

DOCUMENT “A”

**MINISTER’S DETERMINATION
CONDITIONS OF APPROVAL**

Pursuant to Regulation 87-83 under the *Clean Environment Act*
August 24, 2018
File Number: 4561-3-1472

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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 (DELG).
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the document entitled, “Richibucto Wind Project - Environmental Impact Assessment Registration – Final November 2017 – Natural Forces”, 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 DELG every six months from the date of this Determination until such a time that all the Conditions have been met.
 4. If it is suspected that remains of archaeological significance are found during construction, operation or maintenance of the proposed development, as per the *Heritage Conservation Act* (2010), all activity shall be stopped near the find and the Director of the Archaeological Services Branch, Department of Tourism, Heritage and Culture shall be contacted at (506) 453-3014.
 5. The proponent shall implement a radar and acoustical nocturnal bird monitoring program for a minimum of one year, to be completed during the construction phase or during the first year of post-construction. Based on the results of the monitoring program, additional years of monitoring and mitigation measures may be imposed by the Director of DELG’s EIA Branch. Prior to implementation, the proposed protocol for the monitoring program shall be submitted for review by DELG, Environment and Climate Change Canada’s Canadian Wildlife Service (CWS) and the Department of Energy and Resource Development (DERD), and must receive approval from the Director of DELG’s EIA Branch. Data from the monitoring program shall be provided to DELG, CWS and DERD, along with annual monitoring reports. The Director of the EIA Branch may alter the details within this condition due to additional relevant technical information or due to policy change.
 6. An adaptive management plan outlining mitigation measures that will be implemented should the project be shown to have a significant impact on birds or bats shall also be submitted for review and shall receive approval from the Director of DELG’s EIA Branch prior to the start of the operational phase of the project.

7. The proponent shall conduct post-construction follow-up bird and bat usage and mortality monitoring in consultation with CWS and DERD. The proposed monitoring protocols shall 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 shall also include specific provisions for the monitoring of species at risk.
8. 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 (Environmental Emergencies 1-800-565-1633). 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.
9. The proponent shall 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 (Environmental Emergencies 1-800-565-1633). Furthermore, the proponent must ensure that all project-related activities comply with the *Migratory Birds Convention Act*.
10. 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.), the proponent is required to contact the New Brunswick Department of Transportation and Infrastructure Special Permit Office at 506-453-2982. The Special Permit Office will guide the proponent through the application process including transportation plan requirements.
11. Should shadow flicker exceed the most recent guidelines that are associated with the EIA sector guidelines, the proponent will be responsible to ensure that mitigation measures are implemented, such as, but not limited to, providing vegetation, awnings, and/or operational shutdowns during the expected shadow flicker times. The mitigation measures shall be reviewed and approved by the Director of DELG's EIA Branch.
12. Decommissioning of the wind turbine once it ceases to operate shall be undertaken within one year of the cessation of operation for the wind turbine. A decommissioning plan, including site reclamation, shall be reviewed and approved by the Director of DELG's EIA Branch. During decommissioning, the project area will be restored as close to pre-project conditions as possible, in consultation with DELG and DERD.
13. The proponent shall 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 shall include a spill response contingency plan and shall address measures pertaining to on-site concrete production. 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, shall 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 may be imposed by the Director of DELG's EIA Branch.

14. The proponent shall ensure that all hydroseed mixes shall contain a variety of species of plants native to the general project area. Should seed mixes for herbaceous native species for the area not be available, plants used in revegetation efforts must not be invasive.
15. 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.
16. The proponent shall ensure that any proposed project modifications are submitted for review and approval to the Director of DELG's EIA Branch prior to implementing the changes.
17. The proponent shall ensure that all developers, contractors and operators associated with the development project comply with the above requirements.