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**COURTESY TRANSLATION**

September 13, 2011

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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 Sirs,

The present letter is in response to the notice received August 19, 2011 regarding the latest component study produced by Nalcor entitled "Socioeconomic Environment: Aboriginal Communities and Land Use Component Study" ("Aboriginal CS") produced as part of the environmental assessment of the above-mentioned project.

**I. Introduction**

The following comments are made on behalf of the Conseil des Innus de Ekuanitshit (the Council). While additional time and funding for expert advice would be necessary to make a complete analysis of the impact the proposed transmission link could have on the Innu of Ekuanitshit, the Council offers herein a limited response to this study. The following demonstrates a need for additional research and meaningful consultation to assist in establishing a more complete baseline study.





Mr. Bill Coulter  
 Canadian Environmental Assessment Agency  
 Mr. Pat Marrie  
 Newfoundland and Labrador Department of Environment and Conservation  
 September 13, 2011  
 Page 2

## II. Nalcor's Aboriginal Component Study is Incomplete

It is our understanding that the component studies establish the basic conditions from which the potential environmental and socioeconomic effects of the project will be evaluated. In reviewing the Aboriginal CS, we deem it to be wholly inadequate as well as dismissive of the impact the project threatens to have on the ancestral and contemporary uses of resources by the Innu of Ekuanitshit. Despite Nalcor's insistence of its willingness to "consult" with the Council, albeit in a limited manner, in truth Nalcor has unjustly deemed Ekuanitshit irrelevant to the EA. This sentiment is found time and again in its correspondence with the Council and now in its Aboriginal CS.

The Aboriginal CS makes mention of the Council's invitation "to inform the community about the Labrador-Island Transmission Link and to hear and record any associated questions and concerns"; that the proponent saw fit to release its Aboriginal baseline study before the meeting with Ekuanitshit alone reveals its failure to engage meaningfully with the community and the incompleteness of the Aboriginal CS.

In the most recent correspondence with the Council, dated July 20, 2011, Nalcor suggests that if "Ekuanitshit possède des éléments de preuve permettant de démontrer un plus haut niveau d'utilisation du territoire et des ressources dans cette zone que ce que la documentation disponible démontre, Nalcor encourage Ekuanitshit à la présenter afin que celle-ci soit sérieusement considérée" (emphasis added) [translation: *if "Ekuanitshit is in possession of proof demonstrating a higher level of use of the territory and resources in this zone than what is demonstrated in the available documentation, Nalcor encourages Ekuanitshit to present it in order that it be considered seriously"*]. Being listed as a community with whom Nalcor must consult under s.4.8 of the *Environmental Impact Statement Guidelines* is apparently insufficient; Ekuanitshit is now being required to prove it has a right to be consulted.

The Aboriginal CS provides only a cursory overview of Ekuanitshit and its Innu residents. The superficial review of Ekuanitshit in the study is justified on the basis that "[a]vailable data does [sic] not indicate contemporary land use by the Innu of Ekuanitshit in or near the proposed transmission corridors". If such a determination is to be made by relying on secondary sources of information, the collection of these sources should be as complete as possible. Notably absent from the proponent's review of Ekuanitshit is the extensive report conducted in collaboration with the community by Hydro-Québec for the La Romaine hydroelectric project.<sup>1</sup>

Nalcor further bolsters its rationale for excluding Ekuanitshit, amongst other Québec Innu communities, by stating at s.1.2 of the CS that the "asserted claims have not been accepted for negotiation by the Government of Newfoundland and Labrador". Failure to mention the federal government's acceptance for negotiation cannot be considered an innocent omission.

<sup>1</sup> Hydro-Québec, *Complexe de la Romaine: Étude d'impact sur l'environnement*, Volume 6: Milieu humain, Décembre 2007, part 39.1.4 <[http://www.acee-ceaa.gc.ca/050/documents\\_staticpost/cearref\\_2613/ei\\_volume06.pdf](http://www.acee-ceaa.gc.ca/050/documents_staticpost/cearref_2613/ei_volume06.pdf)>





Mr. Bill Coulter  
Canadian Environmental Assessment Agency  
Mr. Pat Marrie  
Newfoundland and Labrador Department of Environment and Conservation  
September 13, 2011  
Page 3

The scope of the Aboriginal CS is described as a review of “contemporary land use activities in Central and Southeastern Labrador as socioeconomic baseline info for use in the Project’s EA”. This geographic delineation does not respect the realities of the natural environment or the ecosystem approach. It has the potential, moreover, to undermine Ekuanitshit’s Aboriginal fishing rights if the stocks are negatively affected by the project as a result of a failure to consult.

### III. Salmon Migratory Routes

In its discussion of Ekuanitshit’s contemporary land use, Nalcor states: “up to 1982, salmon fishing began towards the end of May and continued to be a common activity throughout the summer”. This single, dated sentence making reference to salmon fishing fails to capture the importance of the Atlantic salmon runs in Innu life. Hydro-Québec notes in its La Romaine report that the fishing of Atlantic salmon is not only an integral part of ancestral practices, but also continues to be an important resource for the Innu of Ekuanitshit valued equally with the caribou and the beaver.<sup>2</sup>

During Nalcor’s presentation on June 20, 2011, members of Council expressed their concern regarding the potentially negative impacts the transmission link might have on the Atlantic salmon stocks upon which they rely. In a letter sent a month later, Nalcor explicitly refused to provide Council with the financial capacity to retain its own expert to advise on the component study on fish habitat.

According to s.3.3.2.4 of its report entitled “Marine Fish and Fish Habitat in the Strait of Belle Isle: Information Review and Compilation”, Nalcor is aware that the Atlantic salmon migratory route includes passage through the Strait of Belle Isle en route to the spawning rivers along the St. Lawrence, such Rivière Saint-Jean (Côte-Nord). Despite this recognition, the proponent focuses its consultations and research regarding fisheries almost exclusively on the delineated area around the cables through the Strait of Belle Isle within its “Marine Fisheries in the Strait of Belle Isle Component Study”.

The *Guidelines* specifically mention at s.4.5.1 the need to consider the effects on fish and fish habitat “including migration patterns and fish mortality”. The migratory route of Atlantic salmon indicates the need to consult with the Council as the transmission link has the potential to impact the food supplies and economic wellbeing of the Innu of Ekuanitshit. Valuable Aboriginal traditional knowledge that could be assisting in establishment of baselines regarding an understanding ecosystem function, resource abundance, distribution and quality is, moreover, not being incorporated into these studies.

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<sup>2</sup> *Id.* at p. 39-95.





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Newfoundland and Labrador Department of Environment and Conservation  
September 13, 2011  
Page 4

### III. Conclusion

The Conseil des Innus de Ekuanitshit submits that Nalcor's Aboriginal CS is incomplete, as it does not contain adequate information regarding the contemporary use of resources that may be impacted by this project. As component studies form the baseline from which the potential environmental effects of the project are assessed, this gap will prevent an adequate environmental impact statement from being produced.

The Conseil des Innus de Ekuanitshit asks that the Canadian Environmental Assessment Agency and the Department of Environment and Conservation hold that the component study is incomplete and direct Nalcor to engage with the community regarding a study of the contemporary use of the project area and potentially affected resources.

Yours,

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ORIGINAL SIGNED BY

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