

# Environmental Assessment Approval

**Approval Date: *Original dated September 8, 2011***

## **Fairmont Wind Farm Wind Prospect Inc., Proponent**

**Antigonish County, Nova Scotia**

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The Fairmont Wind Farm (the “Undertaking”), proposed by Wind Prospect Inc. (the “Approval Holder”), Antigonish County, Nova Scotia is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the *Environmental Assessment Regulations*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations and by-laws before commencing work on the Undertaking. It is the responsibility of the Proponent to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Registration Document.

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### **Terms and Conditions for Environmental Assessment Approval**

#### **1.0 General Approval**

1.1 The Environmental Assessment Approval for the undertaking is limited to the undertaking as described in the Registration Document.

1.2 Expansion, modification or relocation of any aspect of the undertaking from that proposed in the registration information must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.

1.3 The Approval Holder must commence work on the Undertaking unless granted a written extension by the Minister within 2 years of the date of issuance of this approval.

1.4 The Approval Holder must not transfer, sell, lease, assign or otherwise dispose of this approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.

1.5 The Approval Holder must provide a report to NSE – Environmental Assessment Branch one year following construction of the undertaking. The report must include, but not be limited to, site development; mitigation plans, monitoring results, and compliance with the Terms and Conditions for Environmental Assessment Approval.

## **2.0 Flora and Fauna**

2.1 Prior to construction, the Approval Holder must provide NSDNR's Regional Services and Wildlife Division staff with digital way point files revealing precise locations for all "RED", "YELLOW" and "UNDETERMINED" listed species identified during field work within the area proposed for development. The Approval Holder must report to NSE that the files have been provided to NSDNR.

2.2 Prior to clearing and construction, the Proponent must develop and implement additional surveys to adequately assess whether mainland moose are using the land elements within and around the Project footprint. The surveys must be developed and implemented in consultation with NSDNR. Based on the results of the surveys, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable impacts to the satisfaction of NSE and NSDNR.

2.3 Prior to clearing and construction, the Approval Holder must develop and implement a program to monitor for birds and bats. The monitoring program and associated reporting requirements must be to the standards of the Nova Scotia Department of Natural Resources (NSDNR) and Canadian Wildlife Service (CWS). The Approval Holder must provide details in an annual report to Nova Scotia Environment (NSE) for a period of time to the satisfaction of NSDNR and CWS. Based on the results of bird and bat monitoring, the Approval Holder must make necessary modifications to mitigation plans, and/or wind farm operations, to the satisfaction of NSE.

2.4 The Approval Holder must monitor and report all occurrences of bird and bat mortality resulting from impact with wind turbines or towers for a period of two years from wind farm commencement, in accordance with methodologies and standards defined by NSDNR and CWS.

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

## **3.0 Noise and Visual Impact**

3.1 The Approval Holder must monitor noise, at the request of, and to the satisfaction of NSE under varying climatic conditions in order to ensure that noise levels do not exceed an acceptable level. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or wind farm operations to reduce the noise level to an acceptable level.

3.2 The Approval Holder must develop a plan to monitor shadow flicker, at the request of, and to the satisfaction of NSE. Based on the results of the monitoring program, the Approval Holder must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSE.

3.3 The Approval Holder must develop a turbine lighting plan in consultation with CWS and Transport Canada.

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

4.1 The Proponent must not construct a turbine within 30m of a wetland or watercourse, unless otherwise approved by NSE.

4.2 It is the responsibility of the Approval Holder to obtain an approval from NSE for the construction of watercourse crossings and/or wetland alterations, as specified in the *Activities Designation Regulations*.

## **5.0 Consultation**

5.1 The Approval Holder must develop a complaint resolution plan to address all concerns associated with the project. The Approval Holder must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

## **6.0 Archaeological and Heritage Resources**

6.1 The Approval Holder must cease work and contact the Director, Heritage Division, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the Kwilmu'kw Mawklusuaqn Negotiation Office (KMKNO).

## **7.0 Environmental Management System**

7.1 Prior to construction, the Approval Holder must provide for review and approval to NSE, the following information:

- a) An Environmental Protection Plan (EMP) for the construction, operation and maintenance of the Undertaking. The EMP must include, but not be limited to:
  - i) details of erosion and sedimentation control plans;
  - ii) a monitoring program for surface waters; and
  - iii) a contingency plan to address accidents that includes spill response procedures, emergency contacts, and staff training.
  
- b) The locations and construction details for proposed new roads, turbines and associated infrastructure, and any other such information as required by NSE.

7.2 The Approval Holder must adhere to the EMP once finalized and accepted by NSE.

7.3 Construction work can only commence upon receiving NSE approval for the EMP.

## **8.0 Site Reclamation**

8.1 The Approval Holder must submit a decommissioning plan to NSE for review and approval, six months prior to initiating project decommissioning and site reclamation. The Approval Holder must reclaim the site to the satisfaction of NSE.

***Original Signed By***

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Sterling Belliveau  
Minister of Environment

