

DOCUMENT "A"

MINISTER'S DETERMINATION

CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

December 18, 2009

File Number: 4561-3-1238

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 September 4, 2009, 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 Manager of the Project Assessment Section of the Department of Environment (DENV) every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must conduct post construction follow-up bird and bat usage and mortality monitoring in consultation with the Canadian Wildlife Service and the New Brunswick Department of Natural Resources (DNR). The proposed carcass monitoring protocol must be submitted to the Canadian Wildlife Service and the Department of Natural Resources before any such survey work commences. The proponent must provide copies of the monitoring reports to the above agencies. It should be noted that the surveys will be conducted for a minimum of two years (within the first year and second year of operation) and depending on those results, a third year of monitoring and mitigation measures may be required.
5. If during any part of the project, watercourses are discovered that may be potentially affected by the project or blasting is required near a water body that may be fish bearing, the proponent shall consult with Ms. Stacey Nurse, Habitat Assessment Officer at (902) 426-2149 to discuss any additional requirements.
6. A *Watercourse and Wetland Alteration Permit* must be obtained from the DENV prior to any work within 30m of a watercourse or wetland. The application for any required permits should make reference to the EIA File Number (4561-3-1238). Where deemed necessary by DENV, the application must be accompanied by a wetland compensation and monitoring plan.
7. If road alterations are required within the Watershed Protected Area, the proponent shall contact Mr. Jason Bower, DENV at (506) 457-7525 in order to determine if an exemption is required under the *Watershed Protected Area Designation Order*.
8. 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 must be

prepared, and submitted to the New Brunswick Department of Transportation (DOT) and the City of Moncton for review, and approval. Please contact Mr. Ross Fisher, the District Transportation Engineer, DOT in Moncton, N.B. at (506) 856-2000, to seek his input in this process.

9. The proponent must ensure that any merchantable Crown wood that is harvested relative to this project is offered to the Crown Land Licensee for this area (JD Irving). Further details about obtaining a cutting permit, and the licensee contact information, etc., can be obtained from Mr. Dave Black, DNR Regional Forester, Island View, 1-506-444-4888.
10. Prior to construction of the wind farm on Crown Land, the proponent must obtain and fulfill the terms and conditions of a Wind Farm Lease and any other relevant authorization required by DNR.
11. If the project requires the excavation or disturbance of 500 cubic metres or more of rock (measured cumulatively for the project as a whole) having the potential to be acid generating, the rock must be sampled analysed and identified, and the proponent must contact Mr. Don Fox, DENV at (506) 457-7257 in order to discuss and determine proper handling and disposal methods.
12. The proponent must prepare and submit for approval an updated Site-Specific Environmental Protection Plan (SSEPP) to address environmental issues pertaining to facility construction and operation. As part of this plan specific commitments to mitigation must be made, based on site-specific environmental constraints. The SSEPP must include a spill response contingency plan, and must address measures pertaining to on site concrete production, if the latter is proposed. The portions of the SSEPP addressing construction-related activities must be submitted for review to the Manager of the Project Assessment Section of the DENV and receive approval prior to the commencement of these activities.
13. If anything of known or suspected Heritage significance is encountered during construction or operation of the development, work in the area should cease and Archaeological Services should be contacted immediately at (506) 453-3014 for direction.
14. The proponent shall ensure that all hydroseed mixes shall contain a variety of species of plants native to the general project area. Should seed mixes for herbaceous native species for the area not be available, plants used in revegetation efforts must not be invasive.