

Environmental Assessment Approval

Approval Date: *Original Dated August 3, 2006*

10 MW Lingan Wind Power Project Glace Bay Lingan Wind Power Ltd., Proponent

Lingan, Cape Breton Regional Municipality, Nova Scotia

The 10 MW Lingan Wind Power Development (the "Undertaking"), proposed by Glace Bay Lingan Wind Power Ltd. (the "Proponent"), Lingan, Cape Breton Regional Municipality, is approved pursuant to Section 13(1)(b). 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, by-laws, guidelines, policies or standards 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 Information.

Terms and Conditions for Environmental Assessment Approval

1.0 General Approval

- 1.1 The Environmental Assessment Approval for the project is limited to the project as described in the Registration Document. Any proposal by the Proponent for expansion, modification or relocation of any aspect of the project from that proposed in the registration document must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment.
- 1.2 The Proponent must within 2 years of the date of issuance of this approval commence work on the Undertaking unless granted a written extension by the Minister.
- 1.3 The Proponent 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.

- 1.4 The Proponent must implement all mitigation and commitments in the Registration Document, unless approved otherwise by NSEL.

2.0 Birds

- 2.1 The Proponent must implement a program to monitor for birds to the standards as defined by the Nova Scotia Department of Natural Resources Wildlife Division and Canadian Wildlife Service. Based on the results of monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSEL, based on consultation with NSDNR Wildlife Division.
- 2.2 Prior to construction and assembly, the Proponent must submit a proposed turbine-lighting plan, for review and approval by Environment Canada. The Proponent must use strobe lighting, or other lighting that does not attract birds, as approved by Environment Canada.

3.0 Bats

- 3.1 The Proponent must implement a program to monitor for bats to the standards as defined by the NSDNR Wildlife Division. Based on the results of monitoring programs, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSEL, based on consultation with NSDNR Wildlife Division.

4.0 Wetlands

- 4.1 The Proponent must verify the boundaries of wetland(s) within and immediately off-site of the project area for the five turbines.
- 4.2 The Proponent must assess potential impacts to wetland(s) based on their topographic setting in relation to the proposed infrastructure including, but not limited to, roads and towers.
- 4.3 Avoidance, mitigation or compensation actions must be identified/addresses to the satisfaction of NSEL. If mitigation actions are required, these must be included in the Environmental Protection Plan (EPP).

5.0 Public Consultation

- 5.1 The Proponent must appoint a contact person designated to deal with

complaints from the public, and must provide the contact information to NSEL.

- 5.2 At the request of NSEL, the Proponent must form a Community Liaison Committee in consultation with NSEL and with municipal and community representatives. The NSEL *Process for the Formation of a Community Liaison Committee* must be used for the guidance of the Proponent and community.

6.0 Archaeological Resources

- 6.1 The Proponent must perform archaeological assessments involving subsurface testing in the area of the proposed turbines and access roads (as proposed in the EA Document).
- 6.2 The Proponent must avoid direct impacts to the WWII observation post by locating turbines a suitable distance from the site (as proposed in the EA Document).
- 6.3 The Proponent must cease work and contact the Director, Heritage Division, Nova Scotia Tourism, Culture and Heritage, 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 project.
- 6.4 The Proponent must conduct a Mi'kmaq Knowledge Study to determine potential issues of concern to Mi'kmaq First Nations (as proposed in the EA Document).

7.0 Noise and Visual Impact:

- 7.1 The Proponent must monitor noise levels, both background and during operation. Based on the results of monitoring program, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable environmental effects to the satisfaction of NSEL.

8.0 Wind Farm Development and Operation

- 8.1 Prior to construction of the components of the Undertaking, the Proponent must provide NSDNR Mineral Management Division and the EA Branch the results of a geotechnical assessment of the area, conducted by a licensed professional.

- 8.2 The Proponent must not blast unless otherwise approved by NSEL.
- 8.3 Prior to construction of the components of the Undertaking, the Proponent must provide for review and approval to the NSEL Sydney District Office, an Environmental Protection Plan (EPP) for the construction, **operation** and **maintenance** of the Lingan Wind Power Project. The EPP must include, but not be limited to:
- a) details of procedures to ensure hazardous material are handled, stored and disposed of properly
 - b) details of erosion and sedimentation control plans, including a monitoring program for site runoff
 - c) such other information as required by NSEL.
- 8.4 The Proponent must adhere to the EPP once finalized and approved by NSEL.
- 8.5 The Proponent must provide in a form acceptable to NSEL, proof of either ownership of the site or a lease or other written agreement or option with the landowner or occupier to enable the Proponent to conduct the activity on the site.

9.0 Site Reclamation

- 9.1 The Proponent must submit a reclamation plan to NSEL for review and approval, six months prior to initiating site reclamation and abandonment. The Proponent must reclaim the site to the satisfaction of NSEL.

10.0 Contingency Plans

- 10.1 The Proponent must provide NSEL for review and approval a contingency plan, as part of the Environmental Protection Plan, that includes but is not limited to:
- a) accidental occurrences, including but not limited to contingencies for spills, spill equipment kept on-site and location of emergency phone numbers
 - b) training to be delivered to staff
 - c) procedures for responding to incidents occurring during times when the facility is not staffed (e.g. evenings, weekends, holidays).

Original Signed By

Mark Parent