

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 4, 2008

File Number: 4561-3-1011 (revised)

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.
3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA document registered on June 18, 2004, as well as to those in all 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 Project Assessment and Approvals Branch of the Department of Environment every 6 months from the date of this Determination until such a time as all the Conditions have been met.
4. The proponent must inform the Department of the Environment, Regional Office in Saint John no less than 5 days prior to the commencement of construction activity associated with this undertaking. Please contact the Regional Director, Ms. Susan Atkinson, at (506) 658-2558 in this regard.
5. If it is suspected that remains of archaeological significance are found during construction, all activity shall be stopped near the find, and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport, shall be contacted at 453-2756 for direction.
6. Prior to August 1, 2008, the proponent shall submit to Paul Vanderlaan, Director, Project Assessment and Approvals Branch, Department of Environment for review and approval, a noise-monitoring plan that is to be undertaken in order to validate the predictions made in the noise modeling analysis.
7. Any ground disturbing activities conducted within 30 m of any watercourse or wetland will require a Watercourse and Wetland Alteration Permit.
8. Prior to transportation of oversized and/or heavy loads to the site, the proponent must ensure that the proper authorities are contacted including: the New Brunswick Department of Transportation, the Municipality of Grand Manan, and the RCMP. Drivers must be equipped with emergency response plans. Island residents who may be affected by this traffic must also be informed.

9. Prior to any construction at the proposed site for the interconnection to the 69 kV transmission line, a mitigation plan for the *Viola sagittata* must be submitted to Paul Vanderlaan, Director, Project Assessment and Approvals Branch, Department of Environment for review and approval.
10. If any rock that could produce acid rock drainage is encountered during pre-design geotechnical investigations, the Department of Environment must be notified immediately.
11. Post-construction bird and bat-monitoring programs must be submitted to Paul Vanderlaan, Director, Project Assessment and Approvals Branch, Department of Environment for review and approval including proposed mitigative measures for impacts. All raptor mortalities must be reported and the carcasses turned in to DNR. Based on the results of the monitoring programs, modifications to mitigation plans and/or wind farming operations must be made to the satisfaction of the Department of Environment.
12. An environmental protection plan (EPP) must be developed and implemented prior to construction outlining specific measures that must be employed during each phase of the project. The issues that the EPP will address must include but are not limited to, construction activities near watercourses, control of airborne dust and air emissions during construction, the potential impacts of accidents and malfunctions. Consideration should be given to spills of hazardous materials and the failure of erosion control structures. The basic response measures and key contacts should be included, as well as the location of, and how to quickly access, spill response equipment and resources particularly after-hours. Refueling and maintenance of equipment should take place in designated areas with measures in place to prevent petroleum products and other hazardous materials from entering water bodies. All spills or leaks should be promptly contained, cleaned up and reported to the 24-hour environmental emergencies reporting system (1-800-565-1633). The EPP must be submitted to Paul Vanderlaan, Director, Project Assessment and Approvals Branch, Department of Environment for review and approval prior to implementation.
13. A contingency and safety plan must be produced and implemented to reduce the frequency, duration and extent of accidental events, reduce risk to the environment and public safety. This plan must be submitted to Paul Vanderlaan, Director, Project Assessment and Approvals Branch, Department of Environment for review and approval prior to implementation.
14. There must be no development activity within 800 metres of the eagle's nest at Money Cove.