling was completed with 22 active turbine locations, 6 other locations are considered alternative turbine sites and were not modelled.

**DATE:** March 23, 2026  
**TO:** Meghan Rafferty, Environmental Assessment Officer  
**FROM:** Dawn M. Sutherland, Provincial Director of Planning  
**SUBJECT: UPPER AFTON WIND PROJECT**

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**Scope of Review:**

This review focuses on the following: Department of Municipal Affairs mandates: Statements of Provincial Interest and engagement with municipalities.

**Document Reviewed:**

Environmental Assessment Registration Document – Upper Afton Wind Project

**Details of Technical Review:**

The Proponents engaged with the Municipality of the District of Guysborough and the Municipality of the County of Antigonish. They have listed the required permitting and applicable by-laws in EA Document Table 2.3. The Project Team has engaged with Guysborough's Development Officer and Antigonish's planner and Economic Development staff, municipal Councillors, CAOs, and Wardens from both municipalities throughout the development of the Project. To date, no concerns have been brought forward from staff. Councillors voiced community concerns related to general environmental impact and community engagement. Engagement with government officials will continue through development, construction, and operational phases of the Project. The Proponent initiated a Community Liaison Committee (CLC) related to the other Guysborough Wind Projects and the Point Tupper Facility to support community engagement and the dissemination of Project-related information. A stand-alone CLC for this Project will be developed if the EA is approved.

Statements of Provincial Interest:

- **Drinking Water:** Reasonably consistent. No municipal Water Supply Areas are in the Project area.
- **Agricultural Land:** Reasonably consistent. No agriculture identified in the Project area.
- **Flood Risk:** Reasonably consistent. No flood areas are identified in the Project area. The Project's Study Area is located at an elevation and distance from the coast; therefore, infrastructure is unlikely to be directly impacted by coastal flooding.
- **Infrastructure:** Reasonably consistent. No identified impact on municipal infrastructure as defined by the provisions of the SPI.
- **Housing:** Reasonably consistent. No identified impact on housing as defined by the provisions of the SPI.

**Key Considerations:** The Proponent should continue to engage with the Municipality of the District of Guysborough and the Municipality of the County of Antigonish through the permitting and development process.

Date: March 24, 2026

To: Meghan Rafferty, Environmental Assessment Officer

From: NSECC, Compliance

Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia**

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**Scope of review:**

This review focuses on the following mandate: general overview and technical considerations

**List of Documents Reviewed:**

- Environmental Assessment Registration Document (EARD): Upper Afton Wind Project

**Details of Technical Review:**

- The current Project layout incorporates the following information... [including] compliance with regulated setbacks and separation distances [including those for watercourse, wetlands, protected areas, shadow flicker and sound/noise].
- Borrow pits are expected to be under 4 ha in size. Should a borrow pit be over 2 ha, an Industrial Approval would be obtained from NSECC, as required. It should be noted any quarry, of any size, would require an Industrial Approval as well.
- A vegetation management plan will be initiated to ensure that access roads and turbine locations remain clear of vegetation. A herbicide use approval may be required.
- Waste and debris generated during the decommissioning activities will be collected and disposed of at an approved facility. All reasonable efforts will be made to minimize waste generated throughout the decommissioning phase. Materials used and generated throughout decommissioning will be recycled, as practicable.
- The Project will develop and implement a Complaint Resolution Plan, which will consider complaints related to sound, shadow flicker, etc. and outline a process to investigate complaints.
- If blasting activities are required to construct the Project (to be confirmed during geotechnical investigations), groundwater wells within 800 m of blasting activities will be monitored as per the Procedure for Conducting a Pre-Blast Survey (NSECC, 1993).
- The Proponent will develop and implement a Surface Water Management Plan, Erosion and Sediment Control Plan, Blasting Management Plan (if blasting is required), and a site-specific Contingency Plan.
- The Proponent will develop and implement a Terrestrial Habitat and Wildlife Management Plan.

- If shallow water tables are encountered during blasting and excavation at foundation locations, a Groundwater Management Plan may be needed if construction of these structures go below the seasonal water table.
- Prior to decommissioning, NSECC, the MOCA, and the MODG will be provided with decommissioning plans for review and compliance with the Project's EA conditions. Opportunities for repowering will be considered prior to entering the decommissioning phase.

**Key Considerations: (provide in non-technical language)**

- Plans and mitigation measures, as noted above and in the EARD, should be developed and implemented.
- Additional NSECC notifications/approvals may include: wetland alterations, watercourse alterations, pit or quarry, herbicide use, on-site sewage disposal system, and water withdrawal.
- Proponent should note and consider two existing quarries within the Project Area. The Upper Afton Quarry (NSECC Approval Number 2024-3557256) and the New France Quarry (NSECC Approval Number 2017-109214).

**Fisheries and Aquaculture**

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Date: March 27, 2026

To: Meghan Rafferty

From: Lesley O'Brien-Latham, Executive Director, Policy and Strategic Advisory Services

Subject: Upper Afton Wind Project, Antigonish and Guysborough Counties

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**Scope of review:**

The scope of this review follows the Department of Fisheries and Aquaculture's (NSDFA) legislated mandate to develop, promote and support fishing, aquaculture, seafood processing and sportfishing in Nova Scotia.

**List of Documents Reviewed:**

- Upper Afton Wind Project Environmental Assessment Registration Documents (EARD)
  - Upper Afton Wind Project EARD to Appendix E.pdf
  - Appendix F-J.pdf
  - Drawings 8.2-9.1.pdf
  - Drawings 9.2 – 9.6D.pdf
  - Drawings 9.6E – 9.6L.pdf

**Details of Technical Review:**Aquaculture:

NSDFA's Aquaculture Division's mandate includes the development, regulation, promotion and support of aquaculture and rockweed industries in Nova Scotia. The project was reviewed in four key areas which could affect the aquaculture and rockweed harvesting industries. These areas are sediment creation, power outages, water withdrawal, and water discharge.

There are 12 aquaculture sites within 25km of the proposed project. Of these, 11 are marine shellfish sites, and one (1) is a land-based aquaculture facility.

Sediment is likely to be generated during the construction phase, specifically regarding the construction and upgrading of access roads. Sediment can cause turbidity in the water column, which can affect the ability of marine plants to obtain adequate sunlight for growth, reducing oxygen levels for both fin and shellfish. Settling sediment can obstruct feeding and destroy habitat by covering benthic substrates, smothering the benthic habitat, and impacting the nutrients available to shellfish bottom cultures. The results can range from reduced growth to morbidity.

The EARD indicates the following mitigations will be taken to reduce sediment and the resulting fugitive dust: minimizing the footprint of disturbance to the extent practicable; conducting grading and site preparation in phases to minimize disturbed soil areas until just prior to construction activities; stabilizing exposed soil surfaces by sloping or using vegetation, stone, soil, or geotextiles to prevent dust and airborne particles; and compacting and/or ridging disturbed soil to prevent dust formation.

The EARD also states that mitigation measures will include the development of a site-specific *Erosion and Sediment Control Plan* during the detailed design phases. The mitigation plan aims to

target disturbances to banks and adjacent land, and will address the type of control structures, proper installation techniques, grading, maintenance and inspection, timing of installation, and vegetation. These general mitigation measures should help mitigate risk to aquaculture sites, if applied appropriately. It is recommended that the proponent be aware of the aquaculture operations adjacent to the project area and incorporate the proposed mitigations appropriately to minimize risk to those operations.

There are potential impacts to the groundwater if blasting is required. If blasting is required during the construction phase, impacts to surrounding groundwater wells are projected to be within an 800m radius. The land-based aquaculture operation is outside of that 800m range.

There is no mention of power supply disruption within the EARD. If a power disruption is required during this project, outages should be planned whenever possible and adequate notice should be given.

The impacts of the project on water are more related to removal of plants and watercourse changes (via activities such as culvert installation), rather than water discharge or water withdrawal. Changes in water quality or quantity may be due to activities during road construction (sedimentation, vegetation removal, and water redirection). In addition to the previous mitigation measures mentioned, the EARD states that the proponent plans to develop and implement an erosion and sedimentation plan that would minimize the impacts of the project on water quality and quantity.

#### Marine Fisheries:

NSDFA's Marine Fisheries Division's mandate includes Nova Scotia's commercial marine fisheries, and the processing, and buying of marine seafood products.

The proposed terrestrial wind project will straddle both Antigonish and Guysborough Counties. Below are separate reviews for both counties.

#### **Antigonish County:**

The review below covers the impacts to marine fisheries in Antigonish County.

There are four (4) licensed Nova Scotia commercial marine fisheries buyers and/or processors located within Antigonish County where the proposed wind project is to be located nearby. L.A.K. Enterprises Inc. is located 19km Northwest of the proposed site; BST Lobster Sales Ltd. is 31km Northeast of the proposed site; Arisaig Fisheries Company is 65km Northwest of the proposed site; and North Bay Fishermen's Co-op is 67km Northeast of the proposed site. Since the project is land locked with limited to no connectivity to the marine environment, there should be negligible impacts to the operations of the aforementioned local commercial marine fisheries businesses.

Regarding the local commercial marine harvesting sector, lobster is the most lucrative fishery near the proposed project site. The adjacent marine waters are known as Lobster Fishing Area (LFA) 26A2. Last season, in 2025, fishing occurred from April 26th for two (2) months and it is anticipated to occur at the same time this season. Since there is limited to no connectivity between the project site and the marine environment, there should be negligible impacts to local lobster and other commercial marine fisheries in the area.

With regards to impacts to Indigenous communities, there is communal-commercial, Food, Social, and Ceremonial (FSC), and livelihood fishing conducted within LFA 26A2 in the waters within proximity to the proposed site. The Indigenous community, Paq'tnkek First Nation, located 14km Northwest of the proposed site, possesses access to these licenses. Since there is limited to no connectivity to the marine environment, the wind project should pose negligible impacts to the lobster and other commercial marine fisheries, which are harvested by Paq'tnkek First Nation.

## **Guysborough County:**

The review below covers the impacts to marine fisheries in Guysborough County.

There are two major processing and/or buyer's stations in Guysborough County where the proposed wind project will be located. Canso Seafoods is located approximately 75-80 kms South by Southeast of the proposed site and Tor Bay Fisheries is located approximately 60 kms South by Southeast from the proposed site.

There are several wharfs located in Guysborough County. Millbrook First Nations Wharf, and several Harbour Authority wharfs are located in Canso, approximately 75-80 kms South by South-Easterly from the proposed project site. Harbour Authority wharf in Queensport is approximately 50 kms South by Southeast of the project location. Since the project is landlocked with limited to no connectivity to the marine environment, there should be negligible impacts to the operations of the local commercial marine fishery businesses.

Lobster is the most lucrative fishery near the proposed project. The adjacent marine waters are LFA 31a. The spring season runs from April 19<sup>th</sup> to June 20<sup>th</sup>. Since there is limited to no connectivity between the project site and the marine environment, there should be negligible impacts to local lobster, other commercial fisheries and the Indigenous moderate livelihood and FSC.

### Inland Fisheries:

NSDFA's Inland Fisheries Division's mandate is managing Nova Scotia's recreational sportfishery.

Upon review of the EARD, the Inland Division reviewer noticed the following potential inaccuracies: *photo 76* is common shiner not golden shiner; *photo 79* is of blacknose shiner. Blacknose shiners are extremely rare in NS, hard to identify, and often confused with the pearl dace. The photo is not clear enough to make accurate determination, and therefore, it is requested that *photo 79* be revisited.

As stated in the EARD, potential project activities and interactions with fish and habitat are highlighted in *table 9.7* and are primarily associated with land clearing and construction of roads, as the project will interact with up to 55 water courses (11 new crossings). The proponent stated in the EARD that they plan to go through the Nova Scotia Department of Environment and Climate Change watercourse alteration process and the proponent does not anticipate causing any fish mortality, as they intend to implement mitigation strategies during construction (such as fish rescue, watercourse isolation, etc.).

Where potential impacts may occur, the EARD indicates that mitigation measures will be implemented through a *Surface Water Management Plan, Erosion and Sediment Control Plan, and a Blasting Management Plan, and Contingency Plan*. *Table 9.9* highlights the potential effects on fish and fish habitat, with all potential effects falling in the 'Low' category of magnitude.

Overall, this project should have minimal impacts on sportfishing and fish in NS.

### **Key Considerations: (provide in non-technical language)**

Risks to aquaculture sites from sediments should be monitored and mitigated appropriately. The applicant should be made aware of the aquaculture operations within the area so mitigations can be incorporated.

Based on the activities proposed, and due to the appearance of no connectivity to the marine environment, if the proponent adheres to the environmental policies, guidelines and regulations, as stated in the EARD, there should be negligible risk to the adjacent commercial fisheries and NSDSA's marine fishery interests.

The risks to fish and sportfishing, if any, would occur through potential habitat alterations during construction and altered surface water flow, which will be accounted for through various mitigation plans. As long as the roads in the project area remain accessible to the public, there is no anticipated impact to fish or sportfishing.

Project proponent should also be made aware of:

- the [Fisheries and Coastal Resources Act](#),
- Provincial [Aquaculture License and Lease Regulations](#),
- Provincial [Aquaculture Management Regulations](#),
- the [Nova Scotia Rock Weed Harvesting Regulations](#), and
- the Department's [Site Mapping Tool](#) for information on the location of sites and leases in the area of their proposed project.

Date: March 25, 2026  
To: Meghan Rafferty, Environmental Assessment Officer  
From: Beth Lewis, Director of Special Places Protection  
Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties**

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**Scope of review:**

This review focuses on the following mandate: ***Archaeology and Geology***

**List of Documents Reviewed:**

EA Document

Final ARIA report for Heritage Research Permits (HRPs) A2024NS187 – Upper Afton Wind Project Screening & Reconnaissance, ARIA 2024, A2025NS127 - Upper Afton Wind Project, Screening & Reconnaissance, ARIA 2025, and ARIA report review letter from CCTH

**Details of Technical Review (Archaeology):**

During the 2024 ARIA, CRM Group identified five (5) areas of high archaeological potential. These areas were recommended to be either avoided, or, if avoidance was not feasible, to be tested.

During the 2025 ARIA, an additional three (3) areas of high archaeological potential were identified when CRM Group conducted a second assessment after the project had undergone redesign and encompassed lands not previously within the development boundaries.

The EA Document indicates that the proponent will avoid all the identified areas of high potential. If they cannot be avoided, the proponent has indicated that they will be subjected to shovel testing.

**Key Considerations: (provide in non-technical language):**

As long as all recommendations from both HRP A2024NS187 and HRP A2025NS127 are adhered to, there are no concerns at this time.

**Details of Technical Review (Geology):**

The bedrock geology in the project area is mapped as Early Carboniferous Horton Group. If there was extensive excavation of the bedrock there is a small possibility of encountering significant vertebrate fossils.

**From:** [Fazeli, Maryam \(elle | she, her\) \(ECCC\)](#)  
**To:** [Environment Assessment Web Account](#)  
**Cc:** [Chen, Letitia \(elle | she, her\) \(ECCC\)](#)  
**Subject:** ECCC Comments: 26-NS-004 Upper Afton Wind Project, Antigonish and Guysborough Counties, NS  
**Date:** March 26, 2026 3:59:43 PM

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You don't often get email from maryam.fazeli@ec.gc.ca. [Learn why this is important](#)

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Hello there,

Environment and Climate Change Canada (ECCC) has reviewed the Environmental Assessment Registration Document (EARD) for the Upper Afton Wind Project, located in Guysborough, Nova Scotia, and we offer the following comments.

### **Attachments and References**

- ECCC 2025. *Nesting Periods*. <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html>
- EC 2007a. *Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds*. [https://publications.gc.ca/collections/collection\\_2013/ec/CW66-364-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/ec/CW66-364-2007-eng.pdf)
- EC 2007b. *Wind Turbines and Birds A Guidance Document for Environmental Assessment*. [https://publications.gc.ca/collections/collection\\_2013/ec/CW66-363-2007-eng.pdf](https://publications.gc.ca/collections/collection_2013/ec/CW66-363-2007-eng.pdf)
- RGI [Renewables Grid Initiative] 2024a. *Avian-Power Line Collision: Overview of Risk Factors & Effectiveness of Wire Markers [Brochure]*. [https://renewables-grid.eu/fileadmin/user\\_upload/Nature/Wire\\_Marker\\_Brochure\\_Digital.pdf](https://renewables-grid.eu/fileadmin/user_upload/Nature/Wire_Marker_Brochure_Digital.pdf)
- RGI [Renewables Grid Initiative] 2024b. *Avian-Power Line Collision: Overview of Risk Factors & Effectiveness of Wire Markers [Methodology Report]*. [https://renewables-grid.eu/fileadmin/user\\_upload/Nature/Wire\\_Marker\\_Brochure\\_Digital.pdf](https://renewables-grid.eu/fileadmin/user_upload/Nature/Wire_Marker_Brochure_Digital.pdf)
- Calvert et al. 2013. *A synthesis of human-related avian mortality in Canada*. *Avian Conservation and Ecology* 8(2): 11. <https://ace-eco.org/vol8/iss2/art11/>
- Rioux et al. 2013. *Avian mortalities due to transmission line collisions: a review of current estimates and field methods with an emphasis on applications to the Canadian electric network*. *Avian Conservation and Ecology* 8(2): 7. <https://ace-eco.org/vol8/iss2/art7/>

## **General Comments**

1. Given that the project is registered under Nova Scotia's (NS) Environmental Assessment Regulations, it remains the discretion of the province whether sufficient information has been provided to assess the potential effects of the Project under their jurisdiction and responsibility. ECCC does not have any permits (or authorizations) or approvals in relation to the proposed project. Any advice provided by ECCC is intended to support Nova Scotia Environment and Climate Change (NS ECC) Environmental Assessment review process. The Proponent is responsible for identifying measures which ensure their compliance with the federal Migratory Birds Convention Act (MBCA) and the Species at Risk Act (SARA).
2. ECCC notes that the Province of NS's Department of Natural Resources (NS NR) holds technical expertise, jurisdiction, and management authority for birds not protected by the MBCA (e.g., raptors) and terrestrial species at risk (SAR) including bats, reptiles, amphibians, land-mammals, insects, plants, and lichen. ECCC advice on these species is derived from federal recovery strategies produced as per the SARA and are focused on species recovery. SAR are a shared responsibility between the federal government and the provinces and ECCC comments reflect this.
3. The EARD includes hedging and ambiguous wording, such as, "*where possible*" and "*to the extent possible*" when describing mitigation measures.

ECCC recommends removing ambiguous wording from the EA and associated plans. The EIA should clearly describe commitments to mitigation measures to avoid/minimize potential effects of the Project on migratory birds and species at risk (SAR), and where effects cannot be avoided/minimized, a proposed plan to mitigate residual impacts should be described (e.g., monitoring plan, scheduling, buffers, offsetting measures, etc.). Contingency plans identifying mitigation measures should be prepared to address all scenarios that may impact migratory birds and SAR during all of times of the year and all project phases.

4. The proponent should retain raw survey data (e.g., radar, breeding bird surveys) until appropriate data standards have been developed. Proponents are encouraged to share and store data with:
  - The ECCC's Canadian Wildlife Service (SAR observations; [scf-](#)

[atldonneesei-cws-atliadata@ec.gc.ca](mailto:atldonneesei-cws-atliadata@ec.gc.ca))

- The Atlantic Canada Conservation Data Center (SAR/SOCC observations; <http://accdc.com/en/contribute.html>)
- NA Bat (acoustic bat data; <https://www.nabatmonitoring.org/upload-data>)
- The Wind Energy Bird and Bat Monitoring Database (bird and bat data; [NatureCounts - Wind Energy Bird & Bat Monitoring Database](#))

5. If considering wildlife protection, mitigation, monitoring and adaptive management plans as part of potential approval conditions related to avifauna and/or migratory bird SAR, ECCC recommends clarifying what elements are expected to be included, and that the consultation process is clear for all parties.

ECCC's preference is that any documents and requests for advice from the proponent be submitted and coordinated through NS ECC as part of their EA process via the ECCC-EA window ([FCR\\_Tracker@ec.gc.ca](mailto:FCR_Tracker@ec.gc.ca)).

### **Specific Comments**

#### Migratory Birds

6. ECCC notes that the project area provides potential breeding habitat for several waterfowl species and serves as an important migration and staging area for waterfowl. Although ECCC does not have breeding waterfowl data within the project area itself, we have an Eastern Waterfowl Survey plot nearby in similar habitat. Based on these data, it is expected that the following species will be breeding in the project area: American Black Duck, Canada Goose, Mallard, Ring-necked Duck, American Green-winged Teal, Common Merganser, Hooded Merganser, Wood Duck. Other non-waterfowl species such as Common Loon, Spotted Sandpiper, and yellowlegs species (Greater and Lesser) likely breed in the area. Lakes in the proposed study area and those immediately outside of it (Donnelly's Lake, Haleys Lake, Maynie's Lake, Gavins Lakes and Leers Lake) are large enough to host breeding gulls and terns. Satellite telemetry data shows use of the Strait of Conso by migrating waterfowl (particularly sea ducks like eiders and scoters) during the spring and fall. Canada Geese and American Black Ducks are also known to migrate through this corridor.

Waterfowl are known to exhibit avoidance behaviour around wind turbines, resulting in functional habitat loss. Disturbance effects should be considered

within a 1 km radius of each proposed turbine. Accordingly, all wetland habitat within 1 km of each turbine should be interpreted as unavailable to waterfowl. Preliminary mapping suggests that while coastal habitats are likely unaffected by this buffer, most wetland habitat within and adjacent to the project area would be effectively removed for waterfowl use.

Additionally, potential impacts to migratory sea ducks moving through the Strait of Canso should be considered given the proximity of turbines to coastal environments. Although the loss of this habitat alone may not result in population-level effects, cumulative impacts should be assessed in relation to other existing and proposed wind projects in the region, as well as ongoing provincial wetland loss. In particular, cumulative effects associated with the nearby Mulgrave Community Wind Power Project, Goose Harbour Lake Wind Farm Project, Aulds Cove Wind Project, and Setapuktuk Project, all within 15km of the project area.

The timing and methods of the baseline avian surveys likely did not adequately characterize waterfowl use of the study area, given that waterfowl generally breed earlier than passerines and use wetland habitats not well represented by standard point count surveys.

7. ECCC offers the following general recommendations regarding Pileated Woodpecker nesting cavities, which are protected year-round under Schedule 1 of the *Migratory Birds Regulations*:

- Review and understand proponents' responsibilities under the amended *Migratory Bird Regulations* (MBR 2022).
- Conduct a survey to identify suitable nesting habitat within the area planned for vegetation clearing.
- Inspect identified suitable nesting trees for any Pileated Woodpecker cavities and determine occupancy; Note: In the Maritimes, ECCC recommends surveying during the second half of June to confirm nesting. By that time, the nestlings are large and loud and may be heard before the cavity can be seen.
- Notify the ECCC Minister through the Abandoned Nest Registry if any abandoned cavities are found on trees that require removal.
- Monitor occupancy of cavity(ies) over the next 36 months prior to removal and establish a vegetated buffer around the tree. Note: it is important that the nest itself remains intact, and we strongly encourage the Proponent to maintain as much surrounding vegetation as possible to preserve the

woodpecker's habitat. If the construction activities are expected to extend during the breeding season, then actions must be taken to ensure that the nesting woodpecker is not disturbed by the construction activities.

For more information on the amended nest protections under the MBR 2022, frequently asked questions on how these protections apply to migratory birds, including Pileated Woodpecker, and your responsibilities for reporting abandoned nests, please visit the following:

- Nest Protection Fact Sheet: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/fact-sheet-nest-protection-under-mbr-2022.html>
- MBR 2022 FAQ: <https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html>.

8. Quote (pg. 258): *“A detailed Post Construction Avian Monitoring Plan will be developed and submitted to NSECC and NSNR for review.”*

ECCC notes that post-construction monitoring for migratory birds requires a *Migratory Birds Regulations* (MBR 2022) permit. Under the MBR 2022, a scientific permit is required to possess and handle any dead migratory birds used for observer efficiency or scavenging trials (ECCC, s.10.4 2007) and is recommended for the collection of a migratory bird (dead or alive), feathers, or part of a migratory bird (as defined in the *Migratory Birds Convention Act* [MBCA]) found during post-construction monitoring activities (e.g., carcass searches). To apply for an MBR permit, proponents should contact the ECCC-CWS permitting office at: [SCF-ATLPermis-CWS-ATLPermits@ec.gc.ca](mailto:SCF-ATLPermis-CWS-ATLPermits@ec.gc.ca). EC 2007a and EC 2007b include guidance for developing post-construction monitoring programs for wind energy development projects in Canada.

9. The following mitigation measure regarding clearing activities is listed on page 257: *“Adhere to ECCC guidelines on clearing windows for nesting migratory birds (i.e., outside of the April 15 to August 31 nesting window), where possible. If vegetation and tree clearing activities during the nesting/breeding season cannot be avoided, nest sweeps will be conducted.”*

Nests in complex habitats (e.g., forests, wetlands) are difficult to locate, and adult birds avoid approaching their nests in a manner that would attract predators to their eggs or young. In many circumstances, disturbance and/or

harm to migratory birds is still likely to occur even when nest sweeps are conducted prior to vegetation clearing activities.

Therefore, ECCC does not recommend nest sweeps in vegetation prior to clearing or land disturbance activities during the breeding season. Rather, to promote compliance with the *Migratory Birds Convention Act* (MBCA) and its regulations and the *Species at Risk Act* (SARA), ECCC recommends that activities that may result in incidental take of nests or eggs, such as vegetation clearing and maintenance, occur outside the migratory bird nesting period (**mid-April to late-August** in this region; nesting zone “C3”, ECCC 2025).

For additional information, see “Vegetation Clearing” standard recommendations below.

10. ECCC notes that the avian effects assessment in Section 10.4.7. Injury and Mortality (pg. 255-256) does not sufficiently address the effects of transmission and collector (“power”) lines on migratory birds.

Power lines have the potential to harm, injure, or kill migratory birds due to collision and electrocution. In Canada, collisions with power lines are estimated to be one of the top sources of human-related mortality in birds (Calvert et al. 2013), with estimated mortality ranging from 2.5 million to 25.6 million birds killed per year (Roux et al. 2013).

The proposed placement of above-ground power lines should consider areas used as flight paths by migratory birds during migration, near shorebird staging and foraging involving overland daily movements, or while travelling from nesting to foraging areas, and/or along streams used by waterfowl.

ECCC recommends the following general beneficial management practices to avoid potential harm to migratory birds associated with power lines:

- Avoid building transmission, collection, or distribution lines over, adjacent, or near areas where birds are known to congregate or move, including:
  - Important breeding, staging, moulting areas;
  - Breeding colonies; and
  - Between breeding and foraging areas.
- Consider installing underground power lines in high-risk areas for bird collisions.

- Design “avian-safe” configurations to reduce the risk of electrocutions, including:
  - Providing sufficient separation between energized phase conductors and between phases and grounded hardware;
  - Insulating exposed surfaces in high-risk areas;
  - Installing perch-management (e.g., perch guard) devices on poles; and
  - Removing or minimizing vegetation around poles and lines.
- Install measures on lines that reduce the risk of collisions:
  - Provide minimal vertical separation between lines;
  - Use self-supporting structures to reduce the number of guy wires;
  - Use line-marking devices to increase the visibility of the lines; and
  - Consider illuminating lines and towers with ultraviolet (UV) lighting to increase the visibility of lines in high-risk areas.

ECCC recommends that the Proponent refer to Avian Power Line Interaction Committee ([www.aplic.org](http://www.aplic.org)) for an understanding of avian risks from powerlines and guidance. For information on avian line marker (“bird diverter”) use and optimal design, ECCC recommends referencing guidance from the Renewables Grid Initiative (RGI 2024a, RGI 2024b).

11. Generally, ECCC recommends that the proponent follow the precautionary principle and identify operational mitigation measures for the project impacts as part of the EA commitments and implement them such that impacts to migratory birds and bats will be avoided *before* they occur. Additionally, ECCC recommends that the proponent develop adaptive management plan(s) and undertake post-construction monitoring to monitor residual effects (EC 2007a, EC 2007b).
12. If the proposed project is approved, Adaptive Management and Post-construction Monitoring Plans should consider the potential for cumulative impacts of multiple wind energy and other development projects in the area on migratory birds. Where possible, post-construction mortality monitoring reporting should consider post-construction monitoring results from nearby sites (e.g., Mulgrave Community Wind Power Project, Goose Harbour Lake Wind Farm Project, Aulds Cove Wind Project, and Setapuktuk Project).

### Species at Risk

13. ECCC notes that avian SAR listed under the *Species at Risk Act* (SARA) may occur in the Project area, including but not limited to:
  - **Barn Swallow** (SARA-listed Threatened)

- **Bobolink** (SARA-listed Threatened)
- **Canada Warbler** (SARA-listed Threatened)
- **Common Nighthawk** (SARA-listed Threatened)
- **Eastern Wood-pewee** (SARA-listed Special Concern)
- **Evening Grosbeak** (SARA-listed Special Concern)
- **Olive-sided Flycatcher** (SARA-listed Threatened)
- **Rusty Blackbird** (SARA-listed Special Concern)

Additionally, non-avian SAR may occur in the Project Area, including but not limited to: Little Brown Myotis (SARA-listed Endangered), Northern Myotis (SARA-listed Endangered), Tri-colored Bat (SARA-listed Endangered), Silver-haired bat (COSEWIC-Endangered), Eastern Red Bat (COSEWIC-listed Endangered), Hoary Bat (COSEWIC-listed Endangered), Blue Felt Lichen (SARA-listed Special Concern), and Frosted Glass-whiskers – Atlantic Population (SARA-listed Special Concern), Snapping Turtle (SARA-listed Special Concern), Wood Turtle (SARA-listed Threatened).

For projects undergoing environmental assessment, ECCC recommends that adverse effects of the project on SAR and their Critical Habitat are identified, and, if the project is carried out, that mitigation measures are taken to avoid or lessen those effects. We recommend that mitigation measures:

- Be consistent with best available information including any Recovery Strategy, Action Plan or Management Plan in a final or proposed version; and
- Respect the terms and conditions of the *Species at Risk Act* (SARA) regarding protection of individuals, residences, and critical habitat of Extirpated, Endangered, or Threatened species.

ECCC also recommends follow-up monitoring to verify impact predictions, and adequacy of mitigation measures, and adaptive management in the event that SAR or their critical habitat are adversely affected by the project.

14. ECCC notes on page 193 that a Snapping Turtle (SARA-listed Special Concern) was recorded in the assessment area outside the targeted surveys. ECCC also notes that limited Wood Turtle (SARA-listed Threatened) habitat is present within the assessment area.

ECCC offers the following general recommendations for the proponent regarding SAR turtles:

- The proponent should identify potential impacts on nesting habitat for SAR turtles.
- The proponent should identify measures to avoid and minimize impacts on SAR turtle individuals during sensitive periods, including measures to protect individuals travelling to nesting and overwintering habitats. If dewatering an area, mitigation measures should also be considered for turtles found in dewatered areas.
- September is the pre-overwintering period when some SAR turtles are in the forest. Hatchlings can emerge from nests in early September to early October. If SAR turtles are present at this site, clearing should occur no earlier than mid-October to avoid risk of destruction of individuals.

ECCC recommends reviewing the following assessment and recovery documents to inform development of monitoring and mitigation measures for federally listed freshwater turtle SAR:

- *Recovery Strategy for the Wood Turtle (Glyptemys insculpta) in Canada* (2020): <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/wood-turtle-2020.html>
- *Management Plan for the Snapping Turtle (Chelydra serpentina) in Canada* (2020): [https://species-registry.canada.ca/index-en.html#/species/1033-710#management\\_plans](https://species-registry.canada.ca/index-en.html#/species/1033-710#management_plans).

15. ECCC notes that the following lichen SAR were observed in the study area (Table 10.5, pg. 172): Blue Felt Lichen (SARA-listed Special Concern) and Frosted Glass-whiskers (SARA-listed Special Concern).

ECCC offers the following recommendations for avoiding/minimizing project impacts to Blue Felt Lichen and Frosted Glass-whiskers in Nova Scotia:

- Implement a minimum 100 m habitat management buffer zone for all individuals of Frosted Glass-whiskers observed in the Assessment Area. For any individuals where the buffer zone would not be implemented, the proponent should identify measures to avoid/minimize the effects. Management within this zone should follow the Nova Scotia SMP, including:
  - Prohibiting clearing, removal, or disturbance of trees, soil, or wetlands; and
  - Prohibiting new road or trail construction within the zone unless exceptional circumstances apply and are approved through the

provincial variance process.

- Provide a lichen SAR monitoring program including all sites where lichen SAR have been detected in the Assessment Area, and proposed monitoring and adaptive management measures in the event that adverse effects to lichen SAR are detected.
- Consult recovery documents to inform development of mitigation strategies to avoid direct and indirect impacts:
  - The Management Plan for Blue Felt Lichen (*Degelia plumbea*) in Canada [Final] (2022): <https://species-registry.canada.ca/index-en.html#/consultations/3645>
  - The Management Plan for the Frosted Glass-whiskers (*Sclerophora peronella*), Nova Scotia Population, in Canada [Final] (2011): [https://species-registry.canada.ca/index-en.html#/species/739-578#management\\_plans](https://species-registry.canada.ca/index-en.html#/species/739-578#management_plans)
- Mitigation strategies and plans should be provided for review as part of the EA and support significance conclusions.

16. ECCC notes that the following SAR/SOCC bat species/groups were detected during baseline monitoring: Myotis species (i.e., Little brown myotis and/or Northern myotis; SARA-listed Endangered), Hoary bat (COSEWIC-assessed Endangered), Silver-haired bat (COSEWIC-assessed Endangered), Eastern red bat (COSEWIC-assessed Endangered), and unknown bats (including low-frequency and high-frequency bats).

The populations of the three SARA-listed bat species (Little Brown Myotis, Northern Myotis, and Tricolored Bat) are highly depressed in NS, primarily due to introduction of White-nosed Syndrome (WNS), and therefore few acoustic detections are expected. Any additional loss of SAR bat individuals, maternity roosts, or and/or hibernacula remaining on the landscape can be biologically significant for these long-lived, k-selected species, and affect their recovery. Additionally, the three “migratory” bats, which have been assessed by COSEWIC as Endangered, are highly vulnerable to mortality due to wind turbines.

ECCC recommends that monitoring, mitigation measures, and adaptive management plans consider the COSEWIC-assessed migratory bat species as though they are SARA-listed SAR, in the event that they become listed during the lifetime of the Project.

Additionally, ECCC notes that the mitigation measures provided on page 238 do

not include operational mitigations to prevent bat-turbine collisions. ECCC recommends including EA commitments to mitigation measures for minimizing potential impacts to SARA and COSEWIC-listed Endangered bat SAR during the project's operational phase *before* impacts occur, such as increasing cut-in speeds or altering the pitch/feathering the blades during high-risk collision periods (e.g., during migration or swarming or when wind velocity is low).

ECCC notes that site selection is the most important component of a successful mitigation strategy for bats with respect to wind power development, with turbines and other project infrastructure located as far away as possible from important bat habitat features (hibernacula, potential maternity roosts, migration pathways).

17. Quote p. 227 “Based on desktop review and habitat modelling results, common nighthawk could occur within the Study Area.”

Common Nighthawk and other ground or burrow-nesting migratory birds may be attracted to stockpiles or exposed areas for nesting, particularly if there is a delay between clearing activities and subsequent construction activities.

Additionally, Common Nighthawk may have a higher collision risk with turbines/blades than other bird SAR recorded during the breeding period, as this species is an aerial insectivore known to occupy open habitat areas and flying at various heights in search of insects. They also defend their territories by aerial displays (wing booms) that might make them more susceptible to collisions if they choose to nest close to turbines.

ECCC offers the following recommendations:

- Undertake a habitat suitability assessment for this species and clarify whether areas with suitable breeding habitat will be avoided during micro-siting of turbines.
- Develop measures to deter birds from nesting in work areas, such as covering exposed areas or stockpiles when not in use and minimizing the delay between clearing and subsequent construction activities.
- Identify other targeted mitigation measures to avoid and minimize impacts on Common Nighthawk and its habitat;
- Develop a monitoring plan that includes:
  - Post-construction nightjar surveys (dusk and dawn);
  - Post-construction mortality monitoring to evaluate bird strikes; and

- Adaptive management measures to be implemented should adverse effects be detected.
- Reference the *Recovery Strategy for the Common Nighthawk (Chordeiles minor) in Canada [Final] (2016)* to inform the development of mitigation measures for this species: [https://species-registry.canada.ca/index-en.html#/species/986-668#recovery\\_strategies](https://species-registry.canada.ca/index-en.html#/species/986-668#recovery_strategies)

## Wetlands

18. ECCC advocates for the conservation of wetlands, especially in areas where wetland losses have already reached critical levels (e.g., NB, NS, PEI, southern Ontario, Prairies), regionally important wetlands, and wetlands used by avian SAR and SOCC as part of their lifecycle (e.g., Canada Warbler, Chimney Swift, Olive-sided Flycatcher Common Nighthawk, Lesser Yellowlegs, Greater Yellowlegs, Spotted Sandpiper, Upland Sandpiper, etc.).

ECCC advocates for planning, siting and designing a project in a manner that considers wetland mitigation options in a hierarchical sequence – avoidance, minimization, and as a last resort, compensation.

In assessing potential for avoidance and minimization impacts to wetlands and avian SAR and SOCC that use wetlands, ECCC recommends that the proponent consider implementing a 30-m buffer around wetlands for all project infrastructure (e.g., turbine pads, access roads, transmission corridors, substation). Any vegetation clearing (even if temporary) should be considered an alteration requiring compensation or other measures to ensure wet soils and wetland functions are maintained for migratory birds and species at risk.

ECCC also recommends the following general measures:

- Developments on wetlands should be avoided;
- Hydrological function of the wetland should be maintained;
- Runoff from development should be directed away from wetlands;
- A 30-metre buffer from the high-water mark of any water body (1:100 Flood Zone) should be maintained in order to retain movement corridors for migratory birds. Please see <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for further information concerning buffer zones.

## **Applicable Legislation and Standard Advice**

### *Fisheries Act*

Pollution prevention and control provisions of the *Fisheries Act* are administered and enforced by ECCC. Subsection 36(3) of the *Fisheries Act* prohibits “anyone from depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter such water”.

It is the responsibility of the proponent to ensure that activities are managed so as to prevent the release of substances deleterious to fish. In general, compliance is determined at the last point of control of the substance before it enters waters frequented by fish, or, in any place under any conditions where a substance may enter such waters. Additional information on what constitutes a deposit under the Fisheries Act can be found here: [Frequently asked questions: Fisheries Act pollution prevention provisions - Canada.ca](https://www2.ec.gc.ca/info-fact/frequently-asked-questions-fisheries-act-pollution-prevention-provisions-canada-ca)

### *Migratory Birds Convention Act*

The federal [Migratory Birds Convention Act](#) (MBCA) and its [regulations](#) protect migratory birds and their eggs and prohibit the disturbance, damage, destruction or removal of migratory bird nests that contain a live bird or a viable egg. Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species listed in [Schedule 1 of the MBR 2022](#) are protected year-round. These general prohibitions apply to all lands and waters in Canada, regardless of ownership. For more information, please visit: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>.

For migratory birds that are listed as Endangered, Threatened or Extirpated on Schedule 1 of the *Species at Risk Act* S.32 (protection of individuals) and S.33 (protection of residences) apply to all land tenure types in Canada. For some migratory bird species listed under the *Species at Risk Act* (SARA), the residence prohibition will protect nests that are not active but are re-used in subsequent years (please note that the residence of a migratory bird may not necessarily be limited to their nest).

Section 5.1 of the MBCA describes prohibitions related to depositing substances harmful to migratory birds:

“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.

(2) No person or vessel shall deposit a substance to be deposited in any place if the substance, in combination with one or more substances, result 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.”

The proponent is responsible for ensuring that activities are managed to ensure compliance with the MBCA and associated regulations.

### Species at Risk Act

The Species at Risk Act (SARA) “General prohibitions” apply to this project. In applying the general prohibitions, the proponent, staff and contractors, should be aware that no person shall:

- kill, harm, harass, capture or take an individual;
- possess, collect, buy, sell or trade an individual, or any part or derivative;
- damage or destroy the residence of one or more individuals.

General prohibitions only apply automatically:

- on all federal lands in a province,
- to aquatic species anywhere they occur,
- to migratory birds protected under the Migratory Birds Convention Act (MBCA) 1994 anywhere they occur.

Section 33 of SARA prohibits damaging or destroying the residence of a listed threatened, endangered, or extirpated species. For migratory bird species at risk (SAR), this prohibition immediately applies on all lands or waters (federal, provincial, territorial and private) in which the species occurs.

For project assessments, SARA requires:

79 (1) Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted, and every authority who makes a determination under paragraph 82(a) or (b) of the [Impact Assessment Act](#) in relation to a project, must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.

(2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that

measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

ECCC notes that all comments it provides concerning species at risk that are not migratory birds derive from federal recovery/management plans as posted on the Species at Risk Registry (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>), and thus comments may not be comprehensive to the body of knowledge for the species.

For species which are not listed under SARA but are listed under provincial legislation only or that have been assessed and designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), it is best practice to consider these species in EA as though they were listed under SARA.

#### Vegetation Clearing

Clearing vegetation may cause disturbance to migratory birds and inadvertently destroy their nests and eggs. Many species use trees, as well as brush, deadfalls and other low-lying vegetation for nesting, feeding, shelter and cover. This would apply to songbirds throughout the region and waterfowl in wetland areas. Disturbance of this nature would be most critical during the key breeding period (mid-April to late-August in this region), however some species protected under the MBCA do nest outside of this time period. Please see the webpage “Nesting Periods” (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html>) for more specific information concerning the breeding times of migratory birds. This project falls within zone “C3”.

ECCC provides the following recommendations:

- Avoid certain activities, such as clearing, during the regional nesting period for migratory birds. The breeding season for most birds within the project area occurs between **mid-April and late-August** in this region (see above website for more specific time periods by zone).
- Active nests can be discovered during project activities outside of the regional nesting period. To reduce the risk of impacting nests or birds caring for pre-fledged chicks at those times, ECCC recommends implementation of 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 comply with the MBCA.

- Be cognizant that while most migratory bird species construct nests in trees (sometimes in tree cavities) and shrubs, mitigations should be appropriate for migratory birds with different strategies. For example, several species nest at ground level (e.g. Common Nighthawk, Killdeer, sandpipers), in hay fields, pastures or in burrows. Some bird species may nest on cliffs or in stockpiles of overburden material from mines or the banks of quarries. Some migratory birds (including certain waterfowl species) may nest in head ponds created by beaver dams. Some migratory birds (e.g. Barn Swallow, Cliff Swallow, Eastern Phoebe) may build their nests on structures such as bridges, ledges, or gutters.
- Develop and implement a management plan that includes appropriate preventative measures to minimize the risk of impacts on migratory birds (Please see ‘Guidelines to reduce risk to migratory birds’ at <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>). For beneficial management practices regarding how to avoid the incidental take of migratory bird nests and eggs, please refer to the Avoidance Guidelines (Website: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/guidelines.html>). The management plan should include processes to follow should an active nest be found at any time of the year.

### Lighting

Attraction of migratory birds and SAR to light at night or in poor visibility conditions during the day may result in collision with lit structures, their support structures, or with other migratory birds. Disoriented migratory birds are prone to circling light sources and may deplete their energy reserves and either die of exhaustion or be forced to land where they are at risk of depredation.

To reduce the risk of disturbance to migratory birds related to human-induced light, ECCC-CWS recommends implementation of the following beneficial management practices:

- The fewest number of site-illuminating light possible should be used in the project area. Only strobe lights should be used at night, at the lowest intensity and smallest number of flashes per minute allowable by Transport Canada.
- Lighting for the safety of the employees should be shielded down and only to where it is needed.
- LED lights should be used instead of other types of light where possible. LED light fixtures are less prone to light trespass (i.e., are better at directing light where it needs to be, and do not bleed light into the surrounding area), and this property

reduces the incidence of migratory bird attraction.

### Fuel Leaks

The proponent must ensure that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan in case of oil spills is prepared. Furthermore, the proponent should ensure that contractors are aware that under the MBCA, “no person shall deposit or permit to be deposited oil, oil wastes or any substance harmful to migratory birds in any waters or any area frequented by migratory birds.” Biodegradable alternatives to petroleum-based chainsaw bar oil and hydraulic for heavy machinery are commonly available from major manufacturers. Such biodegradable fluids should be considered for use in place of petroleum products whenever possible, as a standard for best practices. Fueling and servicing of equipment should not take place within 30 meters of environmentally sensitive areas, including shorelines and wetlands.

ECCC recommend incorporating a Wildlife Emergency Response Plan into emergency response contingency plans for scenarios that may impact avifauna directly (injury or mortality e.g. polluting incident) or indirectly (collisions causing mortality, stranding due to light attraction).

For consideration in emergency response and contingency planning related to accidents and malfunctions, ECCC has prepared *Guidelines for Effective Wildlife Response Plans* (ECCC 2022) available online

at: <https://www.canada.ca/en/services/environment/wildlife-plants-species/national-wildlife-emergency-framework.html>. Plans should include:

- Measures to deter migratory birds from coming into contact with the oil or polluting substance;
- Measures undertaken if individuals of migratory birds and/or sensitive habitat become contaminated; and,
- The type, extent of monitoring, and reporting in relation to various spill events.

The proponent is responsible for ensuring that all precautions are taken by the contractors to prevent fuel leaks from equipment, and that a contingency plan is prepared in the case of spills. Furthermore, the proponent should ensure that contractors are aware of s.5.1 MBCA prohibitions.

Events involving a polluting substance should be reported to the 24-hour environmental emergencies reporting system: **1-800-565-1633**.

Bird mortality incidents of 10 or more birds in a single event, or an individual species at risk, should be reported via ECCC-CWS Main Office **(506) 364-5044** or via email to [SCFATLEvaluationImpact-CWSATLImpactAssessment@ec.gc.ca](mailto:SCFATLEvaluationImpact-CWSATLImpactAssessment@ec.gc.ca).

### Stockpiles

Certain species of migratory birds (e.g., Bank Swallows) may nest in large piles of soil left unattended/ unvegetated during the most critical period of breeding season (mid-April through late August). To discourage this, the proponent should consider measures to cover or to deter birds from these large piles of unattended soil during the breeding season. If migratory birds take up occupancy of these piles, any industrial activities (including hydroseeding) will cause disturbance to these migratory birds and inadvertently cause the destruction of nests and eggs. Alternate measures will then need to be taken to reduce potential erosion, and to ensure that nests are protected until chicks have fledged and left the area. For a species such as Bank Swallow, 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 also a period of time after chicks have learned to fly, because Bank Swallows return to their colony to roost.

For additional information on designing mitigation measures for Bank Swallow, refer to the following guidance: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/related-information/bank-swallow-sandpits-quarries.html>.

### Invasive Species

Measures to diminish the risk of introducing invasive species should be developed and implemented during all project phases. These measures could include:

- Cleaning and inspecting construction equipment before transport from elsewhere to ensure that no vegetative matter is attached to the machinery (e.g., use of pressure water hose to clean vehicles before transport).
- Regularly inspecting equipment prior to, during and immediately following construction in areas found to support Purple Loosestrife or other invasive species to ensure that vegetative matter is not transported from one construction area to another.

### Noise Disturbance

Anthropogenic noise produced by construction and human activity can have multiple impacts on birds, including causing stress responses, avoidance of certain important habitats, changes in foraging behavior and reproductive success, and interference with songs, calls, and communication. Activities that introduce loud and/or

random noise into habitats with previously no to little levels of anthropogenic noise are particularly disruptive.

ECCC recommends the following best management practices:

- Develop mitigations for programs that introduce very loud and random noise disturbance (e.g., blasting programs) during the migratory bird breeding season for their region.
- Prioritize construction works in areas away from natural vegetation while working during the migratory bird breeding season. Conducting loud construction works adjacent to natural vegetation should be completed outside the migratory bird breeding season.
- Keep all construction equipment and vehicles in good working order and loud machinery should be muffled.

Please let me know if you have any questions regarding the above advice.

Thank you,

**Maryam Fazeli**

Coordinator, Environmental Assessment, Environmental Protection Operations Directorate - Atlantic Environment and Climate Change Canada / Government of Canada

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## Environment and Climate Change

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Date: March 27, 2026

To: Meghan Rafferty, Environmental Assessment Officer

From: Water Resource Management Branch

Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia**

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### **Scope of review:**

This review focuses on the following mandates: groundwater quality and quantity, surface water quality and quantity, and wetlands.

### **List of Documents Reviewed:**

Environmental Assessment Review Document, Appendices, Drawings, GIS Files

### **Details of Technical Review:**

#### **Groundwater**

The Upper Afton Wind Power Project proposes an onshore wind farm with up to 28 turbines and supporting infrastructure located near communities of Upper Afton, Merland and New France in Antigonish County. This includes turbine foundations, access roads, electrical collection systems, a substation, an operations and maintenance (O&M) building, meteorological towers, laydown areas, and temporary construction facilities.

The Project Area is located on the Mulgrave Plateau, a high-elevation landform underlain mainly by sedimentary bedrock such as siltstone, sandstone, conglomerate, and shale. Elevations range from about 65 m to 217 m above sea level. The plateau drops steeply toward the Strait of Canso and Highway 104.

Because of its elevation, the Mulgrave Plateau likely functions as a groundwater recharge area, contributing water to fractured bedrock aquifers and supporting groundwater discharge to nearby streams, lakes, and wetland environments.

Nearby wind power projects include the Auld's Cove Green Current Wind Power Project (approximately 8 km northeast) and the Setapuktuk Wind Power Project (approximately 16 km east).

#### **Water Wells**

Based on the Nova Scotia Environment and Climate Change (NSECC) online well log database, the EARD identifies 51 water wells within 2 km of the Study Area. Of these, it is reported that 20

wells are located within 800 m of the Project Footprint. However, a review of EARD Drawing 8.8. indicates that only 9 wells appear to be within the drawn 800 m Project Footprint buffer.

The EARD notes that desktop well-location data may have positional inaccuracies. Wells with more than 1,000 m of spatial uncertainty were excluded from the analysis. Field verification will be required to confirm the true locations of all potentially affected wells.

### **Groundwater Monitoring**

The EARD proposes groundwater monitoring only if blasting is required.

- A dedicated groundwater monitoring well network was not included in the proposal.
- If blasting occurs (determined pending the results of geotechnical work), wells within 800 m of blasting areas would be monitored following the NSECC Procedure for Conducting a Pre-Blast Survey (1993).

### **Surface Water**

The project site is primarily located within the Tracadie River primary watershed (1DS), with a smaller portion in the Clam River / St. Francis River primary watershed (1ER). It spans six secondary watersheds and contains 142 watercourses within the study area. As defined by the EARD, these include 127 flowing watercourses (streams and rivers) and 15 non-flowing waterbodies (ponds and lakes).

Where possible, efforts were made to avoid impacts to surface waters by maintaining setbacks from surface water and using existing roads where feasible.

The EARD identified that it would require 55 watercourse alteration approvals for the development of new culverts or upgrades of existing infrastructure. It indicated that watercourses with upgraded watercourse crossings may experience improved hydrology due to the upgrades.

The EARD stated that indirect impacts due to sedimentation and erosion would be mitigated with best management practices and committed to developing an Erosion and Sediment Control (ESC) plan.

The proponent intends to develop a surface water management plan (SWMP) to integrate water management systems. This plan, as described in the EARD, appears to focus on individual pieces of infrastructure. However, the project as presented will impact local hydrology by altering as many as 55 watercourses and 84 wetlands spread across six secondary watersheds and two primary watersheds. A more comprehensive SWMP can help manage these risks by preventing cross-watershed impacts, tailoring mitigation to each watershed, and avoiding the accumulation of small impacts into larger watershed-level degradation.

The proponent plans to plow, sand and salt roads in winter. Streams and wetlands can be sensitive to chloride additions from road salt which can alter ecosystem structure. Risks to streams and wetlands could be mitigated with a salt management plan, based on the Code of Practice for the Environmental Management of Road Salt, that would aim to minimize salt application while maintaining safe road surfaces.

The proponent indicated that a Mobile Concrete Batch Plant may be used to supply the concrete needed during the project's construction phase. Details surrounding the plant are not provided.

The alteration of wetlands may also negatively impact water quality in any downstream watercourse as wetlands can act like a filter and help dampen peak flows reducing turbidity/small particles. This was not considered in the aquatic environment section of the EARD. This risk could be avoided by avoiding wetland alterations where possible, especially upstream of those watercourses that are providing good fish habitat.

### **Wetlands**

The proponent is proposing to construct and operate the Upper Afton Wind Project (the Project), an onshore wind farm with up to 28 wind turbines.

Wetland field surveys were completed between 2023 and 2026, and 152 wetlands were identified either partially or fully within the final iteration of the AA. The most prominent wetland types in the assessment area are swamps.

Eighty-four (84) out of 111 wetlands proposed to be altered has WESP-AC completed on. The Project is anticipated to alter a total wetland area of 100,593 m<sup>2</sup>.

### **Key Considerations:**

#### **Groundwater**

The proposed project covers a large area and includes 28 turbines along with extensive access roads and supporting infrastructure. Because the project is located in a likely groundwater recharge area, both construction and operations have the potential to affect groundwater availability and quality.

To be able to monitor potential groundwater impacts on private well owners:

- A baseline Water Well Survey should be completed before construction for all wells within 800 m of the Project Footprint.
- This survey should be carried out regardless of whether blasting occurs, as it provides essential baseline information for comparison before and after construction.

Other construction and operational activities may influence groundwater flow or quality and should also be considered when planning groundwater protection measures.

#### **Surface Water**

The EARD generally avoided and appropriately mitigated risks to surface water. However, it is noted that baseline water quality monitoring was limited to in-situ quality data for temperature, pH, dissolved oxygen, specific conductivity, and total dissolved solids. Hydrological data was collected for sixty-five (65) watercourses during field assessments. Water quality and hydrological data may need to be confirmed and supplemented with turbidity and/or total suspended solids (TSS) data when developing plans committed to in the EARD (e.g., ESC,

surface water management), especially for those watercourses affected by watercourse and wetland alterations.

Mitigative measures proposed in the EARD including erosion and sediment control and measures to minimize impacts of altered hydrology would reduce risks to surface waters posed by the project. To further minimize risks, these measures, and aspects of the contingency plan, could be integrated into a holistic, site-specific, ESC and Surface Water Management plans before construction begins.

The risks to water quality due to wetland alterations was not considered. These risks should be considered and mitigated in the next stages of planning. The EARD committed to following the appropriate regulation, permitting requirements, and protocols in relation to surface water quantity and quality.


### **Wetlands**

The proponent should consider all opportunities to minimize the impacts to wetlands, including changes to the project footprint and mitigations to minimize indirect impacts, especially where WSS alterations are proposed. It is unclear to what extent wetlands will be altered indirectly because of hydrogeological changes.

During the detailed design phase, hydrological assessments should be completed as part of SWMP to identify and assess indirect wetland alterations.

For direct and indirect alterations, the proponent is required to submit a Wetland Alteration Approval Application for review and approval and complete any necessary compensation and monitoring. The proponent should utilize Nova Scotia's Wetland Alteration Application's Guided Template for the permit applications.

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Date: March 24, 2026  
To: Meghan Rafferty, Environmental Assessment Officer  
From: Department of Public Works, Environmental Services – Brent MacDonald, P. Eng.,  
Manager   
Subject: Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia

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**Scope of review:**

This review focuses on the following mandate: Traffic Engineering and Road Safety

**List of Documents Reviewed:**

Upper Afton Wind Ltd.'s Upper Afton Wind Project Environmental Assessment

**Details of Technical Review:**

The Proponent is proposing to build a wind farm for up to 28 turbines near Upper Afton in Antigonish County.

1. Section 2.3.2 Regulatory Feedback (Provincial) on page 6 of the document references required permits and notifications including Special Moves Permit (SMP) and Work-Within-Highway-Right-Of-Way permit (WWHROW), Notification of Blasting as well as use of the Nova Scotia Temporary Workplace Traffic Control Manual (NSTWCTCM).
  - a. For the Special Move Permit, the proponent must contact the Departmental contacts for Special Moves: Darcey MacBain, and Devon Pinks to determine next steps for turbine component transportation, particularly identifying the turbine specs as well as the transportation route for the turbine components. They can be reached at [Darcey.MacBain@novascotia.ca](mailto:Darcey.MacBain@novascotia.ca) and [Devon.Pinks@novascotia.ca](mailto:Devon.Pinks@novascotia.ca).
  - b. Modification of existing access roads and construction of new access roads (Section 3.5.2) will require a WWHROW permit where this will impact provincially owned roads. This permit is available from the DPW Area Manager.
  - c. Any workplaces created on provincially owned roads must comply with the appropriate section of the NSTWTCM.

- d. Any traffic control plans that may be required will need to be supplied by the proponent and be reviewed by the DPW Area Manager.
  - e. Blasting activities are also referenced as a possible activity. These need to be coordinated with the DPW Area Manager to minimize any impacts on any provincially owned roads.
2. The turbine component transportation route is referenced as “in progress” in the EA, with multiple access points being considered. This should be finalized as soon as possible so that the route can be analyzed properly and be approved by the Department, particularly as it references potential removal of signage and guardrails, road modifications, upgrades to roads, signage and structures. There is a passing reference to anticipated site traffic volumes on page 17 in terms of preliminary truck volumes, this must be finalized to assess any potential impacts on the road infrastructure.
  3. Table 3.2 Summary of Minimum Setback Distances (page 9) references setback from Public Roads as using municipal requirements. Additional information is provided on page 42. These should be confirmed with the DPW Area Manager to confirm provincial requirements.
  4. Transportation Related Incidents (Section 15.4, pages 297-298) appropriately identifies risks and appropriate mitigation measures to deal with them.

**Key Considerations: (provide in non-technical language)**

1. The Proponent must contact the Departmental contacts for Special Moves regarding turbine component transportation, identify specifications and transportation route.
2. A Working Within Highway Right-of-Way permit must be obtained from the DPW Area Manager for modifications to existing roads or creation of new access roads.
3. Workplaces created on provincially owned roads must comply with the Nova Scotia Temporary Workplace Traffic Control Manual.
4. The Proponent must provide the DPW Area Manager with traffic control plans for review.
5. Blasting activities must be coordinated with the DPW Area Manager.
6. The Proponent should finalize the turbine component transportation route as well as any required modifications as soon as possible for review by the Department of Public Works.
7. Anticipated traffic volumes must be finalized.
8. The Proponent should confirm Minimum Setback Distances with the DPW Area Manager.

## Agriculture

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Date: March 27, 2026

To: Meghan Rafferty, Environmental Assessment Officer

From: Heather Hughes, Executive Director, Policy and Corporate Services,  
Nova Scotia Department of Agriculture

Subject: Upper Afton Wind Project  
Antigonish County and Guysborough County, Nova Scotia

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Thank you for the opportunity to review the documents for the above-noted project.

Minimal impacts are anticipated given that:

- Within the project area 23% (2,822 acres) is Class 3 soil (Canadian Land Inventory; CLI) which, while having limitations that restrict the range of crops that could be grown, is suitable for agriculture. The rest of the project area is Class 7 which has no capacity for arable culture or permanent pasture.
- The Department identified 13 agricultural land uses occupying 78 acres within the project area. The dominant agricultural land uses are long-term crop (45 acres), inactive agriculture (26 acres) and rotational crop (8 acres).
- There is one registered (beef) farm within the project area. Two additional registered farms, one beef, one lowbush blueberry, are located with a 2 km buffer around the project area.
- Potential impacts could include additional traffic on rural roads used for farm operations and dust from construction activities which may impact blueberry operations.
- Overall impacts of installation and operation of windmills is expected to have a minimal impact on agriculture.

Date: March 27, 2026

To: Meghan Rafferty, Environmental Assessment Officer

From: Climate Change Division – Lori Skaine, Executive Director

Subject: Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia

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**Scope of review:**

This review focuses on the following mandate: Climate Change Adaptation and Mitigation

**List of Documents Reviewed:**

Environmental Assessment Registration Documents

**Details of Technical Review:**

**Adaptation:**

- The Upper Afton Wind Project Registration document recognizes that climate change is relevant to long-term project performance and operational continuity.
- To assess local climate conditions, the proponent reviewed 30 years of historical weather data (1995–2024) from the Collegetown meteorological (MET) stations (Climate IDs: 8201000 and 8201001) located approximately 28 km from the project centre.
- In addition to historical records, the proponent has been monitoring atmospheric conditions within the study area since November 2021 using a MET tower and assessed emissions scenarios under the Coupled Model Intercomparison Project Phase 6 (CMIP6) Global Climate Models (GCMs).
- Climate projections indicate that warming temperatures, altered precipitation regimes, and sea level rise are three notable aspects of climate change with potential to impact project operations.
- Based on these projections, the proponent stated that warmer temperatures may increase worker heat stress and the likelihood of forest fires and cause an abundance of disease vectors (e.g., ticks). Heavier rainfall may contribute to flooding and temporary access restrictions which may result in infrastructure damage, power outages, and operational disruptions.
- To manage these risks, the proponent will be considering adaptation measures such as purposeful project siting, refined infrastructure design, safe work procedures, and improved operational planning measures.

- Also, the proponent has proposed developing and implementing a project-specific environmental contingency plan to minimize the impact of anticipated environmental hazards.

**Mitigation:**

- The primary sources of greenhouse gas (GHG) emissions for the project, as described in Section 7.2.5 of the EA registration document, occur during the construction phase and total 77,456.72 t CO<sub>2</sub>e. These emissions are largely attributable to site development, concrete foundations, and turbine assembly.
- The operations phase is expected to generate 1,265 t CO<sub>2</sub>e from wind turbine maintenance, reported over the minimum 35-year lifespan of the project.
- The project will have a total installed capacity of 176 MW, consisting of 22 turbines rated at 8 MW.
- The proponent estimates annual electricity generation of 570,451.20 MWh. Using a Nova Scotia grid mix comparison, they estimate that producing an equivalent amount of electricity from the grid would result in 275,570.38 t CO<sub>2</sub>e in 2025.

**Key Considerations: (provide in non-technical language)****Adaptation:**

- As heavy rainfall and flooding events are expected to increase under future climate conditions, the proponent may wish to consider drainage infrastructure and access routes design using climate-informed engineering thresholds to maintain operational continuity.

**Mitigation:**

- The proposed mitigation steps identified in Section 7.2.5 of the EA registration document are appropriate and include use of locally sourced materials, utilization, where possible, of the shortest construction and transport routes, reduction of double handling of materials, regular maintenance, and personnel training.
- For added GHG emissions offsetting, the proponent could explore possible technologies that allow CO<sub>2</sub> to be embedded into concrete, including biochar amendments or mineralization.
- The proponent's construction phase emissions are primarily driven by concrete. Where feasible and particularly in cases where procurement choices may reduce embodied emissions, we suggest the proponent complement their quantified life cycle GHG estimates with procurement information showing (i) whether major suppliers are subject to carbon constraint requirements (e.g., output based pricing systems/emissions trading systems or equivalent), and (ii) any supplier-specific verified embodied carbon documentation (e.g., environmental product declarations) used to inform procurement decisions.
- We suggest the proponent present avoided emissions as a range using a small set of transparent scenarios (e.g., 2025 intensity held constant, declining intensity aligned with legislated policies, and a faster decarbonization scenario).



Fisheries and Oceans  
Canada

Pêches et Océans  
Canada

Bedford Institute of Oceanography  
1 Challenger Drive  
P.O. Box 1006, Station P500  
Dartmouth, Nova Scotia B2Y 4A2

Date: March 27, 2026

To: Meghan Rafferty, Environmental Assessment Officer

From: Tiffany MacAulay, Linear Development, Regulatory Review Biologist, Fish and Fish Habitat Protection Program

Subject: Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia

**Scope of review:**

Fisheries and Oceans Canada (DFO) is responsible for administrating the fish and fish habitat protection provisions of the *Fisheries Act* (FA), the *Species at Risk Act* (SARA), and the *Aquatic Invasive Species Regulations*.

DFO’s review focused on the impacts of the works outlined in the Upper Afton Wind Project Environmental Assessment Registration Document (EARD) to potentially result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat, which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- The introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

**List of Documents Reviewed:**

- Environmental Assessment Registration Document – Upper Afton Wind Project.pdf

**Technical Comments:**

<p>Risk Assessment: Site-Preparation and Construction Schedule</p> <p><i>Relevant EARD sections: Refs: 3.6.1 (Site Preparation schedule); 9.1.5 (ESC commitments)</i></p>	
Identify Gap/Risk	The site preparation does not indicate the timeline of when preparation work may be conducted before the construction phase is required. Site preparation too far in advance of the WUAs may result in harmful impacts to fish and fish habitat.
Can it be addressed in another permit/approval	The identified gap can be addressed during the NSECC watercourse and/or wetland alteration approval process(es) and DFO regulatory review process. WUAs associated with this project in or near water that may result in potential harmful impacts on fish or fish habitat will

or with a T&C?	require DFO regulatory review to avoid, mitigate or offset those impacts.
Define/provide detail	<p>For WUAs that may result in potential harmful impacts on fish or fish habitat, additional information will be required as part of the DFO regulatory review process, including detailed information on the proposed WUAs, a detailed description of the fish and fish habitat found at the location of the proposed WUAs, a detailed description on the likely effects of the proposed WUAs on fish and fish habitat, and a detailed description of the measures and standards that will be implemented to avoid and mitigate potential harmful impacts on fish and fish habitat.</p> <p>It is recommended that the proponent align site preparation with construction activities, use phased clearing to improve coordination with the construction work, and ensure erosion and sediment control plans are developed, implemented, and include contingency measures for storm events.</p>
<b>Risk Assessment: Blasting Near Water</b> <i>Relevant EARD sections: Refs: 3.6.1 (Blasting may be required for foundations); 15.1 (Erosion/ESC failures) &amp; 15.3 (Hazardous material spills) as related risk framework</i>	
Identify Gap/Risk	Blasting may be required, but no site-specific blast overpressure modelling, receiver-based setbacks, or monitoring plan is provided to demonstrate avoidance of fish mortality from pressure waves.
Can it be addressed in another permit/approval or with a T&C?	The identified gap can be addressed during the NSECC watercourse and/or wetland alteration approval process(es) and DFO regulatory review process. WUAs associated with this project in or near water that may result in potential harmful impacts on fish or fish habitat will require DFO regulatory review to avoid, mitigate or offset those impacts.
Define/provide detail	<p>For WUAs that may result in potential harmful impacts on fish or fish habitat, additional information will be required as part of the DFO regulatory review process, including detailed information on the proposed WUAs, a detailed description of the fish and fish habitat found at the location of the proposed WUAs, a detailed description on the likely effects of the proposed WUAs on fish and fish habitat, and a detailed description of the measures and standards that will be implemented to avoid and mitigate potential harmful impacts on fish and fish habitat.</p> <p>It is recommended that the proponent develop a blasting management plan that includes peak overpressure/impulse limits at wetted habitats, charge per delay controls, monitoring, and contingency measures consistent with DFO's <i>Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters</i>.</p>

<p><b>Risk Assessment: Watercourse Crossing Designs and Fish Passage</b></p> <p><i>Relevant EARD sections: Refs: 3.5.2 (Road Layout); 9.1.4.2 (Field Assessment Results); 9.1.5 (Mitigation); 9.2 (Wetland interactions)</i></p>	
<p>Identify Gap/Risk</p>	<p>Final, site-specific designs are not provided for all crossings (structure type/size, embedment, installation method, isolation strategy, fish passage verification). Without this, the risk of Harmful Alteration, Disruption or Destruction of Fish Habitat (HADD) and/or fish mortality during construction and long-term barrier effects cannot be fully assessed.</p>
<p>Can it be addressed in another permit/approval or with a T&amp;C?</p>	<p>The identified gap can be addressed during the NSECC watercourse and/or wetland alteration approval process(es) and DFO regulatory review process. WUAs associated with this project in or near water that may result in potential harmful impacts on fish or fish habitat will require DFO regulatory review to avoid, mitigate or offset those impacts.</p>
<p>Define/provide detail</p>	<p>For WUAs that may result in potential harmful impacts on fish or fish habitat, additional information will be required as part of the DFO regulatory review process, including detailed information on the proposed WUAs, a detailed description of the fish and fish habitat found at the location of the proposed WUAs, a detailed description on the likely effects of the proposed WUAs on fish and fish habitat, and a detailed description of the measures and standards that will be implemented to avoid and mitigate potential harmful impacts on fish and fish habitat.</p> <p>It is recommended that the proponent complete a crossings' register with information on final designs (e.g., clear-span bridge, open-bottom arch, embedded culvert), crossing coordinates, bankfull width/depth, gradient, habitat type, likely fish use/seasonality, and clear site-specific photographs documenting existing channel morphology, bank conditions, substrate, flow characteristics, riparian features, and any existing structures. Each crossing submission should further describe fish-habitat type upstream of the crossing, at the crossing, and downstream of the crossing, and the species in the watershed that may utilize the crossing and its surrounding habitat.</p> <p>It is also recommended that the proponent prioritize open-bottom or clear-span structures for fish-bearing streams. Crossings should not hinder the movement of fish species which are likely to migrate within the watershed.</p>
<p><b>Risk Assessment: Wetland Alterations</b></p> <p><i>Relevant EARD sections: Refs: 9.2.4–9.2.5 (Field Results &amp; Effects Assessment)</i></p>	
<p>Identify</p>	<p>Impacts to fish and fish habitat from wetland alterations are not clearly outlined, including both direct and indirect impacts. For</p>

Gap/Risk	example, the EARD identifies 152 wetlands and provides general information for wetland classes; however, it does not outline the habitat function for each site-specific wetland. Further information is required to clarify the actual fish habitat provided by each wetland, if the impact areas within each wetland contains any direct and/or indirect habitat for fish, and the amount of fish habitat (m <sup>2</sup> ) that will be impacted. Detailed WESP-AC forms, assessments, and photos should also be provided to support the analysis of potential impacts to fish and fish habitat.
Can it be addressed in another permit/approval or with a T&C?	The identified gap can be addressed during the NSECC watercourse and/or wetland alteration approval process(es) and DFO regulatory review process. WUAs associated with this project in or near water that may result in potential harmful impacts on fish or fish habitat will require DFO regulatory review to avoid, mitigate or offset those impacts.
Define/provide detail	For WUAs that may result in potential harmful impacts on fish or fish habitat, additional information will be required as part of the DFO regulatory review process, including detailed information on the proposed WUAs, a detailed description of the fish and fish habitat found at the location of the proposed WUAs, a detailed description on the likely effects of the proposed WUAs on fish and fish habitat, and a detailed description of the measures and standards that will be implemented to avoid and mitigate potential harmful impacts on fish and fish habitat.

### Summary of Recommendations: (provide in non-technical language)

DFO recommends the proponent:

- Conduct site preparations only when construction at site is required to avoid impacts to fish and fish habitat.
- Provide a blasting management plan demonstrating that blast pressures will not harm fish and provisions that blasting will be halted if monitoring thresholds are exceeded.
- Submit a complete crossing package (crossings register and finalized designs). Applications should include detailed information on the proposed watercourse crossing and wetland alteration designs, detailed descriptions of the fish and fish habitat (direct and indirect) found at the location of the proposed WUAs, detailed descriptions on the likely effects of the proposed WUAs on fish and fish habitat (including local and cumulative impacts, potential impacts on species at risk, and direct and indirect impacts on fish habitat), and detailed descriptions of the measures and standards that will be implemented to avoid and mitigate potential harmful impacts on fish and fish habitat.

- Consider open bottom structures, such as clear span bridges and open bottom arch culverts for fish bearing watercourse crossings rather than closed bottom structures, where possible; and
- Refer to DFO's website, <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>, for further information on DFO's regulatory review process and for further measures to protect fish and fish habitat.

This information can be provided through the NSECC watercourse and/or wetland alteration approval process(es) and/or through submission of a DFO Request for Review application directly to DFO. It is recommended that all works, undertakings or activities in or near water associated with the Upper Afton Wind Project be submitted as one application and include a summary table describing all works, undertakings or activities in or near water. DFO will then conduct a regulatory review of the proposed project under the *Fisheries Act*, *Species at Risk Act*, and Aquatic Invasive Species Regulations to determine if an authorization under the *Fisheries Act* and/or a *Species at Risk* permit is required. It is further recommended that the proponent contact DFO at [ReferralsMaritimes@dfo-mpo.gc.ca](mailto:ReferralsMaritimes@dfo-mpo.gc.ca) prior to the submission of applications for preliminary discussions on regulatory information requirements under of the *Fisheries Act* and *Species at Risk Act*.

Date: March 27, 2026  
To: Meghan Rafferty, Environmental Assessment Officer  
From: Department of Natural Resources and Department of Energy  
Subject: **Upper Afton Wind Project, Antigonish and Guysborough Counties, Nova Scotia**

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## **Scope of Review:**

This review focuses on the following mandate: authorities and approvals required from the Land Services Branch, Department of Natural Resources (DNR); and geoscience health and safety, mineral exploration, mineral development, abandoned mine openings, Energy Sector Development Division (focused on onshore wind for hydrogen), parks, protected beaches, habitat, Species at Risk, Old Growth Forest, Clean Energy/Electricity, Department of Energy (DOE). The review does not include research or assessments, including existing uses and encumbrances, which will be required as part of the application processes for authorities and approvals required from DNR.

### **Clean Electricity Branch**

- The proposed Upper Afton Wind Project (Project) was provided regulatory approval through the *Prescribed Generation Facilities and Energy Storage Project Regulations*, through legislation from the *Electricity Act*.
- Wind energy projects, such as the proposed, help Nova Scotia transition its electricity system away from the use of coal-fired generation that has direct negative environmental impacts, including air pollution and greenhouse gas emissions.
- The transition of our electricity system to renewable energy is part of the Province's plans and commitments to climate change mitigation.
- Wind energy is one of the lowest costs of energy world-wide and local deployment of wind energy is anticipated to save Nova Scotia rate payers millions of dollars over the lifetime of their operation while also reducing the emissions and pollution intensity of the electricity system.
- Wind energy will help the electricity system avoid output-based price compliance for greenhouse gas emissions in Nova Scotia resulting in less upward pressure on rate payers through fuel.

- Transitioning the electricity system to renewable energy is the most cost effective and significant action the Province can undertake to reduce its greenhouse gas emissions in the near term.

## List of Documents Reviewed:

### Clean Electricity Branch

- Renewable energy projects, such as wind projects, will assist the Province in achieving its goals in the *Electricity Act* and the Clean Power Plan. It will also support Environment and Climate Change's *Environmental Goals and Climate Change Reduction Act* (EGCCRA), and the Climate Change Plan for Clean Growth (CCPCG).

#### *Electricity Act:*

- 80% Renewable Electricity Standard by 2030

EGCCRA: 80% of electricity in the province supplied by renewable energy by 2030

- 53% greenhouse gas emissions reduction targets from 2005 levels by 2030
- Phase out of coal-fired electricity generation by 2030
- Net-zero emissions by 2050

#### CCPCG:

- 90% greenhouse gas emissions reductions from the electricity sector by 2035
- Green Choice Program (includes a subsequent renewable energy procurement) to be launched by 2023.
- 500 MW of new local renewable energy by 2026

#### Clean Power Plan:

- 1000 MW of new onshore wind energy by 2030

### Land Strategy and Planning Branch

- Environmental Assessment Registration Document
- Appendices A to S
- Drawings: 2.1 to 3.1G, 10.4A-10.4L, 10.7, 10.10, 10.20
- GIS shapefiles

### Geoscience and Mines Branch

- Environmental Assessment Registration Document – Upper Afton Wind Project
- Nova Scotia's Registry of Claims (NovaROC)
- Mineral Occurrence Database

# Details of Technical Review:

## Land Strategy and Planning Branch

### Land Use Administration

Based on the information provided, the Project is located on private, municipal, and Crown lands. The Proponent will require authorizations (such as a lease, licence, letter of authority, or easement) from DNR for any activity on Crown lands including:

- erecting, operating, maintaining, and decommissioning wind turbines and related infrastructure;
- temporary use and access of the land, such as requests to temporarily use existing Crown owned roads, install meteorological towers, conduct geotechnical investigations, or to develop and operate borrow pits/quarries;
- installing and maintaining overhead/underground transmission wires and collector lines, including for submerged Crown lands; and
- requests to construct and use new access roads, or to widen or otherwise modify existing Crown roads.

Note: requests to use existing NSPI or Bell owned infrastructure located on Crown lands must be directed to the owner of the utility infrastructure.

### **Habitat, Flora and Fauna**

Activities associated with the proposed wind development have the potential to cause direct and indirect impacts on birds and bat species through post-construction collision with turbines and transmission lines as well as loss of habitat and species disturbance during clearing, construction and facility operation. Rare lichen species, black ash, moose habitat and old growth forest are also identified within the proposed clearing footprint of the project. New roads are proposed to extend from existing roads to create additional loops and increase the overall road density in the project footprint.

Avoidance should be the primary form of mitigation implemented to alleviate these effects followed by additional mitigative measures to reduce residual impacts. Consultation with DNR and Environment and Climate Change Canada's Canadian Wildlife Service on effective forms of mitigation can identify options that work best for the situation including redirecting new roads and limit increasing the footprint of existing roads to avoid rare plants occurrences and old growth forest, increasing turbine blade visibility and cut-in speeds to minimize impacts association with bird and bat mortalities, and limiting new road construction to lessen the impacts of habitat fragmentation and access. Encouraging implementation of emerging innovation and technologies for avian detection and turbine blade feathering can also enable real-time response to reduce avian mortality risks associated with wind developments.

The proponent also acknowledges the potential for cumulative impacts of multiple wind power projects on wildlife at the regional level particularly for bats, birds and habitat connectivity and proposes collaborative monitoring and adaptive mitigation as part of the Wildlife Management Plan.

## **Geoscience and Mines Branch**

A preliminary review of the proposed Project has been conducted. The review notes that the bedrock geological characterization of the proposed site is appropriate. The Project area is almost completely underlain by Devonian to Early Carboniferous Horton Group (sedimentary rocks) with a tiny area (1 Ha) Carboniferous Windsor Group (primarily sedimentary rocks, gypsum with some evaporites) within the northern part of the area. Proposed mitigation measures should geohazards be encountered for ARD, karst and erosion and sedimentation are in place. Geological maps included in application display relative location to planned project footprint.

It is recommended that the Proponent refer to 1:50,000 scale bedrock geology maps, where available, for use in site planning as the provincial scale map is too coarse for project specific land-use planning.

Herein, the Proponent lists the underlying geology and indicates a low potential for acid rock drainage due to lack of sulphide-bearing rocks, and low-medium risk for karst topography (small area within Windsor). The Proponent outlines both details of erosion and sedimentation control plans and a plan to deal with sulphide bearing materials and acid drainage should they be encountered. No known abandoned mine openings (AMO) are located within the study area, however there is a single AMO located 600m to the east within an existing exploration license. The Proponent is to report undocumented abandoned mine openings to the Mineral Management Division.

### **Mineral Occurrences**

The proposed Project area is ranked low for mineral potential for the most part, with a small portion to north of the area having medium potential. The study area is also adjacent to the Tracadie River Wilderness Area to the south. No mineral occurrences are contained within the study area, with a limestone occurrence outside the area (180m) within the Windsor Group. Eastern portion of the potential development area overlaps with an existing exploration license (EL-57038), with another (EL-56869) nearby.

Due to the mineral rights held close to the proposed area, consideration should be given to any concurrent mineral exploration activities. Reach out to mineral rights holder or mineral management division if further information is required. In summary, it is not anticipated that the proposed Project will negatively impact exploration activities in the area.

# Key Considerations:

## Clean Electricity Branch

Replacing coal-fired electricity generators with renewable energy such as onshore wind is the most cost-effective method and reduces the most greenhouses gases in Nova Scotia.

## Energy Sector Development Division

The Upper Afton Wind Project is an onshore wind project that is intended to provide renewable energy to EverWind Fuels to produce green hydrogen and its derivatives primarily for an export market.

Produced using clean electricity, green hydrogen and its derivatives can help Nova Scotia grow its economy, reduce emissions and become a leader in clean energy exports.

The development of export focused green hydrogen projects can be a catalyst for Nova Scotia to build a domestic market that would contribute to de-carbonization. The Province's Green Hydrogen Action Plan recognizes that green hydrogen projects will make the best use of the Province's natural resources and support sustainable prosperity and the achievement of Nova Scotia's climate change goals.

It was noted that from a socio-economic perspective, the information provided (on page 264) is related to the entirety of EverWind's Phase 1 projects, not this Project specifically. It is unclear what the anticipated economic impact of the Upper Afton project would be.

## Land Strategy and Planning Branch

### **Habitat, Flora and Fauna:**

The Project will require additional wildlife surveys, planning, and mitigation measures to ensure impacts to species and habitats are minimized and that provincial and federal legislation are met.

### **Additional Surveys and Data**

- Expand pre-construction surveys for moose, bats, and birds to include the eastern portion of the project footprint.
- Provide precise locations and data for all flora and fauna observations, particularly species at risk, to DNR.
- Outcomes of survey or additional data or reports should be submitted to the department, including spatial data.

### **Wildlife Management Planning**

- Develop a Wildlife Management Plan in consultation with DNR and Environment and Climate Change Canada.
- Include monitoring programs and response procedures if species at risk are encountered.
- Maintain buffers around sensitive species including black ash, blue felt lichen and Eastern Waterfan.
- Implement measures to reduce impacts to mainland moose, bats, birds, turtles, and other wildlife including construction timing, road management practices and facility operations.
- Consider additional mitigation options such as higher turbine cut-in speeds or blade painting to reduce bat & bird mortality.
- Incorporate adaptive mitigation planning and cumulative effects monitoring at local and regional scales.

### **Legal Requirements**

Obtain all necessary permits and authorizations as required under provincial legislation, regulations and policy related to habitat, wildlife and species risk, including *An Old Growth Policy for Nova Scotia* and the *Nova Scotia Wetland Conservation Policy*.

It is the responsibility of the proponent to ensure compliance with federal and provincial legislation, regulations and policy regarding resident, migratory and at-risk species and associated habitat.

### **Geoscience and Mines Branch**

No further comments.

### **Parks and Recreation Division**

No provincial parks or protected beaches program concerns.



April 9, 2026

Meghan Rafferty  
Environmental Assessment Officer  
Nova Scotia Environment and Climate Change, EA Branch  
E-mail : [meghan.rafferty@novascotia.ca](mailto:meghan.rafferty@novascotia.ca)

Ms. Rafferty,

**Re: Consultation with the Mi'kmaq of Nova Scotia on the Upper Afton Wind Project, Antigonish and Guysborough Counties, NS**

I write in response to your letter dated March 6, 2026, under the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process* (ToR) as ratified on August 31, 2010, on the above noted project. We wish to proceed with Consultation.

The Kwilmu'kw Maw-klusuaqn (KMK) would like to highlight that this is the fourth wind project in EverWind's Phase 1 portfolio. While it is encouraging that the proponent is partnering with Membertou First Nation and have signed a Memorandum of Understanding (MOU) with the Assembly of Nova Scotia Mi'kmaw Chiefs, the cumulative impacts of these wind projects must be carefully assessed, taking into consideration how they will impact Mainland Moose, watercourses and the declining availability of Crown land in Nova Scotia. While these wind projects and the green hydrogen project support economic development and propose opportunities for the Mi'kmaq of Nova Scotia, the Environmental Assessment Registration Document (EARD) does little to address the cumulative impacts of these developments. A cumulative effects assessment or cross-project spatial analysis is recommended.

The EARD also highlights economic participation and opportunity through Membertou Development Corporation. While this is positive, participation by one Mi'kmaq community does not equate consent and approval on behalf of all Mi'kmaq of Nova Scotia. The Crown's duty to consult and accommodate remains, regardless of project partnerships.

While this project was screened at the "minimal level", there is no clear analysis of long-term access constraints as a result of road construction, construction zone operations and wind turbine operations. Mi'kmaw land use is treated as compatible with industrial co-use, without adequately addressing how onshore wind projects permanently alters cultural landscapes. Project clustering, Mainland Moose and land availability pressures are all factors that stress the need for more than the "minimal level" of Consultation efforts.

The project footprint for this proposed wind farm is in close proximity of the Tracadie River Wilderness Area. Wilderness areas often overlap with traditional travel corridors and harvesting spaces. Onshore wind developments can affect wildlife to move into protected areas and reduces the effectiveness of conservation as an ecological refuge. The EARD does not adequately address neighboring effects on Mi'kmaw use of protected lands.

KMK's Archaeology and Research Division (ARD) has also reviewed Section 12 of the EARD completed by Strum Consulting, the two and of the Archaeological Resources Impact Assessments (ARIA), Heritage Resource Permit Numbers (HRP) # A2024NS187 and #A2025NS127 conducted by the Cultural Resource Management Group Limited (CRM Group) for the Upper Afton Wind Project and previous letter provided by NS-ECC.

The two ARIAs (# A2024NS187 and #A2025NS127) included background research, field reconnaissance, and one exploratory shovel test located near the "high point of the Study Area", excavated to a 40 centimeters depth below surface and strata was observed (A2025NS127: 58). At this time, we can support the recommendations and proposed next steps outlined by CRM Group in both ARIAs, further interpreted by Strum Consulting and NS-ECC. However, KMK's ARD does not support archaeological clearance without the completion of subsurface testing.

The Study Areas outlined for the Upper Afton Wind Project is located in a landscape near Donnellys Lake. We consider any construction project that may exist within proximity to a watercourse or wetland, regardless of size, to have elevated potential for encountering Mi'kmaw belongings. Often, smaller streams or rivers have been, and sometimes continue to be, used by Mi'kmaq on journeys by foot because they not only provide a safe and clear route of travel, but provide fresh water, plants to harvest, and a variety of aquatic resources. Mi'kmaw archaeological sites have developed since time immemorial and may not be identified from the surface character of the current landscape, one cannot conclusively eliminate potential for Mi'kmaw archaeological heritage without subsurface testing.

The Assembly of Nova Scotia Mi'kmaw Chiefs expects a high level of archaeological diligence with evidence-based decisions grounded in an understanding of the subsurface environmental data. The Maw-lukutijik Saqmaq (Assembly of Nova Scotia Mi'kmaw Chiefs) expects subsurface data, adequate to eliminate concern for presence, protection, and management of Mi'kmaw archaeological and cultural heritage as part of assessment of potential in advance of any development. Although one shovel test was completed, it does not eliminate concern for the presence, protection, and management of Mi'kmaw archaeological and cultural heritage as part of the assessment of potential in advance of any development.

It is acknowledged that The Mi'kmaq Ecological Knowledge Study (MEKS) being completed by Membertou Geomatics is not ready at the time of sending this letter. The MEKS remains a key

tool in accessing impacts to the Mi'kmaq of Nova Scotia and how developments could impact Section 35 Rights. Kindly provide the MEKS once it becomes available.

The Mi'kmaq of Nova Scotia emphasize that reconciliation requires more than procedural consultation. It requires substantive protection of rights and respect for Mi'kmaq's inherent rights, knowledge, and responsibilities to the land. KMK does not represent the communities of Millbrook and Sipekne'katik First Nations.

Yours in Recognition of Mi'kmaw Rights and Title,

Director of Consultation  
Kwilmu'kw Maw-Klusuaqn

C.C.:

Kwilmu'kw Maw-klusuaqn

Kwilmu'kw Maw-klusuaqn

Gillian DesRoche, Nova Scotia Office of L'nu Affairs

Doreen Mackley, Nova Scotia Environment and Climate Change, Compliance Division

Marc Theriault, Nova Scotia Environment and Climate Change, Compliance Division

Sarah Jadot, Nova Scotia Environment and Climate Change, Compliance Division

Matt Schumacher, Nova Scotia Environment and Climate Change, Compliance Division

Megan Lesko, Nova Scotia Environment and Climate Change, Compliance Division

Cynthia Steele, Nova Scotia Department of Natural Resources

# Environmental Assessment - Project Comments

Submission ID

13c028e6

Submission Date

06/03/2026 11:19

All comments received from the public consultation will be posted on the department's website for public viewing, following the necessary redactions of personal information in accordance with the Freedom of Information and Protection of Privacy Act.

**By submitting your comments to the Department, you are consenting to the posting of your comments on the department's website.**

The name, email address, and contact information of people who submit comments on behalf of an organization, such as a community group, business, or non-government organization (NGO) will be included with their comment posted on the website.

The name, email address, and contact information of individuals will be removed before their comments are posted on the website.

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We may only use or disclose your personal information for another purpose if we are authorized by law to do so, or if we obtain your consent.

By submitting your personal information to us, you acknowledge that the information provided to us is correct and accurate, and you understand that any personal information you provide is collected, used, and disclosed for the purpose of administering the review process.

To read more about how government respects your privacy when interacting with us, review our full [privacy statement](https://beta.novascotia.ca/privacy) (<https://beta.novascotia.ca/privacy>). For questions about how your personal information is handled by the program, you may contact us at 902-424-3600 or [ea@novascotia.ca](mailto:ea@novascotia.ca) (<mailto:ea@novascotia.ca>).

### Select a Project:

### Comments:

EverWind have engaged well with stakeholders. This location is well suited for wind development and its strategic location will contribute significantly to both the local economy and the de-carbonization of Nova Scotia's electricity market.

EverWind have made a significant investment in NS and have demonstrated a commitment to taking on a leadership role in the NS renewable market development.

### Name:

### Email:

**City/Town**

Guysborough

**Postal Code**

**Attachment(s):**

Drag & drop or [choose file](#) to upload

Maximum file size per file: 10 MB

Accepted file types: doc, docx, jpg, jpeg, pdf, png, xls, xlsx

Maximum number of files allowed: 10

**Please note:**

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Yes, I agree (must be selected to proceed)

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# Environmental Assessment - Project Comments

Submission ID

272d8f9f

Submission Date

06/03/2026 10:06

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### Select a Project:

### Comments:

Yes, I do support the Upper Afton Wind Project. I do believe we need projects like this to grow the economy of Nova Scotia. Plus, projects like this will bring the economic opportunities and benefits we need here in Nova Scotia.

### Name:

### Email:

### City/Town

Dartmouth

**Postal Code**

**Attachment(s):**

Drag & drop or [choose file](#) to upload

Maximum file size per file: 10 MB

Accepted file types: doc, docx, jpg, jpeg, pdf, png, xls, xlsx

Maximum number of files allowed: 10

**Please note:**

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**Yes, I agree (must be selected to proceed)**

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# Environmental Assessment - Project Comments

Submission ID

d9041d1b

Submission Date

12/03/2026 10:30

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### Select a Project:

### Comments:

### Name:

### Email:

### City/Town

**Postal Code**

**Attachment(s):**

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Maximum number of files allowed: 10

 **TEP Canada Everwind support letter.pdf** 843.52 KB

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Remaining No of Files : 9

**Please note:**

**By submitting your comments, you are consenting to the posting of your comments on the department's website.**

**Yes, I agree (must be selected to proceed)**

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**Uploaded document(s)**

Total Documents: 1

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[TEP Canada Everwind support letter.pdf](#)



TEP Engineering Canada ULC  
Director, Atlantic  
84 Chain Lake Dr, Suite 500B, Lakeside NS, B3S1A2

@tepgroup.net

March 10, 2026

Environmental Assessment Branch  
Nova Scotia Environment & Climate Change  
P.O. Box 442 Halifax, Nova Scotia B3J 2P8 Via  
Email: [EA@novascotia.ca](mailto:EA@novascotia.ca)

**RE: Support for the Upper Afton Wind Project – Environmental Assessment Project Comments**

To the Environmental Assessment Branch,

I am writing to you today on behalf of TEP Engineering Canada to formally express our strong support for the Upper Afton Wind Project currently undergoing environmental assessment. As an industry partner active in Nova Scotia's growing renewable energy sector, we believe this project represents a vital step forward for our provincial economy, our climate goals, and the future of green energy in Atlantic Canada.

Our support for the Upper Afton Wind Project is based on several key pillars that we believe make this a model for responsible development:

**Indigenous Leadership and Economic Reconciliation:** One of the most compelling aspects of this project is its ownership structure. The 51% equity stake held by the Membertou-led Mi'kmaq Nations consortium is a gold standard for economic reconciliation. From an industry perspective, this partnership ensures that the project is built on a foundation of long-term stability and mutual respect. It demonstrates that large-scale infrastructure can and should be led by indigenous partners, ensuring that the benefits of the transition to a green economy are shared equitably.



**Catalyst for the Green Hydrogen Economy:** The Upper Afton Wind Project is a critical component of the Point Tupper Green Fuels Project. By providing 176 MW of clean, renewable power to produce green hydrogen and ammonia, this project helps position Nova Scotia as a global leader in the clean fuels market. As a partner in the regional supply chain, we see the immense potential for this project to anchor further industrial innovation and export opportunities in the Strait Region.

**Direct Regional Economic Impact:** The economic benefits for Antigonish and Guysborough Counties are substantial. With an estimated \$1.6 million in annual municipal tax revenue and the creation of 200–250 jobs during the construction phase, this project provides a significant boost to rural Nova Scotia. Our company anticipates that the project will create numerous opportunities for local contractors, specialized technicians, and service providers, keeping investment and talent within our borders.

**Alignment with Provincial Energy Goals:** Nova Scotia has set an ambitious and necessary goal of reaching 80% renewable energy by 2030 and phasing out coal. Projects of this scale and caliber are essential to meeting those targets. The Upper Afton Wind Project provides the high-capacity, low-cost renewable energy needed to decarbonize our grid while maintaining energy reliability for both industrial and domestic users.

**Commitment to Environmental Stewardship:** We have reviewed the project's commitment to rigorous environmental monitoring and community engagement. The iterative design process—which has already incorporated feedback from indigenous communities and residents to minimize impacts on wetlands, wildlife, and community receptors—demonstrates a high level of corporate responsibility.

In conclusion, TEP Engineering Canada fully endorses the Upper Afton Wind Project. We believe it is a well-conceived, responsibly managed initiative that will deliver lasting benefits to the province and the local communities of Upper Afton, Merland, and beyond. We urge the Minister of Environment and Climate Change to grant the necessary approvals to allow this project to proceed toward its 2026 construction targets.



Thank you for the opportunity to provide our input during this public consultation phase.

Sincerely,

**Director, Atlantic**

# Environmental Assessment - Project Comments

Submission ID

6dc93bea

Submission Date

16/03/2026 10:07

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We may only use or disclose your personal information for another purpose if we are authorized by law to do so, or if we obtain your consent.

By submitting your personal information to us, you acknowledge that the information provided to us is correct and accurate, and you understand that any personal information you provide is collected, used, and disclosed for the purpose of administering the review process.

To read more about how government respects your privacy when interacting with us, review our full [privacy statement](https://beta.novascotia.ca/privacy) (<https://beta.novascotia.ca/privacy>). For questions about how your personal information is handled by the program, you may contact us at 902-424-3600 or [ea@novascotia.ca](mailto:ea@novascotia.ca) (<mailto:ea@novascotia.ca>).

### Select a Project:

Upper Afton Wind Project

### Comments:

The environmental assessment identifies several species of fish as occurring in and near the project footprint in Appendix F of the report. However, some of these species have been misidentified. Photo #76 on page 13 is quite clearly a Common Shiner (*Luxilus cornutus*) and NOT a Golden Shiner (*Notemigonus crysoleucas*). The report also discusses Blacknose Shiner (*Notropis heterolepis*). however; photo #79 on page 14, although poor, is much more likely a Northern Pearl Dace (*Margariscus nachtriebi*).

This information is concerning because: 1) if these identification are incorrect, then it calls into question what other species have also been misidentified in this assessment, and 2) Blacknose Shiner are one of the rarest fish species in Nova Scotia. There has only been a single confirmed observation of Blacknose Shiner in Nova Scotia in the last decade and this species is extremely sensitive to development. Any sedimentation of habitat whatsoever can result in total population collapse as has been observed throughout the northeastern United State in hundreds of historical locations of occurrence. This has also

likely occurred in most historical habitats in Nova Scotia of which only 1 is known to persist.

The presence of Blacknose Shiner should be confirmed at this site, and if present, detailed plans must be made to protect and monitor those populations. Northern Pearl Dace which is likely the species which has actually been observed is also extremely rare in Nova Scotia with only 2 confirmed locations of occurrence reported in the last decade.

The species in question must be identified correctly and a much more detailed fish survey of the surrounding waters must be conducted for either Blacknose Shiner, Northern Pearl Dace, or both so that these population as not lost before they can be identified.

Both species should be considered with the highest conservation concern.

**Name:**

**Email:**

**City/Town**

**Postal Code**

**Attachment(s):**

Drag & drop or [choose file](#) to upload

Maximum file size per file: 10 MB

Accepted file types: doc, docx, jpg, jpeg, pdf, png, xls, xlsx

Maximum number of files allowed: 10

**Please note:**

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**Yes, I agree (must be selected to proceed)**

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**Uploaded document(s)**

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**From:**  
**To:** [Environment Assessment Web Account](#)  
**Subject:** Letter of Support – Upper Afton Wind Project Environmental Assessment  
**Date:** March 16, 2026 1:49:22 PM  
**Attachments:** [image001.jpg](#)  
[Support Letter.pdf](#)

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Good afternoon,

Please see the attached Letter of Support for the Upper Afton Wind Project Environmental Assessment.

Please feel free to reach out should you have any questions.

Respectfully,

**Chief Contracts Officer (CCO)**

Toll-free: 877.875.2775

Fax: 902.755.2949

Email:

Website: <http://www.starkoil.com>

LinkedIn: [Stark International Inc.](#)



---

Stark International Inc. | 113 Archimedes Street | New Glasgow | Nova Scotia | B2H 2T3  
TransFluid Services, Inc. | 20405 State Highway 249, Suite 150 | Houston | Texas | 77070



Stark International Inc.  
113 Archimedes Street  
New Glasgow, NS B2H 2T3

March 6, 2026

Nova Scotia Environment and Climate Change  
Environmental Assessment Branch  
Halifax, Nova Scotia

Subject: Letter of Support – Upper Afton Wind Project Environmental Assessment

To Whom It May Concern,

I am writing to express my support for the proposed **Upper Afton Wind Project** currently under Environmental Assessment review.

Projects such as this represent an important step in advancing Nova Scotia's transition to renewable energy while supporting economic growth in rural communities. The proposed wind project has the potential to generate up to 176 MW of renewable electricity and contribute meaningfully to the province's clean energy targets and greenhouse gas reduction commitments.

In addition to the environmental benefits, the project is expected to provide valuable economic opportunities within the region. The anticipated creation of construction and operational employment, as well as the commitment to local contracting and community benefit programs, will help strengthen the regional economy and support long-term sustainable development.

I also appreciate the project's engagement with local communities and the Mi'kmaq of Nova Scotia, including participation through the Membertou Development Corporation. Meaningful collaboration with Indigenous partners and local stakeholders is an important component of responsible project development.

Based on the information provided in the Environmental Assessment materials, I believe the Upper Afton Wind Project represents a positive opportunity for Nova Scotia to expand renewable energy generation while supporting local economic activity. I respectfully submit this letter in support of the project as part of the Environmental Assessment review process.

Thank you for the opportunity to provide comments.

Sincerely,

Chief Contracts Officer

# Environmental Assessment - Project Comments

Submission ID

11211bda

Submission Date

29/03/2026 15:49

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### Select a Project:

### Comments:

### Name:

### Email:

### City/Town

### Postal Code

**Attachment(s):**

Drag & drop or [choose file](#) to upload

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Accepted file types: doc, docx, jpg, jpeg, pdf, png, xls, xlsx

Maximum number of files allowed: 10

**Please note:**

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Yes, I agree (must be selected to proceed)

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**Uploaded document(s)**

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**From:**  
**To:** [Environment Assessment Web Account](#)  
**Cc:**  
**Subject:** MAARS Response - Upper Afton Wind Project  
**Date:** April 14, 2026 9:32:40 AM  
**Attachments:** [MAARS Comments - Upper Afton Wind Project.pdf](#)

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To Whom It May Concern,

Attached is the written submission, provided on behalf of the Maritime Aboriginal Aquatic Resources Secretariate and the Native Council of Nova Scotia, as it relates to the Upper Afton Wind Project being undertaken by Upper Afton Wind Ltd., comprised of EverWind NS Holdings Ltd. and Membertou Development Corporation.

Thank you,

Habitat Impact Advisor  
Maritime Aboriginal Aquatic Resources Secretariate  
80 Walker Street, Suite 3  
Truro, Nova Scotia, B2N 4A7  
(902) 895-2982 - mapcmaars.ca

# Maritime Aboriginal Peoples Council



The Maritime Regional Aboriginal Leaders  
Intergovernmental Council of Aboriginal Peoples  
Continuing to Reside on Traditional Ancestral Homelands

## Forums

- Leaders Congress
- MAPC Commissions/Projects
- MAARS Secretariate
- MAPC Administration

### MAPC Regional Administrative Office

80 Walker St. Unit 3  
Truro, N.S., B2N 4A7

Tel: 902-895-2982  
Fax: 902-895-3844  
Toll Free: 1-855-858-7240  
Email: [frontdesk@mapcorg.ca](mailto:frontdesk@mapcorg.ca)

### Native Council of Nova Scotia

P.O. Box 1320  
Truro, N.S., B2N 5N2

Tel: 902-895-1523  
Fax: 902-895-0024  
Email: [chiefaugustine@ncns.ca](mailto:chiefaugustine@ncns.ca)

### Native Council of Prince Edward Island

6 F.J. McAuley Court  
Charlottetown, P.E.I., C1A 9M7

Tel: 902-892-5314  
Fax: 902-368-7464  
Email: [chief@ncpei.com](mailto:chief@ncpei.com)

### New Brunswick Aboriginal Peoples Council

320 St. Mary's Street  
Fredericton, N.B., E3A 2S4

Tel: 506-458-8422  
Fax: 506-451-6130  
Email: [chiefdiotte@nbapc.org](mailto:chiefdiotte@nbapc.org)

### Newfoundland Indigenous Peoples Alliance

212 Main St., Box 203  
Port Saunders, NL A0K 4H0

Tel: 709-861-9101/9102  
Email: [newfoundlandindigenous@gmail.com](mailto:newfoundlandindigenous@gmail.com)

April 15<sup>th</sup>, 2026

Environmental Assessment Branch  
P.O. Box 442  
Halifax, Nova Scotia  
B3J 2P8

## RE: Upper Afton Wind Project

To Whom It May Concern,

On behalf of the Native Council of Nova Scotia (NCNS), the Maritime Aboriginal Aquatic Resources Secretariate (MAARS) is providing comments to the Environmental Assessment Branch of the Nova Scotia Department of Environment and Climate Change regarding the Environmental Assessment Registration Document (EARD) for the Upper Afton Wind Project being undertaken by Upper Afton Wind Ltd., comprised of EverWind NS Holdings Ltd. and Membertou Development Corporation.

Section 10.2 of the EARD describes the potential project interactions with terrestrial wildlife, particularly Mainland Moose. This development encompasses area that is both within the Mainland Moose Concentration Area but also an area of Core Habitat for this species. The clearance footprint of this project anticipates a total clearing area of 595 hectares, much of which meets the habitat requirements identified in the Mainland Moose Recovery Plan. This includes areas identified with Habitat Suitability Index scores of better or best habitat quality; however this value has not been directly correlated to the Recovery Strategy value. Without this direct correlation, we could assume that the 'better' to 'best' habitat quality compares closest to the HSI values of 4-9. In accordance with the Recovery Plan, any habitat scoring between 4-9 is identified as a 'priority focus for protection and management' and that we need to 'ensure conditions for HSI 4 and 5 are maintained'.

Despite the area being composed of approximately 75% poor to fair habitat quality, this development can still further negatively impact the surrounding habitat, especially as it relates to fragmentation and habitat connectivity. In particular, we have

significant concern with the construction of turbines T25, 26, 27, & 28 which directly disrupt the connection between two areas highlighted as being of ‘better’ to ‘best’.

To ensure meaningful protection and long-term stewardship of key habitat for Mainland Moose, we must acknowledge that ongoing development and the safeguarding of essential Core Habitat cannot coexist in the same space. There is a need to approach development activities in core habitat with far greater caution and scrutiny if we hope to see true recovery of Mainland Moose.

With this, we call upon the Province of Nova Scotia to commit seriously to the Recovery Plan for Mainland Moose and focus management to “*maintain existing identified high-quality habitat as well as enhancing habitat suitability in the remainder of the Core Habitat with the goal of improving future HSI rankings*”. Developments such as this across Mainland Moose habitat continue to shrink the area acceptable to an already at-risk species that is also culturally significant to the Mi’kmaq people. It is not acceptable to continually decimate or fragment the habitat available to Mainland Moose.

We also request that a Wildlife Management Plan be developed, including provisions for continuous Mainland Moose and White-Tailed Deer monitoring throughout the lifetime of the project. This is especially important given that the Mainland Moose Recovery Plan lists renewable energy development as a medium impact activity, with moderate severity impacts due to habitat loss, fragmentation, and stress from light disturbance. Additionally, the proximity of this project to numerous deer wintering areas indicates the need to also monitor for White-Tailed Deer.

Section 3.5.8 of the EARD details the potential use of borrow pits during construction to supply materials, with limited details on where these pits would be placed or how they would be operated. While we can appreciate that the proponent has not committed to using borrow pits, this is an important factor in the consideration of this project as whole, given that it will contribute to the clearing footprint and disturbance area. The use of these borrow pits contributes to the cumulative effects assessment of this project and given the already extensive clearing footprint for this project, could contribute more significantly to the overall impacts of the project. Given that the use of borrow pits in the construction of wind energy has not been common practice in Nova Scotia, more information is needed on how this will contribute to the already significant environmental impacts of this project.

As noted in Section 3.3 and Figure 10.9, this project is situated directly adjacent to the Tracadie River Wilderness Area, with limited information provided on the potential impacts of this project on the protected area. While the EARD stated that the proponent has consulted the Protected Areas branch of NSECC and have used a 200-metre setback distance for turbine construction, we have concerns over the potential effects of this project and the proximity of such a significant development to a *protected area*.

Wetland habitats are known provide important ecosystem functions, as well as habitat for numerous aquatic, terrestrial, and plant species. As such any impacts to the functions of these habitats can have significant effects on the ecosystem. With the importance of these habitats and given the 111 stated potential wetland interactions and direct impacts on 10 hectares of wetland

habitat, including Wetlands of Special Significance (WSS), MAARS requests to review any wetland compensation plans when they are available.

As part of Section 10.1.4.2, the field assessment results indicate the presence of two priority species, blue felt lichen and frosted glass-whiskers. The EARD also discusses the potential for construction to impede upon the 100-metre buffer for this at-risk lichen and that steps will be taken to “minimize encroachment within buffers”. Nova Scotia’s *At-Risk Lichens–Special Management Practices* states that “there is to be no active clearing, removal or disturbance of trees, soil or wetlands” within the 100-metre buffer for Table 2 species, which is inclusive of blue felt lichen and frosted glass-whiskers. With this, we call upon the Province of Nova Scotia to apply these management practices and ensure that the buffer zones are maintained for both species.

Additionally, both Environment and Climate Change Canada (ECCC)’s Management Plan for the Blue Felt Lichen (*Degelia plumbea*) in Canada (2022) and the Committee on the Status for Endangered Wildlife in Canada (COSEWIC)’s Assessment and Status Report on the Blue Felt Lichen (*Degelia plumbea*) in Canada (2010), blue felt lichen is highly sensitive to changes in habitat, more specifically the reduction in humidity due to deforestation and edge effects. In ECCC’s 2022 report, they identified renewable energy, more specifically wind farms, as having the potential to cause extreme effects through the impacts of deforestation and biomass harvesting. ECCC also identified that logging, even within a few hundred metres of this lichen, can significantly enhance drying effects to which this lichen is particularly susceptible. Given the highly sensitive nature of this species, MAARS has concerns over the potential for this development to impede upon the recommended buffer zone which could have the potential to cause significant harm to an at-risk species. MAARS requests that every effort be made to avoid impacts to the 100-metre buffer for blue felt lichen.

MAARS notes that during the biophysical assessments, no dedicated migratory bat surveys were completed, even though acoustic monitoring detected their presence. Although migratory bats are not currently listed under the Species at Risk Act (SARA), they have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as endangered and are likely to be listed within the lifetime of the project. Additionally, the *Guide to Addressing Wildlife Species and Habitat in an EA Registration Document* highlights the priority species and habitats to be considered, which is inclusive of those species assessed by COSEWIC as endangered.

Within the Potential Effects and Mitigation (Section 10.3.5), it is unclear whether the proponent has incorporated mitigation measures during the post-construction/operational phase of this project. These mitigation measures can be critical to ensuring the safety of birds and bats, and particularly those species which are migratory. The three migratory species in Nova Scotia (Hoary Bat, Eastern Red Bat, and Silver-haired bat) have recently been assessed by COSEWIC as endangered. One of the key threats identified in COSEWIC’s assessment report was wind energy development, classifying wind energy as having a high to very high impact on this species and other migratory bat species, even acknowledging that the current projections of fatality rates by wind farms are likely gross underestimates. COSEWIC identifies turbine curtailment during key periods as an important mitigation measure, with the potential to reduce fatalities by up to 50%. MAARS recommends that the proponent, in collaboration with ECCC’s Canadian Wildlife Service, develop mitigation measures and curtailment protocols for migratory bats to ensure the

protection of these at-risk species. We also request to review the results of the second year of bird and bat surveys when available.

The mitigation measures for avifauna lack consideration for the timing of activities outside of key migration and nesting periods for both birds and bats. Mitigation measures for all avifauna (birds and bats) must also include consideration of the timing of vegetation management and herbicide spraying, which are key factors in protecting migratory bats, and these activities, as well as removals of potential roosting habitat, must be done outside the key season for these species. Additionally, the Post Construction Avian Monitoring Plan lists that it “may include” post-construction avian mortality monitoring. This type of monitoring is essential to understanding the impacts of construction activities on avifauna and must be completed throughout the lifetime of the project to inform adaptive management decisions and minimize impacts to these species.

Lastly, cultural and heritage resources must be treated with the utmost care. Information within the EARD notes 8 High Potential Areas (HPAs) in the project development area. While this number has been reduced through project layout changes, even a small chance of disturbing cultural resources must be treated as a serious concern. We expect the proponent will undertake all necessary measures to protect and preserve archeological resources in this area, through diligent work practices and consistent involvement of certified archeologists during ground disturbing activities. MAARS requests to review the findings from the additional archeological assessments to be completed in areas not already assessed at the time of the EARD publication.

### *For contextual purposes*

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We would like to take this opportunity to reiterate that it is important for all proponents of projects to understand that the Off-Reserve Aboriginal Community represented by the NCNS is included within the definition of the word “Indian” of Section 91(24) of the *Constitution Act*, 1982. The Supreme Court of Canada in a landmark decision in *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, declared that “the exclusive Legislative Authority of the Parliament of Canada extends to all Indians, and Lands reserved for the Indians” and that the word “Indians” in s.91(24) includes the Métis and non-Status Indians<sup>1</sup>. Since 2004, in multiple decisions passed by the Supreme Court of Canada: *Haida Nation*<sup>2</sup>, *Taku River Tlingit First Nation*<sup>3</sup>, and *Mikisew Cree First Nation*<sup>4</sup>, has established that,

“Where accommodation is required in decision making that may adversely affect as yet unproven Aboriginal Rights and title claims, the Crown must balance Aboriginal concerns reasonably with the potential impact of the decision on the asserted right or title and with other societal interests.”

---

<sup>1</sup> *Daniels v. Canada (Indian Affairs and Northern Development)*, No. 35945 (Supreme Court of Canada 2016).

<sup>2</sup> *Haida Nation v. British Columbia (Minister of Forests)*, 3 SCR 511 (Supreme Court of Canada 2004).

<sup>3</sup> *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 3 SCR 550 (Supreme Court of Canada 2004).

<sup>4</sup> *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 3 SCR 388 (Supreme Court of Canada 20051124).

Further, both the Government of Nova Scotia and the Government of Canada are aware that the “Made in Nova Scotia Process” and the *Mi’kmaq-Nova Scotia-Canada Consultation Terms of Reference* does not circumvent the Provincial Government’s responsibility to hold consultations with other organizations in Nova Scotia that represent Indigenous Peoples of Nova Scotia. While the proponent may have to engage with the thirteen Mi’kmaq First Nations through the Assembly of Nova Scotia Mi’kmaq Chiefs, represented by the Kwilmu’kw Maw-klusuaqn Negotiation Office (KMKNO), the KMKNO does not represent the Off-Reserve Aboriginal Community who have elected to be represented by the NCNS since 1974.

We assert that the Off-Reserve Aboriginal Communities, as 91(24) Indians, are undeniably heirs to Treaty Rights and beneficiaries of Aboriginal Rights as substantiated by Canada’s own Supreme Court jurisprudence. As such, there is absolutely an obligation to consult with the Off-Reserve Community through their elected representative body of the NCNS. The Crown’s duty is to consult with all Indians, not only the Indian Act Bands.

For over forty years, the three Native Council partners of the Maritime Aboriginal People’s Council (MAPC) have continued to be the Aboriginal Peoples Representative Organizations representing and advocating for the Rights and issues of the Mi’kmaq/Wolastoqiyik/Peskotomuhkati/Section 91 (24) Indians, both Status and non-Status, continuing to reside on their unceded Traditional Ancestral Homelands. In the early 1970s, the communities recognized the need for representation and advocacy for the Rights and Interests of the off-Reserve community of Aboriginal Peoples, "the forgotten Indian". Women and men self-organized themselves to be the "voice to the councils of government" for tens of thousands of community members left unrepresented by Indian Act-created Band Councils and Chiefs. Based on the Aboriginal Identity question, Statistics Canada (2021 Census - 25% sample) enumerate 25,415 off-Reserve Aboriginal Persons in New Brunswick, 42,580 in Nova Scotia, and 2,865 in Prince Edward Island.

Each Native Council in their respective province asserts Treaty Rights, Aboriginal Rights, with Interest in Other Rights confirmed in court decisions, recognized as existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada in Part II of the Constitution Act of Canada, 1982. Each Native Council has established and maintains Natural Harvesting Regimes, and each have a co-management arrangement with DFO for Food, Social, and Ceremonial use of aquatic species, through the: Najiwsgetaq Nomehs (NBAPC), the Netukulimkewe'l Commission (NCNS), and the Kelewatl Commission (NCPEI).

The Native Council of Nova Scotia was organized in 1974 and represents the interests, needs, and rights of Off-Reserve Status and Non-Status Section 91(24) Indians/Mi’kmaq/Aboriginal Peoples continuing to live on our Traditional Ancestral Homelands throughout Nova Scotia as Heirs to Treaty Rights, Beneficiaries of Aboriginal Rights, with Interests to Other Rights, including Land Claim Rights.

The Native Council of Nova Scotia (NCNS) Community of Off-Reserve Status and Non-Status Indians/Mi’kmaq/Aboriginal Peoples supports projects, works, activities and undertakings which do not significantly alter, destroy, impact, or affect the sustainable natural life ecosystems or natural eco-scapes formed as hills, mountains, wetlands, meadows, woodlands, shores, beaches, coasts, brooks, streams, rivers, lakes, bays, inland waters, and the near-shore, mid-shore and off-

shore waters, to list a few, with their multitude of in-situ biodiversity. Our NCNS Community has continued to access and use the natural life within those ecosystems and eco-scapes where the equitable sharing of benefits arising from projects and undertakings serve a beneficial purpose towards progress in general and demonstrate the sustainable use of the natural wealth of Mother Earth, with respect for the Constitutional Treaty Rights, Aboriginal Rights, and Other Rights of the Native Council of Nova Scotia Community continuing throughout our Traditional Ancestral Homeland in the part of Mi'kma'ki now known as Nova Scotia.

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We would appreciate an opportunity to engage on the Upper After Wind Project with the proponent, Upper Afton Wind Ltd., directly. While the proponent has contacted MAARS, we have not yet received a response to our request to meet. We respectfully request that these concerns be addressed in full and that further engagement with the Native Council of Nova Scotia and local communities be prioritized as this project moves forward. We look forward to further dialogue as we continue to advocate for the rights of Off-Reserve Status and Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples of Nova Scotia. To continue to represent the interests and needs of the off-Reserve Aboriginal Community in Nova Scotia, we would like to request the opportunity to participate in early engagement in future Environmental Assessment Reviews.

Advancing Aboriginal Fisheries and Oceans Entities  
Best Practices, Management, and Decision-making

Habitat Impact Advisor, MAARS

Executive Director, MAARS & MAPC Projects

CC:

Chief & President, NCNS  
Commissioner, Netukulimkewe'l Commission, NCNS

**FORM NAME** Environmental Assessment - Project Comments **SUBMISSION ID** b482a1df-cf3b-4831-9499-a79bd18fc62a

**SUBMISSION DATE** 15/04/2026 09:47

All comments received from the public consultation will be posted on the department's website for public viewing, following the necessary redactions of personal information in accordance with the Freedom of Information and Protection of Privacy Act. **By submitting your comments to the Department, you are consenting to the posting of your comments on the department's website.**

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**Select a Project:**

Upper Afton Wind Project

**Comments:**

I am writing in support of the proposed Upper Afton Wind Project. The project represents a practical and responsible approach to the continued renewable energy development in Nova Scotia.

Based on the EA submissions , appropriate measures appear to be in place to mitigate environmental impacts and ensure responsible development.

The project also provides clear local benefits, including job creation , increased municipal tax revenue , and opportunities for local landowner participation.

Overall, I believe the project represents a sensible and forward-looking investment in Nova Scotia's energy future, and I support its approval.

Sincerely,

**Name:****Email:**

@gmail.com

**City/Town**

Afton

**Postal Code**

**Attachment(s):**

**Please note:**

By submitting your comments, you are consenting to the posting of your comments on the department's website.

Yes, I agree (must be selected to proceed)

## Uploaded document(s)

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**FORM NAME** Environmental Assessment - Project Comments **SUBMISSION ID** 1abbd6a-dbb4-4547-a112-334ea9e9fc2a

**SUBMISSION DATE** 15/04/2026 20:00

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The name, email address, and contact information of individuals will be removed before their comments are posted on the website.

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Your personal information submitted as comments on an Environmental Assessment Project is collected in accordance with the Nova Scotia Environment Act, Environmental Assessment Regulations, and the Nova Scotia Freedom of Information and Protection of Privacy Act.

We collect and use your personal information to administer the environmental assessment review process, to verify comments, and to assess the project's proximity to you.

We may only use or disclose your personal information for another purpose if we are authorized by law to do so, or if we obtain your consent.

By submitting your personal information to us, you acknowledge that the information provided to us is correct and accurate, and you understand that any personal information you provide is collected, used, and disclosed for the purpose of administering the review process.

To read more about how government respects your privacy when interacting with us, review our full [privacy statement \(https://beta.novascotia.ca/privacy\)](https://beta.novascotia.ca/privacy). For questions about how your personal information is handled by the program, you may contact us at 902-424-3600 or [ea@novascotia.ca](mailto:ea@novascotia.ca) (<mailto:ea@novascotia.ca>).

## Select a Project:

Upper Afton Wind Project

## Comments:

My opinion on this is this project is requesting a 35 YEAR lease for their windmills. This is hundreds and hundreds ( I believe over 400 ) of acres that will be needed for this project in our little corner of the world. Ive been doing a lot of reading and these windmills are not as "clean" as these companies would like you to believe. They slaughter birds and bats numbering in the high hundreds every year. This is per windmill. I think they are proposing near 28 of these in the area. Bats are already sparse here and they are drawn to the sounds these windmills make where they wind up shredded by the blades. Birds, whether during migration or for the larger birds like eagles, hawks etc. while hunting for food and looking down end up dead anywhere these mills are standing. The sounds these emit can be debilitating to all animals, including us. Particularly if you are within a few kms range of one. The sounds emitted, both the ones you can hear and the ones you cannot, this is called INFRASOUND have been shown to cause significant stress on humans and animals alike leading to issues such as stoke, heart attack, anxiety, and even hallucinations. Yes, you read that right. Please go ahead and do your own research if you don't believe it. These companies do not advertise this obviously, as they want their business to go ahead and have as little push back as possible from the communities they end up affecting. The range of affected area from infrasound can be well over 10 kms surrounding these windmills. It is unrelenting. Once they are up, you will have no say. The sound ( again, what you can hear as well as what you cannot hear, but rather feel through vibrations in the ground ) drives away so much wildlife that the areas surrounding them have been coined " DEAD ZONES" . Please go ahead and look that up too. ( no dont trust the AI offering at the top of your results). It ruins habitat for these animals; their breeding grounds, their homes. Where will they all go. So, they drive away the wildlife, the slaughter birds and bats EN MASSE, the sounds and the infrasound can also cause serious adverse health effects on humans and animals ( anything with a nervous system can be affected) , they hardly produce

much energy especially in comparison to other forms of energy making processes, the blades themselves are not recyclable in the least and require at least an acre of land PER BLADE for them to be buried ( leaching chemicals in to the gound/water table) once no longer in use, they are known to leak gallons of oil ( yes, they need like 60 or so gallons a day to run I believe ) per windmill, and after all that, we dont even benefit from the energy that is made. I went to one of their " public consultations" and they explicitly said this energy created will be shipped off to Germany, and other foreign places. Yes, but jobs you say. They are very temporary. Once built, which takes a year or so altogether, they run on skeleton crews to maintain. Super temporary work, for literally 35 YEARS + of these effects on our environment. Is it worth it? You hunters, there will be far less game around. Do you love hearing birdsong on warm summer days? That will be very affected also. I haven't even mentioned light flicker. It sounds like maybe something silly but it is not. Your enjoyment of your home and yards will be negatively impacted. For the rest of our lives for many of us. I know this is long and a bit scattered thoughts, but I hope some of you read this and possibly change your thoughts on this

**Name:**

**Email:**

**City/Town**

**Postal Code**

**Attachment(s):**

## Please note:

By submitting your comments, you are consenting to the posting of your comments on the department's website.

Yes, I agree (must be selected to proceed)

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