

# Environmental Assessment Approval

Approval Date: JUN 21 2013

**Maritime Link  
NSP Maritime Link Inc.**

**Cape Breton, Nova Scotia**

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The Maritime Link (the "Undertaking"), proposed by NSP Maritime Link Inc. (the "Approval Holder") is approved pursuant to Section 40 of the *Environment Act* and Section 13(1)(b) of the *Environmental Assessment Regulations*. This Approval is subject to the following conditions and obtaining all other necessary approvals, permits or authorizations required by municipal, provincial and federal acts, regulations and by-laws before commencing work on the Undertaking. It is the responsibility of the Approval Holder to ensure that all such approvals, permits or authorizations are obtained before commencing work on the Undertaking.

This Environmental Assessment Approval is based upon the review of the conceptual design, environmental baseline information, impact predictions, and mitigation presented in the Environmental Assessment Report.

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## Terms and Conditions for Environmental Assessment Approval

### 1.0 General Approval

- 1.1 The Environmental Assessment Approval for the Undertaking is limited to the Undertaking as described in the Environmental Assessment Report (EA Report).
- 1.2 Expansion, modification or relocation of any aspect of the Undertaking from that proposed in the registration information must be submitted to the Environmental Assessment Branch for review and may require an environmental assessment (EA).
- 1.3 The Approval Holder must, within two years of the date of issuance of this Approval, commence work on the Undertaking unless granted a written extension by the Minister.
- 1.4 The Approval Holder must not transfer, sell, lease, assign or otherwise dispose of this Approval without the written consent of the Minister. The sale of a controlling interest of a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent.



- 1.5 The Approval Holder must implement all mitigation and commitments in the EA Report, unless approved otherwise by Nova Scotia Environment (NSE).
- 1.6 The Approval Holder must provide a report to NSE's Environmental Assessment Branch annually for a period including one year following construction of the Undertaking. The report must include, but not be limited to, site development progress reports, mitigation plans, monitoring results, and compliance with the Terms and Conditions of the Environmental Assessment Approval.

## **2.0 Project Footprint**

- 2.1 Upon final selection of the grounding facility location, the Approval Holder must undertake an assessment of the proposed transmission corridor between Woodbine and the shoreline grounding facility. The assessment must include the environmental effects that are likely to arise from the Project, the technically and economically feasible mitigation measures that will be applied and the significance of any residual environmental effects.
- 2.2 Avoidance of all protected areas and proposed/candidate sites boundaries should be a priority. In cases where these boundaries must be crossed the Approval Holder must obtain written permission from the NSE.
- 2.3 In locations where the proposed project occurs within 100 m of or intersects a provincial protected area or other area of conservation interest, the proponent must consult with NSE regarding corridor placement and best practices for construction and maintenance to ensure ecological integrity of these areas is maintained.

## **3.0 Flora and Fauna**

- 3.1 Prior to clearing and construction, in consultation with Nova Scotia Department of Natural Resources and Environment Canada, the Approval Holder must develop habitat models to be utilized during detailed design to avoid sensitive areas and/or periods of micrositeing of transmission infrastructure to minimize interactions with Species of Conservation Interest (SOCI).
- 3.2 Prior to clearing and/or construction, the Approval Holder must provide DNR's Regional Services and Wildlife Division staff with digital way point files revealing precise locations for all "RED", "YELLOW" and "UNDETERMINED" listed species identified during field work within the area proposed for development. The Approval Holder must report to NSE that the files have been provided to DNR.
- 3.3 Site preparations that include deforestation, clearing and grubbing must



be undertaken between September 1<sup>st</sup> and March 30<sup>th</sup> in order to minimize impacts on breeding birds that may include endangered and threatened species listed under the *Species at Risk Act* and/or the *Nova Scotia Endangered Species Act*, unless otherwise approved by NSE.

#### **4.0 Ground and Surface Water Resources**

- 4.1 The Approval Holder must obtain an approval from NSE for the construction of watercourse crossings and/or wetland alterations, as specified in the Activities Designation Regulations.
- 4.2 Prior to any blasting, the Approval Holder must conduct a pre-blast survey for water wells within 800 m of the point of blast. The survey must be conducted in accordance with the NSE "Procedure for Conducting a Pre-Blast Survey". Any water well impacts from the blasting must be corrected by the Approval Holder to the satisfaction of NSE.
- 4.3 The Approval Holder must conduct visual assessments, both quarterly and after severe storms events, of the site to ensure the effectiveness of erosion and sedimentation controls, unless otherwise approved by NSE. Results of the assessment must be submitted, at a frequency to be determined, to NSE as part of the Environmental Protection Plan (EPP).

#### **5.0 Marine Environment**

- 5.1 The Approval Holder must form a Fisheries Advisory Committee to provide advice on monitoring programs and to review and advise on monitoring results. As a minimum, the Approval Holder shall seek committee membership from government and the local fishing industry.
- 5.2 The Approval Holder must develop and implement an environmental effects monitoring program (EEMP). The EEMP must be developed using relevant baseline data and identify appropriate environmental effects indicators. The plan must be developed and implemented in consultation with the Fisheries Advisory Committee and shall consider Project effects on, but not be limited to, fish, shellfish, marine birds and marine mammals.
- 5.3 Environmental effects monitoring results must be submitted to NSE and DFO at a schedule to be determined by NSE and DFO.

#### **6.0 Consultation**

- 6.1 The Approval Holder must operate a Community Liaison Committee (CLC) for the duration of the undertaking and until released in writing by NSE.
- 6.2 The Approval Holder must solicit CLC membership from the Cape Breton Regional Municipality (CBRM), the Mi'kmaq of Nova Scotia, and the general public.



- 6.3 The Approval Holder must develop a complaint resolution plan to address all concerns associated with the Undertaking. The Approval Holder must appoint a contact person designated to deal with complaints, and must provide the contact information to NSE.

## **7.0 First Nation and Aboriginal Engagement**

- 7.1 Upon final selection of the grounding facility location and prior to clearing and construction, the Approval Holder must complete and/or amend the Mi'kmaq Ecological Knowledge Study (MEKS).
- 7.2 The Approval Holder must develop a plan to engage the Mi'kmaq of Nova Scotia following receipt of the MEKS to discuss any impacts on traditional Mi'kmaq resources, and to clarify project activities and identify associated mitigation measures.

## **8.0 Archaeological and Heritage Resources/ Aboriginal Interests**

- 8.1 This Approval is conditional on the Department of Communities, Culture and Heritage approval of heritage research permit reports conducted for various aspects of this Project. Based on the conclusions and recommendations of this review, further studies and/or mitigation may be required, at the request of NSE.
- 8.2 The Approval Holder must cease work and contact the Special Places Coordinator, Nova Scotia Department of Communities, Culture and Heritage immediately upon discovery of an archaeological site or artifact unearthed during any phase of the proposed Undertaking. If the find is of certain or suspected Mi'kmaq origin, the Approval Holder must also contact the Executive Director of the KMKNO.
- 8.3 At the request of NSE, the Approval Holder must develop and implement an archaeological reconnaissance program to ensure no archaeological resources will be impacted during site development. The archaeological reconnaissance program will be developed in consultation with and to a standard as defined by Nova Scotia Department of Communities, Culture and Heritage.

## **9.0 Environmental Management System**

- 9.1 The Approval Holder must obtain an approval from NSE for the application of herbicides on utility corridors, as specified in the Activities Designation Regulations.
- 9.2 Prior to construction, the Approval Holder must provide for review and approval to NSE, the following information:
- a) An EPP for the construction, operation and maintenance of the

Undertaking. The EPP must include, but not be limited to:

- i) an assessment of geological hazards associated with historical mine openings and the risks associated with surface subsidence resulting from the failure of underground workings;
- ii) details of erosion and sedimentation control plans;
- iii) a monitoring program for surface waters (including public water supplies);
- iv) detailed commitments and monitoring plans to avoid/minimize/mitigate impacts to wildlife including species at risk and species of conservation concern;
- v) a plan to address noise and dust during construction and maintenance activities;
- vi) a plan to address sulphide bearing materials and acid drainage; and
- vii) a contingency plan to address accidents that includes spill response procedures, fires, emergency contacts, and staff training.

b) The locations and construction details for new roads, staging areas, and associated infrastructure, and any other such information as required by NSE.

- 9.3 The Approval Holder must adhere to the EPP once finalized and accepted by NSE. Construction work can only commence upon receiving NSE approval for the EPP.

## **10.0 Site Reclamation**

- 10.1 The Approval Holder must submit a decommissioning and site reclamation plan to NSE for review and approval, two years prior to the end date of the 35 year Power Purchase Agreement. The Approval Holder must reclaim the site to the satisfaction of NSE.

  
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Sterling Belliveau  
Minister of Environment



Understanding. The EPP must include, but not be limited to:

- i) an assessment of geological hazards associated with historical mine openings and the risks associated with surface subsidence resulting from the failure of underground workings;
- ii) details of erosion and sedimentation control plans;
- iii) a monitoring program for surface waters (including public water supplies);
- iv) detailed commitments and monitoring plans to avoid/minimize/mitigate impacts to wildlife including species at risk and species of conservation concern;
- v) a plan to address noise and dust during construction and maintenance activities;
- vi) a plan to address sulphide bearing materials and acid drainage; and
- vii) a contingency plan to address accidents that includes spill response procedures, lines, emergency contacts, and staff training.

d) The locations and construction details for new roads, staging areas and associated infrastructure, and any other such information as required by NSE.

9.3/ The Approval Holder must adhere to the EPP once finalized and accepted by NSE. Construction work can only commence upon receiving NSE approval for the EPP.

#### 10.0 Site Reclamation

10.1 The Approval Holder must submit a decommissioning and site reclamation plan to NSE for review and approval, two years prior to the end of the 25 year Power Purchase Agreement. The Approval Holder must reclaim the site to the satisfaction of NSE.

Shirley Belliveau  
Minister of Environment