

From: on behalf of Panel Registry **CIMFP Exhibit P-00352 - Tab 22**
Subject: FW: Lower Churchill Hydro/Labrador Island Transmission Link

Attachments: letter prentice and johnson march 22 2010.doc

From: Roberta Frampton Benefiel <email address removed>
Sent: March 24, 2010 1:16 PM
To: Minister Reception [NCR]
Cc: Williams Premier Danny; Minister Charlene Johnson; Bas Cleary Director-Environmental Assessment; Info [CEAA]; Burgess, Steve [CEAA]; Smith, John [CEAA]; Leboeuf, Yves [CEAA]; Sylvester, Peter [CEAA]; Yvonne Jones; Lorraine Michael; Todd Russell; Tom Graham; Lower Churchill Review [CEAA]
Subject: *****SPAM***** Lower Churchill Hydro/Labrador Island Transmission Link

Dear Minister Prentice:

Please find attached our letter concerning the above referenced project currently under review by the Canadian Environmental Assessment Agency!

A copy has been send by Fax to your Constituency Office in Calgary to Fax number 403-230-4368.

Thank you for taking the time to review our concerns and we look forward to hearing from you regarding your decision.

Roberta Frampton Benefiel
Grand Riverkeeper Labrador, Inc.

709-164

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March 23, 2010

The Honorable Jim Prentice
Federal Minister of the Environment
1318 Center St. NE
Calgary, Alberta T2E 2R7

Dear Minister Prentice:

As you are aware, Nalcor Energy proposes to construct the Lower Churchill Hydroelectric Generation Project to deliver electricity by way of the Labrador-Island Transmission Link to its customers in Newfoundland and Labrador, the Maritimes and the USA. This single undertaking is currently the subject of two projects submitted separately for environmental assessment pursuant to the Newfoundland and Labrador Environmental Protection Act and the Canadian Environmental Assessment Act.

The starting point of the Transmission Link is the converter station at Gull Island, located at the site of the proposed Lower Churchill Hydroelectric Generation Project. The proponent's Project Description for the Labrador-Island Transmission Link states:

“A key rationale for the Project is to put in place infrastructure to further interconnect the province with the North American electricity system, in order to facilitate the future import of electricity between mainland North America and Newfoundland and Labrador, and thus help to set the stage for further development and growth in the province's energy sector... The proposed transmission link can also take advantage of the opportunity to transmit 800 megawatts (MW) of power from the proposed Lower Churchill Hydroelectric Generation Project to the Island of Newfoundland, in order to help the province meet its present and future energy needs.”

These two projects are inextricably linked. We therefore ask that they be combined for the purpose of environmental assessment. We make this request in light of the recent decision of the Supreme Court of Canada in *Mining Watch Canada v Canada (Fisheries and Oceans)*, 2010 SCC 2 (“Red Chris”). Although the key thrust of the Court's decision was to determine that the environmental assessment should have been conducted for the project as proposed by the proponent Red Chris, and not scoped smaller, the Court went

further and reaffirmed, one could say *encouraged*, the exercise of Ministerial discretion to combine projects in order that all aspects of an undertaking be included:

“Section 15(3) of the Environmental Assessment Act provides that an environmental assessment of a physical work shall be conducted in respect of every “construction, operation, modification, decommissioning, abandonment or other undertaking” in relation to the project.” Consistent with the view that the “project as proposed by the proponent” is to apply in the absence of text or context to the contrary, the scoping of the project performed by the RA or Minister under s. 15(1) is subject to s. 15(3). In other words, the minimum scope is the project as proposed by the proponent, and the RA or Minister has the discretion to enlarge the scope when required by the facts and circumstances of the project. The RA or Minister is also granted further discretion by s. 15(2) to combine related proposed projects into a single project for the purposes of assessment. In sum, while the presumed scope of the project to be assessed is the project as proposed by the proponent, under s. 15(2) or (3), the RA or Minister may enlarge the scope in the appropriate circumstances.” (Paragraph 39 of the Red Chris decision)

Along with many other members of the community, we have been closely involved in the consultations regarding the Lower Churchill Hydroelectric Generation Project since the beginning of the review process. We have reviewed countless (thousands actually) of pages of documents relating to the Guidelines Review, the Terms of Reference and the Environmental Impact Statement. We have hired and worked with experts in various fields and made several submissions to the Canadian Environmental Assessment Agency (CEAA) regarding issues we believe will affect the local, regional and, in some cases, even the global environment (i.e. Greenhouse Gas Emissions) as well as local and regional socio- economic issues. This has mostly been done on the backs of volunteers since we’re sure you are aware, no intervener funding can be allocated for salaries. It should also be pointed out that our original letter to the CEAA back in 2008 requested that both the Generation project and the Transmission project be combined. It would be onerous and burdensome to our group and to other citizens to expect us to respond to an entirely separate process for the Transmission Link.

In order that public participation continues to be meaningful and accessible, we therefore ask that you exercise your discretion and combine these two projects as soon as possible.

We look forward to hearing from you with regards to your decision.

Sincerely,

Clarice Blake Rudkowski, President Roberta Frampton Benefiel, Vice President
Grand Riverkeeper Labrador, Inc.

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