

# Environmental Assessment Approval

**Approval Date:** February 13, 2023

## **Benjamins Mill Wind Project**

*Natural Forces Developments LP*

**Hants County, Nova Scotia**

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

#### **1 Definitions**

- 1.1 *Act* means Environment Act 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- 1.2 Department means the Department of Environment and Climate Change, and the contact for the Department for this Approval is:  
  
Nova Scotia Environment  
Western Region, Kentville Office  
136 Exhibition Street, Kentville NS B4N 4E5  
Phone: 902-679-6086 Fax: 902-679-6186
- 1.3 Minister means the Minister of Environment and Climate Change.
- 1.4 Commencement means the same as to commence work, as defined in the Environmental Assessment Regulations.
- 1.5 EA means Environmental Assessment.

#### **2 Scope**

- 2.1 This Approval (the "Approval") relates to the Approval Holder(s) and their Registration Documentation, which includes the Amendments and all documentation submitted to the Department prior to the issuance of this approval for the Benjamins Mill Wind Project, situated at or near Windsor, West Hants Regional Municipality, Nova Scotia, hereafter referred to as the "Project."

- 2.2 The Approval Holder(s) shall ensure the Project is carried out in accordance with this Approval and Registration Documentation, which includes all reference documents and supporting documentation.

### **3 General**

- 3.1 The Approval Holder shall conduct the Project in accordance with the Act, as amended from time to time.
- 3.2 The Approval Holder shall, within two years of the date of issuance of this Approval, commence work on the Project unless granted a written extension by the Minister.
- 3.3 The Approval Holder shall provide written notification to the Department of the commencement date of the Project, at a minimum 30 days prior to the commencement.
- 3.4 The Approval Holder shall provide to the Department a concordance table detailing the status of the EA terms and conditions on or before January 31 of each year until released in writing by the Department.
- 3.5 Prior to any proposed expansion, modification, or relocation of any aspect of the Project from that proposed in the Registration Documentation, the Approval Holder must submit the proposal to the EA Branch for review and may require an EA or amendment.
- 3.6 Nothing in this Approval relieves the Approval Holder of the responsibility for obtaining and paying for all other licenses, permits, approvals or authorizations necessary for carrying out the Project which may be required by municipal by-laws or provincial or federal legislation. The Minister does not warrant that such licenses, permits, approvals or authorizations will be issued.
- 3.7 No authority is granted by this Approval to enable the Approval Holder(s) to commence or continue the Project on lands which are not in the control or ownership of the Approval Holder(s). It is the responsibility of the Approval Holder(s) to ensure that such a contravention does not occur. Failure to retain said authorization may result in this Approval being cancelled or suspended.

- 3.8 The Approval Holder shall 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 this Approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.
- 3.9 Upon any changes to the Registry of Joint Stock Companies information related to the Approval Holder, the Approval Holder shall provide a copy to the Department within 5 days of the changes.
- 3.10 If there is a discrepancy between the Registration Documentation and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- 3.11 Where a timeline is associated with a condition(s) of the Approval, the Approval Holder shall fulfil the requirements of the condition(s) within the prescribed timeline, unless otherwise authorized in writing by the Department.
- 3.12 The Approval Holder shall immediately notify the Department of any incidents of non-compliance with this Approval in accordance with the Act and Regulations.
- 3.13 The Approval Holder shall bear all expenses incurred in carrying out the environmental management and monitoring required under the terms and conditions of this Approval, the Act or the Regulations.
- 3.14 Unless specified otherwise in this Approval, all samples required to be collected by this Approval, the Act or the Regulations shall be collected, preserved, and analysed, by qualified personnel, in accordance with recognized industry standards and procedures and in accordance with any Standard under the Act or Regulations.
- 3.15 The Approval Holder shall ensure that this Approval, or a copy, is present at the Project site while personnel are on site and that personnel directly involved in the Project are made fully aware of the terms and conditions which pertain to this Approval.
- 3.16 The Approval Holder shall update any of the plans, programs or other documents required in this Approval to reflect the progressive development of the Project, and these documents shall be made available to the Department upon request. The Approval Holder shall make any changes that the Department deems necessary.

- 3.17 Based on the results of the monitoring required in this Approval or otherwise completed for the Project, or at any time as determined by the Department, the Approval Holder shall make necessary modifications to mitigation plans and/or changes to Project operations to prevent unacceptable environmental effects, as required by the Department.
- 3.18 The Approval Holder shall provide to the Department a summary table detailing the results of the monitoring required in this Approval, or otherwise completed for the Project, on or before January 31 of each year until released in writing by the Department. The results shall clearly identify and summarize any exceedances.
- 3.19 Where a condition of this Approval requires the Approval Holder to consult a particular party or parties, the condition will be considered complete once the Approval Holder provides a written confirmation letter from the third party or parties that the consultation is complete.

If there is a conflict between the Approval Holder and a party or parties regarding the consultation, the Department will determine if suitable consultation has been completed and/or if further action is required.

#### **4 Project Design and Operation**

- 4.1 Prior to commencement of the Project, the Approval Holder shall submit updated sound modelling, shadow flicker assessment, and any other information requested for the final turbine selection/placement to the Department. The updated modelling must demonstrate compliance with this Approval.
- 4.2 The Approval Holder shall be responsible for the costs of any third-party review of plans, reports, or monitoring results deemed necessary by the Department over the life of the Project.

#### **5 Water Resources**

- 5.1 The Approval Holder shall not conduct any Project activities, construct a turbine (measured from the tip of the blade), or remove vegetation within 30 metres of a watercourse and/or a wetland unless otherwise authorized in writing by the Department.

- 5.2 The Approval Holder shall ensure that the following activities take place at a distance of a minimum of 30 metres from a watercourse or wetland in an area such that a release will not enter a surface watercourse or wetland:
- Fuel storage, refueling, and/or lubrication of equipment;
  - Washing of machinery or equipment; and
  - Storage of equipment, excavated material, and potential contaminants.
- 5.3 The Approval Holder shall submit additional information to the Department with the Wetland Alteration Approval Application under the Act, prior to any wetland impacts. The information shall be developed in consultation with the Department and include, but not be limited to, a monitoring plan, identification of wetlands of special significance, and evidence that wetlands have been avoided to the extent possible, impacts to wetlands of special significance have been avoided, and risks to indirect alteration of wetlands have been mitigated.
- 5.4 Prior to commencement, the Approval Holder shall submit a surface water management plan to the Department. This plan shall include discussion of local hydrology, identify potential effects from construction of roads or other Project components on local surface water drainage patterns, and identify avoidance or mitigation measures for the protection of wetlands and watercourses. This plan shall be developed by a qualified professional engineer, hydrogeologist or geoscientist licensed to practice in the Province of Nova Scotia.
- 5.5 Prior to commencement, the Approval Holder shall submit a detailed sediment and erosion control plan to the Department. The plan shall include all clearing, grubbing and stripping required for the Project and shall be designed by a professional engineer licensed to practice in Nova Scotia.
- 5.6 Prior to blasting, the Approval Holder shall submit a blasting plan to the Department. The plan shall include completed pre-blast surveys for structures within 800 m of the point of blast, including water quality analysis for water wells within the same area. A detailed blast monitoring plan and a blast damage response policy shall also be provided.
- 5.7 The Approval Holder, at their expense, shall replace any water supply which has been lost or damaged as a result of Project operations, as authorized and required by the Department.

- 5.8 The Approval Holder shall immediately contact the Department should sulphide bearing material be encountered on the Project site, and at the request of the Department develop and implement a plan to manage the sulphide bearing material.

## **6 Wildlife and Wildlife Habitat**

- 6.1 The Approval Holder shall provide the Wildlife Division, Department of Natural Resources and Renewables (NRR) with digital way points and shape files revealing precise locations for wetlands, and species listed under the Species at Risk Act (SARA) and/or Endangered Species Act (ESA), as well as of Species of Conservation Concern (i.e. species assessed by the Committee on the Status of Endangered Wildlife in Canada as at risk, but not listed under SARA or ESA, and all S1, S2 and S3 listed species under the Atlantic Canada Conservation data Centre) identified during field work within two months of collection. The data provided to NRR shall include, at minimum, the date of the field observances and habitat description.
- 6.2 Prior to commencement of the Project, the Approval Holder shall develop a Wildlife Management Plan in consultation with NRR and Environment and Climate Change Canada (ECCC).
- 6.3 Prior to the time turbine(s) become operational, the Approval Holder must develop a mortality monitoring program for birds and bats for not less than two years. The program shall be implemented from the time turbine(s) become operational. The monitoring program and associated reporting requirements shall be developed in consultation with NRR and ECCC.
- 6.4 Prior to the time turbine(s) become operational, the Approval Holder shall develop an Adaptive Management Plan for birds and bats in consultation with NRR and ECCC.
- 6.5 Prior to commencement of the Project, the Approval Holder must develop a monitoring program for Mainland Moose for not less than two years. The program shall be implemented from the time turbine(s) become operational. The monitoring program shall be developed in consultation with NRR and ECCC.

## **7 Air, Noise and Visual Impact**

- 7.1 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor air quality during construction of the Project. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.2 The Approval Holder shall ensure that air emissions at the property boundaries do not exceed Nova Scotia Ambient Air Quality Standards.
- 7.3 Prior to commencement of the Project, the Approval Holder shall submit updated sound modelling, shadow flicker assessment, and any other information requested for the final turbine selection/placement to the Department.
- 7.4 The Approval Holder shall ensure that noise levels at any receptor do not exceed 40 dBA. At the request of the Department, the Approval Holder shall develop and implement a plan to monitor noise levels under varying climatic conditions. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.5 The Approval Holder shall ensure that noise emissions at the property boundaries do not contribute to an exceedance of the maximum permissible sound levels limits specified in the Nova Scotia Environment and Labour "Guidelines for Environmental Noise Measurement and Assessment" dated 18, 2005, as amended from time to time.
- 7.6 At the request of the Department, the Approval Holder shall develop and implement a plan to monitor shadow flicker under varying seasonal conditions. The plan shall include, but not be limited to, sampling locations, parameters, monitoring methods, protocols and frequency.
- 7.7 The Approval Holder shall ensure that shadow flicker at the property boundaries does not contribute to an exceedance of the maximum permissible shadow flicker limits of 30 minutes per day or 30 hours per year.

## **8 Archaeological and Cultural Resources**

8.1 The Approval Holder shall cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture, Tourism and Heritage (CCTH) immediately upon discovery of an archaeological, or paleontological site, artifact or fossil specimen unearthed during any phase of the Project. If the find is of certain or possible Mi'kmaq origin, the Approval Holder shall also contact the appropriate Mi'kmaq representatives as advised by CCTH.

## **9 Public Engagement**

9.1 The Approval Holder shall develop and implement a comprehensive complaint resolution plan for receiving and responding to complaints related to the Project. The plan will include, but not be limited to, a reporting system which records all complaints received, sets out a timeline for responding to complaints and establishes a recording system that details all corrective measures taken to alleviate the cause and prevent its recurrence. The plan shall be made available to the Department upon request.

9.2 The Approval Holder shall appoint a contact person designated to deal with complaints and shall provide the contact information to the Department.

9.3 Prior to commencement of the Project, the Approval Holder shall develop and implement a plan for the formation and operation of a Community Liaison Committee (CLC) including terms of reference, which meet the Department's Guide for the Formation and Operation of a Community Liaison Committee, as amended from time to time. The Approval Holder shall operate the CLC for the duration of the Project or until released in writing by the Department.

## **10 Engagement with the Mi'kmaq of Nova Scotia**

10.1 The Approval Holder shall develop and implement a Mi'kmaq Communication Plan, which will include but not be limited to a process for communicating Project details and seeking input from the Mi'kmaq of Nova Scotia on the development and implementation of Project mitigation and monitoring plans. The plan shall be updated regularly and be available to the Department and the Mi'kmaq of Nova Scotia upon request.



10.2 The Approval Holder shall complete the Mi'kmaq Ecological Knowledge Study (MEKS) for the Project, as described in the Registration Document. The study shall be made available to the Department and the Mi'kmaq of Nova Scotia upon request.

## **11 Contingency Plan**

11.1 Prior to commencement of the Project, the Approval Holder shall submit a comprehensive contingency plan to the Department which meets the Department's Contingency Planning Guidelines. The plan shall provide preventative measures and address accidental occurrences including, but not limited to, spills of hydrocarbons or other hazardous materials, failure of erosion and sediment control measures, fires, and vehicular collisions. The Plan shall be implemented, maintained and updated over the life of the project.

11.2 The contingency plan shall be kept on the Project site at all times when personnel are on site and be made available to the Department upon request.

## **12 Site Reclamation**

12.1 The Approval Holder shall submit a decommissioning and site reclamation plan to the Department, two years prior to the end date of the Power Purchase Agreement.

12.2 Project operations shall be completed and reclaimed to the satisfaction of the Department and other appropriate regulatory departments.

12.3 The Approval Holder shall decommission wind turbines to restore habitat. In the event any turbine ceases to be operational for a period of two years, the Approval Holder shall submit a report to the Department outlining a timeline for reparation to the unit(s) to either render it fully functional or provide similar details for removing the turbine from the site within two years from the date the report was received by the Department.



Honourable Timothy Halman, MLA  
Minister of Environment and Climate Change