

Environmental Assessment Approval

Approval Date: *Original Dated Feb 02, 2009*

Glen Dhu Power - Wind Project

Shear Wind Inc., Proponent

***East of New Glasgow,
Pictou and Antigonish Counties, Nova Scotia***

The 60 MW Glen Dhu Power - Wind Project (the "Undertaking"), proposed by Shear Wind Inc. (the "Approval Holder"), Pictou and Antigonish Counties, 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, before commencing work on the Undertaking. It is the responsibility of the Approval Holder 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 and Addendum (Registration Information).

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 and commitments as described in the Registration Information. 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.
- 1.2 The Approval Holder must commence work on the Undertaking unless granted a written extension by the Minister, within 2 years of issuance of this approval.
- 1.3 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.

2.0 Birds & Bats

- 2.1 The Approval Holder must develop and implement a program to monitor for birds and bats. The monitoring program and associated reporting requirements must be developed to the standards as determined by 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). 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.
- 2.2 The Approval Holder must monitor and report all occurrences of mortality on birds and bats 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. The Approval Holder must provide details in an annual report to NSE.
- 2.3 Prior to construction, the Approval Holder must provide a work plan to NSE. If site preparation activities are to 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 CWS.

3.0 Flora & Fauna

- 3.1 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.
- 3.2 The Approval Holder must work collaboratively with NSDNR's Regional Services and Wildlife Division staff to develop and implement inventory, monitoring, and other management practices to protect endangered mainland moose and their habitat as described in the Addendum and Appendix C. Based on the results of moose monitoring, 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 work with local and provincial governments, private citizens and landowners to raise awareness and promote the education and stewardship elements of the recovery action plan for the mainland moose, including actions that will assist in controlling vehicle access and thereby limit disturbance to moose that may be in the project area. The Approval Holder must provide details in an annual report to NSE.

4.0 Ground and Surface Water Resources

- 4.1 The Approval Holder must not blast, unless otherwise approved by NSE.
- 4.2 The Approval Holder must conduct visual assessments, both quarterly and after severe storms events, of the site to ensure the effectiveness of erosion and sedimentation controls, unless otherwise approved by NSE. Results of the assessment must be submitted, at a frequency to be determined, to NSE as part of the Environmental Protection Plan (EPP).
- 4.3 The Approval Holder must not construct a wind turbine within 30 m of a wetland or watercourse, unless otherwise approved by NSE.
- 4.4 The Approval Holder must obtain an approval from NSE for both the construction of watercourse crossings and proposed wetland alterations, as specified in the *Activities Designation Regulations*.

5.0 Noise and Visual Impact

- 5.1 The Approval Holder must monitor noise, at the request of, and to the satisfaction of NSE. Based on the results of noise monitoring, 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.
- 5.2 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.

6.0 Public and Government Consultation

- 6.1 Prior to construction, the Approval Holder must develop and submit to

NSE, a complaint resolution program for NSE approval, to address public concerns associated with the project. The complaint resolution program must include, but not be limited to, the appointment of a contact person designated to deal with concerns from the public.

6.2 Prior to construction, the Approval Holder must provide NSE with the Community Liaison Committee (CLC) membership/affiliation and Terms of Reference. Minutes of all CLC meetings must be forwarded to NSE.

6.3 Prior to construction, the Approval Holder must consult with the following groups regarding final siting of wind turbines:

- a) NSDNR Land Administration
- b) CBC/Radio Canada
- c) Cape to Cape trail group

The results of such consultation must be sent to NSE. Any changes proposed to the final siting of wind turbines must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.

7.0 Archaeological and Heritage Resources

7.1 The Approval Holder must cease work and contact the Director, Heritage Division, Nova Scotia Department of Tourism, Culture and Heritage, the Executive Director, Confederacy of Mainland Mi'kmaq and the Executive Director, Union of Nova Scotia Indians immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking.

8.0 Environmental Management System

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

a) An Environmental Protection Plan (EPP) for the construction, operation and maintenance of the Undertaking. The EPP must include, but not be limited to:

- i) details of erosion and sedimentation control plans,
- ii) a monitoring program for surface waters
- 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.

- 8.2 The Approval Holder must adhere to the EPP once finalized and accepted by NSE. Construction work can only commence upon receiving NSE approval for the EPP.

9.0 Site Reclamation

- 9.1 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

David Morse
Minister of Environment