

Environmental Assessment Approval

Approval Date: *Original Dated August 11 2009*

Maryvale Wind Project Maryvale Wind Energy LP, Proponent

Antigonish County, Nova Scotia

The 6 MW Maryvale Wind Project (the “Undertaking”), proposed by Maryvale Wind Energy LP (the “Proponent”), Antigonish County, 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, 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 undertaking is limited to the undertaking as described in the Registration Document. Expansion, modification or relocation of any aspect of the undertaking 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 Approval Holder must commence work on the Undertaking unless granted a written extension by the Minister within 2 years of the date 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 Flora and Fauna

2.1 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.

2.2 The Proponent must identify all occurrences of the Dwarf Ginseng, flag the locations and impose a buffer radius of 50m. This information must be submitted to NSE and NSDNR.

2.3 The Proponent must develop and implement additional surveys to adequately assess whether mainland moose are using the land elements within and around the Project footprint. The surveys must be developed and implemented in consultation with NSDNR. Based on the results of the surveys, the Proponent must make necessary modifications to mitigation plans and/or wind farm operations to prevent any unacceptable impacts to the satisfaction of NSE and NSDNR.

2.4 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.

2.5 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.

2.6 If site preparation activities occur between May 1 and August 31 (breeding season for most birds) the Proponent must prepare and implement a monitoring and mitigation plan for breeding activity (i.e. nesting) in consultation with NSDNR and the CWS.

3.0 Noise and Visual Impact

3.1 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.

3.2 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.

3.3 The Proponent must develop a turbine lighting plan in consultation with CWS and Transport Canada.

4.0 Ground and Surface Water Resources

4.1 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).

4.2 The Proponent must not construct a turbine within 30m of a wetland or watercourse, unless otherwise approved by NSE.

4.3 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 Consultation

5.1 The Proponent must develop a complaint resolution plan to address all concerns associated with the project. The Proponent must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

6.0 First Nation and Aboriginal Engagement

6.1 The Proponent must provide interested Aboriginal Groups with the results of mainland moose surveys and information on management practices for the protection of mainland moose and their habitats.

7.0 Archaeological and Heritage Resources/Aboriginal Interests

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; and
 - 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

Sterling Belliveau
Minister of Environment