

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 17, 2018

File Number: 4561-3-1478

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 and Local Government.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated September 21, 2017 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 Director of the Environmental Impact Assessment (EIA) Branch of the Department of Environment and Local Government (DELG) every six months from the date of this Determination until such a time as the Director determines it is no longer required.
4. As per the Archaeological Impact Assessment Report prepared for this project, archaeological monitoring is required during the construction of the access road to Turbine 2. Furthermore, if it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of the proposed development, as per the New Brunswick Heritage Conservation Act, (2010) all activity shall be stopped near the find and the Manager of the Archaeological Regulatory Unit, Archaeological Services Branch, New Brunswick Department of Tourism, Heritage and Culture, shall be contacted at (506) 238-3512 for further direction.
5. The proponent must conduct post-construction follow-up bird and bat usage and mortality monitoring in consultation with Environment and Climate Change Canada’s Canadian Wildlife Service (CWS) and the New Brunswick Department of Energy and Resource Development (NBDERD). The proposed monitoring protocols must be submitted for review and receive approval from the Director of DELG’s EIA Branch before any surveys take place and before the start of the operational phase of the project. The monitoring program must also include specific provisions for the monitoring of species at risk in order to verify the EIA registration document’s predictions and the effectiveness of the proposed mitigation measures. This program must also be developed and implemented in partnership with Mi’gmawe’l Tplu’taqnn Inc., therefore the proponent must provide adequate capacity funding for First Nations to fully and meaningfully participate in the development, planning, and implementation of this program. The proponent must take all reasonable efforts (and

show evidence or record thereof) to meet with Mi'gma'we'l Tplu'taqnn Inc., Fort Folly First Nation, and the Province as soon as possible in order to discuss these issues. The proponent must provide copies of annual monitoring reports outlining the results of the surveys to DELG. It should be noted that follow-up surveys will have to be conducted for a minimum of two years (within the first and second year of operation), and depending on those results, additional years of monitoring and mitigation measures might be imposed by the Director of DELG's EIA Branch.

6. Furthermore, an adaptive management plan outlining mitigation measures that will be implemented should the project be shown to be having a significant impact on birds or bats must also be submitted for review and must receive approval from the Director of DELG's EIA Branch prior to the start of the operational phase of the project.
7. The mortality of an individual migratory bird species at risk or 10 or more migratory birds in one night is considered a mortality event for which CWS must be contacted within 24 hours. Such notification is expected to occur even once the formal post-construction bird monitoring program will have ended, and must include specific details about the event (e.g., name and location of the wind farm, number of mortalities, species, map showing turbines, associated infrastructure, and location of collisions, meteorological conditions during previous night(s), details of lighting at the site, any other factor that might have influenced the event). Staff and contractors must be instructed that if a mortality event as described above occurs, the area around each wind turbine must be carefully checked to better evaluate the extent of the event, even if this is not described in the regular post-construction bird monitoring protocol, or if the formal post-construction bird monitoring program has ended.
8. The proponent must ensure that if a nest or chick of a migratory bird is detected during project construction, work in the area shall be halted and CWS shall be consulted for advice at (902) 426-9152. Furthermore, the proponent must ensure that all project-related activities comply with the Migratory Birds Convention Act.
9. A plan for conservation allowances for the loss of wetland habitat of Canada Warbler and Olive-sided Flycatcher must be provided for review and must receive approval from the Director of DELG's EIA Branch within six months of the date of this Determination.
10. A *Watercourse and Wetland Alteration Permit* must be obtained from DELG prior to any project-related activities within 30 m of a regulated watercourse or wetland. The application for any required Permit should make reference to the EIA file number (4561-3-1478). Any temporary impacts within regulated wetland areas must be restored to natural grade. If the footprint is not deemed fully restored by DELG, wetland compensation will be required at a 2:1 ratio.
11. A wetland monitoring plan that will monitor wetland function at one-, three-, and five-year intervals from the date of the onset of initial construction must be submitted for review and must receive approval from the Director of DELG's EIA Branch within six months of the date of this Determination.
12. If any project-related activities are required within the Turtle Creek Watershed Protected Area, the proponent must contact DELG's Source and Surface Water Management Branch at (506) 457-4850 in order to determine if an exemption is required under the *Watershed Protected Area Designation Order*.
13. Prior to the commencement of project-related construction activities on Crown Land, the proponent must obtain and fulfill the terms and conditions of a *Wind Farm Lease* and any other relevant authorizations required by NBDERD.

14. The proponent must prepare and submit for approval an updated Environmental Management Plan (EMP) to address environmental issues pertaining to facility construction and operation. As part of this EMP, specific commitments to mitigation must be made based on site-specific environmental constraints. The EMP 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 EMP for specific phases (e.g., construction, operation, decommissioning) can be submitted for review to the Director of DELG's EIA Branch and must receive approval prior to the commencement of activities related to those phases. Noise management and noise monitoring plans, including complaint resolution, as appropriate, must be included as part of the EMP for the operational phase of the project. In the event of any noise complaints related to the project, additional mitigation measures might be imposed by the Director of DELG's EIA Branch.
15. Transportation of Wind Farm components must be planned for no later than June or July 2018. Oversized/overweight permit requests must be directed to the New Brunswick Department of Transportation and Infrastructure's (NB DTI) Permit Office (506-453-2982). Given ongoing construction on the Petitcodiac River Causeway, accommodations will have to be made for this part of the equipment's journey. A detailed delivery schedule must be provided ahead of time to the NB DTI Moncton District Office (506-856-2000) so that NB DTI can ensure that no construction activities on site will hamper the ability to let trucks through. A Transportation Study/Plan must also be provided to the NB DTI Moncton District Office, including at a minimum a traffic control plan (signage, flaggers, escorts, full traffic stops, lane closures, etc.) and detailing which components can/will be brought across the detour and which would go through the work site. Furthermore, the proponent must contact NB DTI's Acting District Engineer in Saint John (506-643-7463) well in advance of beginning the project to ensure that all of NB DTI's concerns have been addressed.
16. 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, analyzed, and identified, and the proponent must contact DELG's Air and Water Sciences Branch at (506) 457-4844 in order to discuss and determine proper handling and disposal methods.
17. In the event of the sale, lease, or any other conveyance or change of control of the property, or any portion thereof, the proponent must provide written acknowledgement from the lessee, controller, or purchaser confirming that they will comply with the Conditions of this Determination to the Director of DELG's EIA Branch.
18. The proponent must ensure that all developers, contractors, and operators associated with the construction and operation of the project comply with the above.