

DOCUMENT “A”

MINISTER’S DETERMINATION CONDITIONS OF APPROVAL

Pursuant to Regulation 87-83 under the *Clean Environment Act*
September 20, 2018.
File Number: 4561-3-1490

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 January 19, 2018; 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 Director of the Environmental Impact Assessment (EIA) Branch, 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 Communication Plan(s) to inform local fishing associations, Aboriginal commercial licensees, and recreational users of the project area of project activities including a finalized construction schedule for cable installation, decommissioning and potential project-fishing interactions. Maintenance and inspection activities of the submarine cables should also be communicated through this plan.
6. The proponent shall develop and implement a public outreach/information program to ensure that area residents are aware of landfall construction details and schedule well in advance of commencement of the work.
7. 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, Department of Tourism, Heritage and Culture (THC) shall be contacted immediately at (506) 453-2738.

8. The proponent must complete an Environmental Management Plan (EMP) for project activities. The EMP must include, but not be limited to, measures to protect fish and fish habitat, fishing activity, marine mammals, 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 construction and operational phase. This plan must be submitted to the Director, EIA Branch, DELG for review and approval prior to the commencement of construction activities with the exception of modifications to the existing riser stations, civil works on the new riser stations and adjacent to the existing riser stations. This work shall follow the NB Power Environmental Protection Plan for Transmission Services.
9. Any anomaly identified as significant (by the appropriate specialist) in the side-scan sonar data must be further investigated by a permitted archaeologist to determine its significance. Appropriate mitigation must be developed and implemented in consultation with Archaeological Services Branch (THC) if deemed necessary.
10. 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 Director, Source and Surface Water Management Branch, DELG at (506) 457-4850, for additional information.
11. The project operation as outlined indicates potential excavation work within an area designated as "shore area" under the *Quarriable Substances Act (QSA)*. A *Quarry Permit* may be acquired from the Resource Tenure Section of Energy and Resource Development (ERD). Please contact the Quarriable Substances Technician, at (506) 444-5806, for permit and application inquiries.
12. The proponent must apply for tenure in the form of a *License of Occupation* for both the removal of the existing cables, and new construction. Please contact the Project Manager, Crown Lands Branch, Department of Energy and Resources Development at (506) 444-3645.
13. During project activities, the proponent must follow all mitigation measures and meet any requirements detailed in the letter of advice (see attached) to Sheila Goucher, DELG, from the *Fisheries Protection Program*, Fisheries and Oceans Canada, dated September 6, 2018.
14. The proponent shall ensure that any future proposed project modifications including discontinued use of the new cables or decommissioning are submitted for review and approval prior to implementation by the Director, EIA Branch, DELG.
15. As different options were presented during the EIA review for marine-based construction, a detailed description of the construction methods to be used including cable protection and burial methods along with construction schedule must be submitted to DELG prior to implementation.
16. The decommissioning plan for the existing cables must be submitted to the Director, EIA Branch, DELG, for review and approval prior to implementation.
17. Decommissioning of the existing cables must occur within 2 years of the end of the service life for the cables.
18. If Horizontal Directional Drilling (HDD) is not feasible for the landfall sites, the selected cable installation method must be submitted to the Director, EIA Branch, DELG, for review and approval prior to implementation.

19. The proponent must make every effort to install the cable at Wilson's Beach using HDD. If HDD is not feasible and Open Cut Trenching (OCT) is required, the proponent must conduct OCT one lane at a time while allowing traffic to detour to the other lane. Prior to initiating this work, the Department of Transportation and Infrastructure (DTI) District 4 Engineer must be contacted for further instructions at (506) 643-7463.
20. A contingency plan must be developed to respond to unplanned events, (e.g. a blow out event) that may occur during horizontal directional drilling (HDD). When the contingency plan has been developed, it must be submitted to DELG for review and approval prior to the commencement of HDD activities. Please submit the plan to the Director, EIA Branch.
21. 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*.
22. The proponent shall ensure that all developers, contractors and operators associated with the construction and operation of the project comply with the above requirements.