

# **DOCUMENT "A"**

## **MINISTER'S DETERMINATION CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the Clean Environment Act

December 4, 2009

File Number: 4561-3-1223

---

---

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 re-evaluated under the *Environmental Impact Assessment Regulation (87-83)* – Clean Environment Act, 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 registration document (dated July 29, 2009), as well as all those identified 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 Manager of the Project Assessment Section of the Department of Environment (DENV) every six months from the date of this Determination until such a time as all the Conditions have been met.
4. In order to permit the project to accommodate geophysical surveys, the proponent must design and construct the wind farm in such a fashion that both the ground and phase (power carrying) conductors can be separated (disconnected) at: i) the substation, (ii) each turbine and (iii) each riser pole. Access to the project site for purposes of mineral exploration, mining surveys and mineral extraction will in all cases be in accordance with and be governed by the Mining Act and its Regulations, and all other applicable laws and regulations.
5. The proponent must conduct post-construction follow-up avian monitoring and bat occurrence monitoring in consultation with the Canadian Wildlife Service (CWS) and the New Brunswick Department of Natural Resources (DNR). The proposed monitoring protocols must be submitted to CWS and DNR within 6 months of the date of this Determination (unless an alternative date is agreed to by the above mentioned agencies) and must be reviewed and approved by these agencies before any such survey work commences. The proponent must provide copies of the resultant monitoring reports to CWS and DNR.
6. A Watercourse and Wetland Alteration Permit issued under the *Watercourse and Wetland Alteration Regulation* – Clean Water Act, must be obtained from the Department of Environment prior to any work within 30m of a watercourse or wetland. The application for any required permits should make reference to the EIA File Number (4561-3-1223). Where deemed necessary by DENV, the application must be accompanied by a wetland compensation and monitoring plan.
7. The proponent must contact the Habitat Protection Area Chief, Tracadie-Sheila office, Fisheries and Oceans Canada at least 10 days before starting work on watercourse crossings by roads and power collection and transmission lines. The Habitat Protection Chief can be reached at (506) 395-7722.

8. Prior to the commissioning of Phase II, the proponent must submit a noise-monitoring plan for review and approval to the Manager of the Project Assessment Section, DENV, in order to validate the predictions made in the noise impact analysis. The plan must be implemented and the results must be submitted to the Manager within one year of the initial date of commissioning of Phase II of the wind park.
9. Prior to the transportation of major project components to the site (wind turbine components, power transmission poles and cables, materials for foundation construction and cable bedding such as sand, gravel, concrete, etc.) a detailed transportation study and traffic management plan must be prepared and submitted to the New Brunswick Department of Transportation (NBDOT) for review and approval, addressing issues including but not limited to required road improvements, measures to reduce impacts on road traffic and measures to ensure safe, event free transportation of project components on public roads to the project location. The proponent will be responsible for restoring to their original condition any NBDOT infrastructure damaged by project-related activities.
10. The proponent must contact the District Transportation Engineer, NBDOT Bathurst District at (506) 547-2144, to review the project in more detail and to discuss any additional safety issues or concerns related to the transportation of heavy equipment on NBDOT highways. Note that the location of the access points off provincial roads must be acceptable to the NBDOT and the proponent will be required to apply for an access road permit from the District Engineer before construction begins.
11. The proponent must contact the Director of the Transportation Policy Branch, NBDOT at (506) 453-2802 to review the project in more detail and to discuss any possible road or bridge modifications to NBDOT's existing infrastructure. Concerns such as the size and weight of the equipment, possible road and bridge infrastructure improvements or any other possible restrictions regarding transporting equipment on NBDOT highway infrastructure can be discussed at that time. The proponent will be required to obtain a permit from the Transportation Policy Branch, NBDOT if the loads are oversize and/or overweight.
12. The proponent must obtain authorization from DNR to develop this wind farm on Crown Land. The Crown land lease agreement will be subject to terms and conditions related to land tenure and the management of Crown land. Details on how to apply for such authorization can be obtained from DNR's Land Use Application Service Centre at [www.gnb.ca/0263/](http://www.gnb.ca/0263/) or 1-888-312-5600.
13. When clearing trees and vegetation as required to construct the project: a) merchantable trees should not be chipped and utilized in landscaping unless this is approved by DNR; b) slash must be dealt with so as to avoid creating an unnecessary fire hazard; c) cutting permits are required from DNR; and d) any merchantable Crown wood that is harvested relative to this project must be offered to the Crown land Licensees and sub-licensees for this area. Further details about obtaining a cutting permit, obtaining work permits during fire season, licensee contact information, etc., can be obtained from the DNR Regional Forestry Unit at (506) 547-2075.
14. All measures identified in the Environmental Management Plan (EMP) for the construction of Phases I and II of the Caribou Wind Park (approved by DENV on August 12, 2008) must be implemented during the construction of Phase II. EMPs for subsequent stages of the project must be submitted for review and receive approval from the Manager of the Project Assessment Section, DENV, prior to the commencement of those stages. In addition, those EMPs should cover both Phases I and II of the Caribou Wind Park project.

15. Prior to commencement of construction of any part of the project (turbine, new access road, access road upgrades, power collection and transmission lines, etc.) that may result in the disturbance of soils within 50 metres of a watercourse or lake/pond, these locations must be assessed for potential impacts to archaeological resources by a licensed archaeologist. If it is suspected that remains of archaeological significance are discovered during construction at any location regardless of position with respect to a watercourse, lake or pond, all activity must be stopped near the find and the Resource Manager of the Archaeological Services Unit, Heritage Branch of the Department of Wellness, Culture and Sport must be contacted at (506) 453-3014.
  
16. Prior to the excavation or disturbance of 500 cubic metres or more of rock (measured cumulatively for the project as a whole), the rock must be sampled and analysed for acid-base accounting (ABA). The results must be submitted to the Director of the Stewardship Branch, Department of Environment prior to rock excavation or disturbance. Depending on the results of these analyses, proper management and disposal will be required.