



Environment,
Energy and
Climate Action

Environnement,
Énergie et
Action climatique



Office of the Minister
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Date: December 2, 2024

Minister's Decision Statement
Skidders Pond Wind Energy Centre – Prince County

I have reviewed the Letter of Recommendation of the Department of Environment, Energy and Climate Action and I am satisfied that the environmental review was thorough and complete.

I have attached to this Decision Statement the approval conditions for the Skidders Pond Wind Energy Centre with which the Proponent (Invenergy Renewables Canada Development ULC) must comply. I am satisfied that the environmental controls and the accommodation measures put in place through these conditions associated with the project approval are appropriate and meaningfully address concerns raised by the public.

To the extent that any risk remains for appreciable adverse impacts on the environment, I find that such risks are low, have been reasonably mitigated through the imposition of conditions associated with the project's approval, and are reasonable and acceptable in consideration of the broader public interest.

Sincerely,

Hon. Gilles Arsenault
Minister



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December 2, 2024

Mr. Louis Robert
Director, Renewable Development
Invenergy Renewables Canada ULC
67 Mowat Avenue, Suite 335
Toronto, ON MK6 3E3

Dear Mr. Robert:

Pursuant to subsection 9(1) of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, I hereby grant approval to Invenergy Renewables Canada ULC (herein “the proponent”) to proceed with the proposed undertaking, specifically the construction and operation of a 93-99 megawatt wind farm located near Skinners Pond, Prince County, PEI.

Pursuant to clause 28(d) of the *Environmental Protection Act*, I consider it necessary in the public interest to impose terms and conditions to this approval. I therefore order that your approval is subject to the following terms and conditions:

CONDITION #1: (Compliance with Environmental Impact Statement - EIS)

The proponent shall ensure that this undertaking is to be constructed in accordance with information provided in their Environmental Impact Statement (EIS) dated April 2023, along with any subsequent revisions and addendums to the foregoing document, as well as all those identified in subsequent correspondence during the Environmental Impact Assessment (EIA) review.

Additionally, on a monthly basis, the proponent shall submit a summary table detailing the status of each condition listed in this approval to the Environmental Land Management (ELM) Section of the Department of Environment, Energy and Climate Action (EECA). The submission of the table shall start 30 days following from the issuance of this approval and continue until such time that all the conditions have been met.

CONDITION #2: (Environmental Management Plan)

The proponent shall prepare and submit for approval an Environmental Management Plan (EMP) to address possible environmental issues pertaining to each phase of the facility development including the construction, operation, and decommissioning phases. As part of this EMP, specific commitments to mitigation must be made based on site-specific environmental constraints. The EMP

must be approved by the ELM Section of EECA prior to the commencement of the construction phase of the project.

CONDITION #3: (Bird Nest Protection)

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 the Forests Fish and Wildlife (FFW) Division of EECA or the Canadian Wildlife Service (CWS) shall be consulted for advice at 1-800-565-1633. The proponent must ensure that all project-related activities comply with the *Migratory Birds Convention Act, 1994* (S.C. 1994, c. 22).

CONDITION #4: (Bird and Bat Monitoring)

The proponent, in order to ensure the protection of avifauna and bats, shall carry out a minimum two-year, post-construction monitoring study in the project area. This monitoring program must be developed and approved in consultation with CWS and the FFW Division of EECA. The monitoring program should be prepared in accordance with the April 2007 Environment Canada document, *Recommended Protocols for Monitoring Impacts of Wind Turbines on Birds*. The monitoring program must also reflect the most current guidance on post-construction monitoring at wind farms, and “Best Management Practices”, as determined by the two above noted parties, and include provisions for the mitigation of any unanticipated environmental effects revealed through the follow-up monitoring. A specific part of the two-year study must include a post-construction follow-up bird and bat usage and mortality monitoring. The proposed monitoring protocols shall be submitted for review and receive approval from CWS and FFW and be submitted to ELM before any surveys take place and before the start of the operational phase of the project. The proponent shall be responsible for implementing any EECA recommendations after the Departmental review of the study is complete. After completion of the two years of post-construction monitoring, EECA will review the results with CWS and the FFW Division and determine if additional post construction monitoring is required.

CONDITION #5: (Bird and Bat Protection)

The mortality of an individual migratory bird species at risk, or 10 or more migratory birds in one 24 hour period, or 3 or more bats in one night is considered a mortality event for which CWS and EECA must be contacted within 24 hours (Environmental Emergencies 1-800-565-1633). Such notification is expected to occur even after the formal post-construction bird/bat monitoring program has 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 and 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/bat monitoring protocol, or if the formal post-construction bird/bat monitoring program has ended. This checking for mortalities may include the use of searcher dogs in specific

areas as determined by EECA. If possible, any bird or bat carcasses recovered from mortality monitoring should be examined by staff from the Atlantic Veterinary College (AVC) in Charlottetown, with special emphasis on Barotrauma as a cause of death.

CONDITION #6: (Adaptive Management Plan)

An adaptive management plan outlining mitigation measures (including turbine pausing in response to mortality events) that will be implemented should the project be shown to have a significant impact on birds or bats shall also be submitted by the proponent for review and must receive approval from CWS, the FFW Division and ELM Sections of EECA prior to the start of the operational phase of the project.

CONDITION #7: (Noise Monitoring)

The proponent shall develop a minimum two-year post operation noise monitoring program which must be reviewed and approved by the ELM Section of EECA. The noise monitoring program must be approved and in place prior to the commissioning of the wind farm.

CONDITION #8: (Archeological Detection and Notice)

The proponent, if it is suspected that remains of archaeological significance are discovered during construction, operation, or maintenance of the proposed development, shall stop all work and immediately notify the office of the Director of Indigenous Relations Secretariat (by calling 902-368-6895) for further direction.

CONDITION #9: (Conflict Resolution/Mitigation Protocol)

The proponent, as a specific part of the EMP, shall develop a Conflict Resolution/Mitigation Protocol to address potential issues such as noise, shadow flicker, etc. This protocol must be reviewed and approved by EECA prior to the commissioning of the wind farm. As part of the protocol, the proponent must provide an annual written report to the ELM Section of EECA regarding any complaints received during the year and how they were addressed. In the event that noise or shadow flicker becomes problematic for any receptors, the proponent must consult with affected residents to discuss the potential impacts and develop a receptor specific mitigation plan for them. EECA will determine if it believes the issue was properly and adequately addressed.

CONDITION #10: (Permission of Property Owners)

The proponent shall obtain the written permission of property owners to utilize any land for the intended purpose of the project.

CONDITION #11: (Disposal of Slash and Woody Material)

The proponent shall not be permitted to burn any slash and woody material generated from tree cutting and clearing operations, nor can such material be stored adjacent to individual work sites (access roads, turbine footprints). The proponent must find an alternate means of disposing of the cut material which is acceptable to EECA (e.g. chipping and spreading).

CONDITION # 12 (Wetland Monitoring)

The proponent shall develop and implement a minimum five-year post construction wetland monitoring plan for all wetlands impacted within the project footprint. The wetland monitoring plan must use the Wetland Ecosystems Services Protocol for Atlantic Canada (WESP-AC) and be approved by the ELM Section and FFW Division of EECA prior to commencement of construction. The plan must include:

- a. Annual vegetation monitoring
- b. Annual hydrology monitoring, and
- c. Functional assessment of wetlands carried out for a 5-year period, commencing once construction is completed, and the operational phase begins.

CONDITION # 13 (Priority Areas)

The proponent shall, if the location of project infrastructure (turbines, roads, etc.) changes from that presented in the EIS, dated April, 2023 and then falls within any priority area(s) as shown on the attached Schedule "A", notify the ELM Section and complete additional baseline survey work prior to commencement of construction within the priority area(s). The additional baseline work shall include, but may not be limited to, breeding bird surveys, targeted wrinkle shingle lichen surveys, and early and late summer rare plant surveys. All survey work must take place within the footprint of the proposed infrastructure.

CONDITION # 14 (Offsetting for Forest Habitat Loss)

The Proponent shall, as an offset for the direct, long-term loss of approximately 28 hectares (69 acres) of forest habitat, contribute \$103,500 (\$1500/acre) to the Province's Land Securement Program to enable the FFW Division to purchase and protect comparable habitat(s). The contribution must be made prior to project commissioning and should the location of project infrastructure vary from that described in the EIS, the contribution amount will be adjusted accordingly.

CONDITION # 15 (Watercourse and Wetland Permit)

The proponent shall, prior to commencement of work within 15 metres of any watercourse or wetland, obtain a Watercourse Wetland and/or Buffer Zone Activity Permit(s).

CONDITION # 16 (Forest Clearing)

The proponent shall restrict forest cutting and clearing activities to outside the normal bird nesting period for PEI which is recognized as approximately April 15 to August 15 of the calendar year.

CONDITION # 17 (Offsetting for Wetland Habitat Loss)

The Proponent shall, as an offset for the direct, long-term loss of 5.66 hectares (13.9 acres) of wetland habitat, shall make a compensation payment at a rate (\$60,000/acre) as per the Province's Wetland Conservation Policy totalling \$834,000. The payment will be required as a condition of any Watercourse Wetland and/or Buffer Zone Activity Permit(s), where wetland is affected, and the exact amount will be finalized after the proponent has submitted their total wetland impacted area to the Department. Should the location of project infrastructure vary from that described in the EIS, the amount due will be adjusted accordingly.

CONDITION # 18 (Concrete Batch Plant)

The proponent shall prepare and submit for approval a detailed plan outlining the exact composition, layout and operational details of the concrete batch plant. The concrete batch plant should be located a minimum of 100 metres from any watercourse/wetland and the plan must be approved prior to commencement of construction.

CONDITION #19: (Environmental Monitor)

The proponent shall, prior to the commencement of construction, hire the services of a third party environmental/engineering consultant which will be tasked with the daily monitoring of environmental requirements associated with this approval. This consultant will be the main liaison with EECA officials throughout the life of the project.

CONDITION #20: (Decommissioning)

The decommissioning of the wind turbine site by the proponent shall be undertaken within one year of cessation of operations. A decommissioning plan, including site reclamation, shall be developed in consultation with EECA and its FFW Division.

CONDITION #21: (Subcontractors and Agents)

The proponent shall be responsible to ensure that any subcontractors, agents and assigns are aware of and comply with the terms and conditions of this approval.

CONDITION #22: (Sale of Project)

In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:

- a. The proponent shall provide written notice of this EIA approval and conditions to the lessee, controller, or purchaser, and said lessee, controller or purchaser shall be subject to and must comply with the EIA approval and conditions; and
- b. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister.

Please be advised that this approval addresses requirements pursuant to the Department of Environment, Energy and Climate Actions' environmental assessment process. The proponent shall obtain all other necessary permits, licenses and/or approvals required by any other municipal, provincial and/or federal regulatory agencies to commence this project.

Sincerely,



Hon. Gilles Arsenault
Minister