

DOCUMENT "A"

MINISTER'S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

July 23, 2008

File Number: 4561-3-1142

1. In accordance with Section 6(6) of the Regulation, it has been determined that the undertaking may proceed following approval under all other applicable acts and regulations.
2. Commencement of this undertaking must occur within three years of the date of this Determination. Should commencement not be possible within this time period the undertaking must be registered under the *Environmental Impact Assessment Regulation (87-83) – Clean Environment Act* again, unless otherwise stated by the Minister of Environment.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated January, 2008, as well as all those identified in subsequent correspondence during the registration review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this Determination to the Director of the Project Assessment and Approvals Branch of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. In order to permit the project to accommodate geophysical surveys, the proponent must design and construct the wind farm in such a fashion that both the ground and phase (power carrying) conductors can be separated (disconnected) at: i) the substation, (ii) each turbine and (iii) each riser pole. Access to the project site for purposes of mineral exploration, mining surveys and mineral extraction will in all cases be in accordance with and be governed by the Mining Act and its Regulations, and all other applicable laws and regulations.
5. In order to reduce the potential of the project to affect birds and bird habitat, the proponent must adhere to the commitments and protocols described in Item A (Pre-construction Surveys) and Item B (General Approach to Construction Activities) of Appendix 1 of the letter from the Department of Environment to the proponent dated June 20, 2008. In addition, the proponent must conduct post construction follow-up avian monitoring and bat mortality monitoring in consultation with the Canadian Wildlife Service and the New Brunswick Department of Natural Resources. The proposed monitoring protocols must address the issues discussed in Appendix 1 of the above noted letter and must be submitted to the Canadian Wildlife Service and the Department of Natural Resources within 6 months of the date of this Determination (unless an alternative date is agreed to by the above mentioned agencies) and must be reviewed and approved by these agencies before any such survey work commences. The proponent must provide copies of the resultant monitoring reports to the Canadian Wildlife Service and the New Brunswick Department of Natural Resources.

6. A Watercourse and Wetland Alteration Permit issued under the *Watercourse and Wetland Alteration Regulation – Clean Water Act*, must be obtained from the Department of Environment prior to any work within 30m of a watercourse or wetland. The application for the required permit must make reference to the EIA File Number (4561-3-1142). Where deemed necessary by the Department of Environment, the application must be accompanied by a wetland compensation and monitoring plan.
7. The proponent must contact Mr. Ernest Ferguson, Habitat Protection Area Chief, Tracadie-Sheila office, Department of Fisheries and Oceans (DFO) at least 10 days before starting work on watercourse crossings by roads and power collection and transmission lines. Mr. Ferguson can be reached at (506) 395-7722. A copy of the letter of advice from DFO to Derek McDonald (Canadian Environmental Assessment Agency) dated July 2, 2008 should be kept on site while the work is in progress.
8. Prior to November 2009, the proponent must submit to the Director, Project Assessment and Approvals Branch, Department of Environment for review and approval, a noise-monitoring plan that is to be undertaken in order to validate the predictions made in the noise impact analysis. The plan must be implemented and the results must be submitted to the Director within 1 year of the initial date of commissioning of the completed wind farm.
9. Prior to the transportation of major project components to the site (wind turbine components, power transmission poles and cables, materials for foundation construction and cable bedding such as sand, gravel, concrete, etc.) a detailed transportation study and traffic management plan must be prepared and submitted to the New Brunswick Department of Transportation (NBDOT) for review and approval, addressing issues including but not limited to required road improvements, measures to reduce impacts on road traffic and measures to ensure safe, event free transportation of project components on public roads to the project location. The proponent will be responsible for restoring to their original condition any NBDOT infrastructure damaged by project-related activities.
10. The proponent must contact Mr. Jean F. Guy, District Transportation Engineer, New Brunswick Department of Transportation (NBDOT) Bathurst District at (506) (506) 547-2144, to review the project in more detail and to discuss any additional safety issues or concerns related to the transportation of heavy equipment on NBDOT highways. Note that the location of the access points off provincial roads must be acceptable to the NBDOT and the proponent will be required to apply for an access road permit from the District Engineer before construction begins.
11. The proponent must contact Ms. Susan Andrews-Caron, Director of the Transportation Policy Branch, New Brunswick Department of Transportation (NBDOT) at (505) 453-2802 to review the project in more detail and to discuss any possible road or bridge modifications to NBDOT's existing infrastructure. Concerns such as the size and weight of the equipment, possible road and bridge infrastructure improvements or any other possible restrictions regarding transporting equipment on NBDOT highway infrastructure can be discussed at that time. The proponent will be required to obtain a permit from the Transportation Policy Branch, NBDOT if the loads are oversized and/or overweight.

12. The proponent must obtain authorization from the Department of Natural Resources (DNR) to develop this wind farm on Crown Land. The Crown land lease agreement will be subject to terms and conditions related to land tenure and the management of Crown land, and these terms and conditions must be adhered to. Details on how to apply for such authorization can be obtained from DNR's Land Use Application Service Centre at www.gnb.ca/0263/ or 1-888-312-5600.
13. When clearing trees and vegetation as required to construct the project: a) merchantable trees should not be chipped and utilized in landscaping unless this is approved by the Department of Natural Resources (DNR); b) slash must be dealt with so as to avoid creating an unnecessary fire hazard; c) cutting permits are required from DNR; and d) any merchantable Crown wood that is harvested relative to this project must be offered to the Crown land Licensees and sub-licensees for this area . Further details about obtaining a cutting permit, obtaining work permits during fire season, licensee contact information, etc., can be obtained from the DNR Regional Forestry Unit at (506) 547-2075.
14. The proponent must prepare and submit for approval an Environmental Protection Plan (EPP) to address environmental issues pertaining to facility construction, operation and maintenance. As part of this plan, the specific commitments to mitigation made within the EIA Registration document and subsequent submissions must be included. The portions of the EPP addressing specific activities must be submitted for review and approval prior to the commencement of these activities.
15. Prior to commencement of construction the proponent shall prepare a contingency plan for construction activities, that outlines basic spill and emergency response measures and key contacts, as well as identifying the location of and how to quickly access spill response equipment and resources, particularly after-hours. As part of this plan, during construction, basic spill clean-up materials, such as sorbent pads and a containment boom, should be kept on site. Refuelling and maintenance of equipment should take place in designated areas with measures in place to prevent petroleum products and other hazardous materials from entering water bodies. As part of the plan all spills or leaks should be promptly contained, cleaned up and reported to the local (Bathurst) Department of Environment office at (506) 547-2092 during business hours or to the 24-hour environmental emergencies reporting system (1-800-565-1633) after hours. In developing the contingency plan, it is recommended that the Canadian Standards Association publication, Emergency Preparedness and Response, CAN/CSA-Z731-03, be consulted.
16. Prior to commencement of construction of any part of the project (turbine, new access road, access road upgrades, power collection and transmission lines, etc.) that may result in the disturbance of soils within 50 metres of a watercourse or lake/pond, these locations must be assessed for potential impacts to archaeological resources by a licensed archaeologist. If it is suspected that remains of archaeological significance are discovered during construction at any location regardless of position with respect to a watercourse, lake or pond, all activity must be stopped near the find and the Project Executive, Archaeological Services Unit of the Department of Wellness, Culture and Sport must be contacted at (506) 453-2756. For additional information please contact Albert Ferguson, Manager, Archaeological Services Unit, Department of Wellness, Culture and Sport, at (506) 453-2756.

17. Prior to the excavation or disturbance of 500 cubic metres or more of rock (measured cumulatively for the project as a whole) , the rock must be sampled and analysed for acid-base accounting (ABA). The results must be submitted to the Director, Stewardship Branch, Department of Environment prior to rock excavation or disturbance. Depending on the results of these analyses, proper management and disposal may be required.