

**IN THE MATTER OF
THE ENVIRONMENTAL ASSESSMENT ACT, S.B.C. 2002, c. 43 (THE ACT)**

AND

**IN THE MATTER OF
AN APPLICATION FOR AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

BY HOLGERG WIND ENERGY GP INC. (THE PROPONENT)

FOR THE

**HOLBERG WIND ENERGY PROJECT
(THE PROJECT)**

ENVIRONMENTAL ASSESSMENT CERTIFICATE E04-02

Whereas,

- A. The Project is a 58.5 megawatt (MW) wind farm to be located on Mt. Brandes and Mt. Hansen near Holberg, British Columbia, and comprises 45 wind turbines, associated access and onsite wind farm roads, underground and overhead transmission lines, a substation and switchyard, and a concrete batch plant;
- B. The Project is a reviewable electricity project under Table 7 of the Reviewable Projects Regulation as it will be a new facility with a rated nameplate capacity of more than or equal to 50 MW of electricity;
- C. On December 16, 2003, the delegate of the Executive Director of the Environmental Assessment Office (EAO), under section 10(1)(c) of the Act, ordered that an environmental assessment certificate is required for the Project, and that the Proponent may not proceed with the Project without an assessment;
- D. On July 30, 2004, the delegate of the Executive Director of the EAO accepted for review an application (the Application) from the Proponent for an environmental assessment certificate (the Certificate) under the Act for the Project and established a public comment period for the Application;
- E. The Application was reviewed by the public and by representatives from federal, provincial and local government agencies;
- F. The Quatsino First Nation actively participated in the review of the Application;
- G. The Proponent provided additional information in relation to the Application to address issues identified during the course of the assessment;

- H. The delegate of the Executive Director reported on the potential effects of the Project in a report entitled the "Holberg Wind Energy Project Assessment Report" (the Assessment Report);
- I. The Executive Director has referred the Application, Assessment Report, and Recommendations of the Executive Director and Reasons for Recommendations pursuant to s.17 of the Act, to the Minister of Sustainable Resource Management (the Minister), the Minister of Energy and Mines (the Responsible Minister), and the Minister of Water, Land and Air Protection (hereafter the Ministers); and
- J. The Ministers have considered the Application, Assessment Report, and Recommendations of the Executive Director and Reasons for Recommendations.

Now Therefore,

The Ministers, pursuant to s.17(3) of the Act, hereby issue this Certificate to the Proponent subject to the following conditions (the Conditions):

Conditions

- 1. The Proponent must cause the Project to be designed, located, constructed, and operated in accordance with the Conditions of this Certificate and the documents and correspondence listed in Schedule A, and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
- 2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.
- 3. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.
- 4. Despite Condition 1 above, if prior to the start of operation of the Project, the Proponent proposes a material change to the design, location, construction or operation of the Project as described in the documents listed in Schedule A, and the change may in the opinion of the Executive Director have the potential for significant adverse effects, the Proponent must then provide to the Executive Director:
 - a) an application in writing to amend the Certificate pursuant to s.19(1) of the Act; and,
 - b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.
- 5. The Proponent must submit to the Executive Director a report on the status of compliance with the Conditions of this Certificate and the commitments made in documents listed in Schedule A, two weeks prior to start of construction, two weeks prior to start of operation, and one year after the start of operation of the Project.

6. This Certificate is of no force or effect until signed by the Ministers.
7. This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.
8. The Proponent must obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
 - a) this Certificate, or any right, title or interest conferred by this Certificate; or
 - b) the Project.

Duration of Certificate

9. The Proponent must have, in the reasonable opinion of the Minister, substantially started the construction of the Project within five years of the date of issue of this Certificate, if not this Certificate expires.

Suspension, Cancellation and Amendment of Certificate

10. This Certificate may be subject to cancellation, suspension in whole or in part, amendments, or the attachment of new Conditions, for any of the following reasons:
 - a) the Minister has reasonable and probable grounds to believe that the Proponent is in default of:
 - i. an order of the Courts under section 35(2), 45 or 47 of the Act;
 - ii. an order of the Minister made under section 34 or 36 of the Act; or,
 - iii. one or more requirements or Conditions of this Certificate or
 - b) the Proponent or its officers or employees when acting on behalf the Proponent, have been convicted of an offence under the Act, with respect to the Project; or
 - c) an order is made or a resolution is passed, for the winding up, or dissolution of the Proponent, or the Proponent is in receivership or bankruptcy proceedings, without such order or resolution being rescinded or stayed and, in the case of any of the foregoing, the Minister has reasonable and probable grounds to believe that a breach of, or default under, this Certificate has occurred or is likely to occur.

The Conditions of this Certificate are agreed to by the Proponent this

4 day of October, 2004

Win Stothert

Win Stothert
Director
Holberg Wind Energy GP Inc.

George Abbott

Honourable George Abbott
Minister of Sustainable Resource
Management

Richard Neufeld

Honourable Richard Neufeld
Minister of Energy and Mines

Bill Barisoff

Honourable Bill Barisoff
Minister of Water, Land and Air Protection

Issued this 22nd day of October, 2004, in Victoria, British Columbia.

SCHEDULE A

DOCUMENTATION AND CORRESPONDENCE FOR THE HOLBERG WIND ENERGY PROJECT PREPARED BY OR FOR THE PROPONENT

1. July 30, 2004: Environmental Assessment Certificate Application for the Proposed Holberg Wind Energy Project, Vancouver Island, B.C., submitted by Holberg Wind Energy GP Inc. to the Environmental Assessment Office (EAO).
2. August 18, 2004: Draft Monitoring Plan for Potential Wildlife Impacts associated with Holberg Wind Energy (version 1.0) prepared by Robertson Environmental Services Ltd. for Holberg Wind Energy GP Inc.
3. September 3, 2004. Document from Holberg Wind Energy GP Inc. to EAO titled Holberg Wind Energy Project Open Houses August, 2004, Holberg submitted by Holberg Wind Energy GP Inc.
4. September 13, 2004: E-mail from Holberg Wind Energy GP Inc. to EAO with attachment titled Responses of Regulatory Agency Comments, including maps, regarding the Environmental Assessment Application for the Proposed Holberg Wind Energy Project.
5. September 17, 2004: E-mail from Holberg Wind Energy GP Inc. to EAO with attachment titled Additional Responses regarding the Environmental Assessment Application for Holberg Wind Energy GP Inc. with attached maps.
6. September 17, 2004. E-mail from Holberg Wind Energy GP Inc. to EAO with attached maps for terrain stability.
7. September 17, 2004. Memorandum from Holberg Wind Energy GP Inc. titled Additional Responses Regarding the Environmental Assessment Application for the Holberg Wind Energy Project Specifically: MWLAP Comments on the Fish and Fish Habitat Impacts Section (Section 6.8).
8. September 30, 2004. Supplemental map dated September 29, 2004.
9. October 5, 2004: Email from Holberg Wind Energy GP Inc. to the EAO with attachment titled Summary of Commitments and Assurances - Application for an Environmental Assessment Certificate for the Holberg Wind Energy Project.