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COURTESY TRANSLATION**June 23, 2011**BY FAX TO 902-426-6550 AND BY EMAIL
TO <Labrador-Island.TransmissionLink@ceaa-
acee.gc.ca>Monsieur Bill Coulter, P. Eng.
Project Manager
Canadian Environmental Assessment
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1801 Hollis Street, Suite 200
Halifax, Nova Scotia B3J 3N4BY FAX TO 709-729-5518 AND BY EMAIL TO
<pmarrie@gov.nl.ca>Pat Marrie
Environmental Assessment Chair
Department of Environment and Conservation
4th Floor, West Block, Confederation Complex
C.P. 8700
St. John's, Newfoundland and Labrador A1B 4J6**Re:** Labrador Island Transmission Link Project
CEAR no. 10-03-51746; our file #7550/005

Dear Mr. Coulter and Mr. Marrie,

The present letter is in response to your letter received June 3, 2011, in which you notified us that the first series of component studies produced by Nalcor as part of the environmental assessment of the above-mentioned project were available for study and comment.

I. Introduction

The following comments are made on behalf of the Conseil des Innus de Ekuanitshit (the Council). They address only the Historic and Heritage Resources Component Study. As explained in our letter of December 16, 2010, the 35-day comment period for component studies established by Newfoundland and Labrador's *Environmental Assessment Regulations*, 2003, NLR 54/03, does not allow enough time for the Council to retain, instruct, and receive a response from the experts whose input would be required to adequately assess the quality and completeness of the studies prepared by Nalcor. For further details on this issue, please refer to our letter of December 16, 2010.



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While expert advice would also be necessary to make a complete analysis of the Historic and Heritage Resources Component Study, the Council offers herein a limited response to this study, based on a first reading by individuals familiar with some of the historic literature but not experts in the field of archaeology or history.

II. Nalcor's Historic and Heritage Resources Component Study does not fulfill the requirements of the *Environmental Impact Statement Guidelines*

a. The requirements of the *Guidelines*

Section 4.8 of the *Environmental Impact Statement Guidelines* requires that the Environmental Impact Statement demonstrate "the Proponent's understanding of the interests, values, concerns, contemporary and historic activities, Aboriginal traditional knowledge and important issues facing Aboriginal groups, and indicate how these will be considered in planning and carrying out the Project" with respect to several Aboriginal groups, including Ekuanitshit.

According to the Preface to the *Guidelines*, component studies "shall address baseline data requirements to support the evaluation of environmental effects and/or the development of mitigation measures as well as monitoring and follow up programs."

Based on the foregoing, it is our understanding that the component studies establish the basic conditions from which the potential environment effects of the project will be evaluated. A flawed or incomplete component study would therefore prevent the potential environmental effects of the project from being appropriately assessed. A flawed component study would also hinder the development of appropriate mitigation and follow up programs.

b. The lack of data underpinning the Historic and Heritage Resources Component Study

The Historic and Heritage Resources Component Study does not adequately address the historic use of the project area by members of Ekuanitshit and other lower north shore Innu communities.

Nalcor has not conducted any direct research into the historic use of the project area by the Innu of Ekuanitshit. Nor has Nalcor reviewed any secondary material that describes the historic use of the territory by this community.

There is at least one study that describes this use: Robert Comtois, *Occupation et Utilisation du Territoire par les Montagnais de Mingan*, Conseil Attikamek-Montagnais, 1983. Nalcor has access to this study, yet has chosen not to review it when preparing its component study. For this reason alone, the component study is inadequate as the basis for the environmental impact statement.



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The Council has provided a great deal of information to Nalcor regarding the historic use of the project area by its members.¹ In fact, at the hearings of the Joint Review Panel for the hydroelectric dams, several elders from the community testified regarding their historic use of the project area.² This information is clearly available, should Nalcor wish to take the time to engage with the community.

Please note that all of the historical information provided as part of the environmental assessment of the dams was provided under reserve of the need for Nalcor to conduct a study of the community's historic and contemporary land use to fulfill its obligations under the *Guidelines*.

Finally, we note that neither of the documents cited by Nalcor in its component study as a source of information regarding the Quebec Innu provides any information on historic use by the Innu of Ekuanitshit. Nalcor often makes reference to a study authored by J.G. Deschênes. Mr. Deschênes' study, however, refers only to the community of Pakua Shipi (Saint Augustine) and not to Quebec Innu generally. The other document which Nalcor draws upon in this regard, that of Paul F. Wilkinson & Associates Inc., is merely a review of the pre-existing literature and is not a study of the historic use of the project area by the Innu of Ekuanitshit.

c. Nalcor's failure to engage and consult the Innu of Ekuanitshit

Nalcor's failure to conduct a single study of the Innu of Ekuanitshit stands in sharp contrast to its interactions with Innu Nation. Nalcor and its predecessors have been working with Innu Nation regarding this project since at least 1998. This engagement has involved providing Innu Nation with approximately \$12 million³ to fund studies of the community and facilitate the consultation process regarding the project.

While the Council does not necessarily expect treatment identical to that received by Innu Nation, the Council does believe that, as the project is clearly situated in its traditional territory as well, Nalcor is obliged to study and consult the community. This obligation is affirmed by s. 4.8 of the *Guidelines*, which, notably, does not provide any basis for preferencing one Aboriginal group over another.

¹ *Submission from the Innu of Ekuanitshit to the Joint Review Panel Public Hearings*, April 2011, available on the CEAA registry as document #1225 at: <http://www.ceaa.gc.ca/050/05/documents-eng.cfm?evaluation=26178>

² A transcript of this testimony is available on the CEAA registry as document #1220

³ "Court begins hearing arguments into aboriginal objection to Lower Churchill", Canadian Press, March 16, 2011, available online at: <http://www.thestar.com/news/canada/article/954723--court-begins-hearing-arguments-into-aboriginal-objection-to-lower-churchill>



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III. Conclusion

The Conseil des Innus de Ekuanitshit submits that Nalcor's Historic and Heritage Resources Component Study is incomplete as it does not contain adequate information regarding the historic use of the project area by the Innu of Ekuanitshit. As component studies form the baseline from which the potential environmental effects of the project are assessed, this gap in the component study will prevent an adequate environmental impact statement from being produced.

The Conseil des Innus de Ekuanitshit asks the governments to find that the component study is incomplete and direct Nalcor to engage with the community regarding a study of its historic and contemporary use of the project area.

Regards,

DIONNE SCHULZE

A handwritten signature in black ink, appearing to read "Nicholas Dodd". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nicholas Dodd

cc : Chef Jean-Charles Piétacho
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