

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the Clean Environment Act

April 15, 2016.

File Number: 4561-3-1423

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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* (EIA) (87-83) – Clean Environment Act again, unless otherwise stated by the Minister of Environment and Local Government.
 3. The proponent shall adhere to all obligations, commitments, monitoring and mitigation measures presented in the EIA registration document dated September 30, 2015; all subsequent reports submitted and to all those in correspondence during the course of the review. Additionally, the proponent shall submit a summary table detailing the status of each Condition listed in this *Determination* to the Manager of the Environmental Assessment Section, Department of Environment and Local Government (DELG) every 6 months from the date of this Determination until such a time that it is determined to be no longer necessary.
 4. Appropriate spill response equipment must be maintained in a readily accessible location during project construction and operation. All spills and releases shall be promptly contained, cleaned up and reported to the 24-hour emergency response line (1-800-565-1633).
 5. The proponent shall develop and implement a Fisheries Liaison and Communication Plan(s) to inform local fishing associations and Aboriginal commercial licensees of project or construction delays and potential project-fishing interactions. Routine maintenance activities of the submarine cables should also be communicated through this plan.
 6. The proponent must continue to engage appropriate First Nation communities throughout all project phases and prepare and implement a Food, Social and Ceremonial (FSC) Liaison and Communication Plan, with input from the Mi’gmawē’l Tplu’taqnn Incorporated, Kopit Lodge and other First Nation communities as appropriate.
 7. If information or evidence concerning indigenous artefacts or the Current Use of Lands and Resources for Traditional Purposes by Aboriginal People becomes available

through Traditional Knowledge Studies or monitoring/testing activities during project development, the proponent must implement mitigation measures, as appropriate.

8. The proponent will be responsible for completion of all outstanding archaeological test pitting prior to commencement of work in areas not previously tested. In addition, the proponent will be responsible for the development of a mitigation strategy for any archaeological sites in consultation with Archaeological Services, Department of Tourism, Heritage and Culture (THC); if the sites are Indigenous in origin, in direct consultation with the appropriate First Nations.
9. The proponent will ensure the side-scan sonar survey is completed and the data submitted to Archaeological Services, THC prior to undertaking any pre-trenching work.
10. The proponent will ensure that a marine archaeologist conduct a survey of open trenched areas deemed high potential prior to installation of the cable.
11. If it is suspected that objects or features of archaeological significance are found during construction, work shall stop immediately in the vicinity of the find and Archaeological Services, THC shall be contacted immediately at (506) 453-2738.
12. The proponent must complete an Environmental Protection plan (EPP) for marine-based project activities. The EPP must include, but not be limited to, measures to protect fish and fish habitat, fishing activity, birds and archaeological resources. It must also include a spill response plan and contingency plans to address accidents or unforeseen incidents that may occur during the marine construction and operation phase. This plan must be submitted to the Manager, Environmental Assessment Section, DELG for review and approval prior to the commencement of marine construction activities.
13. An Environmental Protection plan (EPP) for land-based project activities shall be developed by the proponent that outlines environmental protection commitments for the proponent and their contractor(s) during land-based activities and to ensure compliance with commitments as set forth during the EIA review and all subsequent correspondence. This EPP shall include, but not be limited to, environmental protection measures for work near watercourses, wetlands and all other environmentally sensitive areas. This plan must be submitted to the Manager, Environmental Assessment Section, DELG for review and approval prior to the commencement of land-based construction activities (the plan may be submitted in phases).
14. Follow up and monitoring of all wetlands directly or indirectly impacted by project activities will be required to measure whether the wetland function has changed. Monitoring reports shall be submitted to the Manager of the Environmental Assessment Section, DELG, after each monitoring period, typically following years 1, 3 and 5. Compensation or additional mitigation may be required if the results of the monitoring program demonstrate that there has been a loss of wetland function.
15. The proponent must prepare a wetland compensation plan to offset direct loss of regulated wetland habitat under the *Provincial Wetlands Conservation Policy*. The plan must demonstrate a minimum 2:1 compensation of restored wetland to affected wetland. An implementation schedule for compensation must be established in consultation with the Environmental Assessment Section, DELG.

16. The proponent shall meet the requirements of the *Federal Policy on Wetland Conservation*, where applicable, and shall submit a copy of any compensation plan(s) to the Manager, Environmental Assessment Section, DELG for review and approval.
17. The proponent must obtain a permit under the *Watercourse and Wetland Alteration Regulation* prior to any activities/alterations to be conducted in or within 30 meters of any regulated watercourse or wetland. Please contact the Manager, Surface Water Protection, DELG at (506) 457-4850 for additional information.
18. A *Quarry Permit* for dredging and/or a *Shore Area Quarry Permit* may be required. For further information please contact the Department of Energy and Mines at (506) 444-5806 (Email: Anthony.Howland@gnb.ca).
19. The proponent must apply for land tenure (Leases, Licenses of Occupation or Easements) where necessary. Please contact the Department of Natural Resources' Applications and Information Section at (506) 444-4487 (Email: Stella.Chiasson@gnb.ca).
20. During all project activities, the proponent must follow all mitigation measures and meet any requirements detailed in the March 4, 2016 letter of advice (see attached) to Sheila Goucher, DELG, from Paulette Hall, *Fisheries Protection Program*, Fisheries and Oceans Canada.
21. The proponent shall ensure that any future proposed project modifications including discontinued use or decommissioning are submitted for review and approval prior to implementation by the Manager of the Environmental Assessment Section, DELG.
22. The proponent must ensure that all contractors working at the sites are familiar and will comply with the requirements of the Migratory Birds Convention Act (MBCA) and associated *Regulations*.
23. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.
24. In the event of the sale, lease, or any other conveyance or change of control of the Project, or any portion thereof:
 - i. The proponent shall provide written notice of the conditions to the lessee, controller, or purchaser;
 - ii. The proponent shall provide written notice of such lease, change of control, or conveyance to the Minister; and
 - iii. All of the above terms and conditions are an integral part of this Determination and will apply to the lessee, controller, or purchaser.