NunatuKavut

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Comments on;

JOINT REVIEW PANEL
IR#s JRP.146 to JRP164

CEAA REFERENCE NO.07-05-26178

September 23, 2010

1.0 Executive Summary

The NunatuKavut Community Council (NCC) has reviewed the Information responses issued to the JRP by Nalcor and distributed to all parties on August 23, 2010 and prepared the following comments. The comments are presented in the following text and are organized according to the JRP listings.

2.0 Background

The Inuit ancestors of the Labrador Metis have lived in the land now known as Newfoundland and Labrador since time immemorial. European fishermen began arriving in the area in the middle of the eighteenth century. They mingled and traded with Inuit and sometimes married Inuit women. The descendents of these two cultures, now called the Labrador Metis, now live along the southern coastal and interior waterways of Labrador from Lake Melville south to the Strait of Belle Isle. There are approximately 6,000 Inuit-Metis now living in Labrador. There is a large Inuit-Metis population in the community of Happy Valley-Goose Bay and in the smaller communities of Black Tickle, Cartwright, Charlottetown, Lodge Bay, Mary's Harbour, Mud Lake, Norman Bay, North West River, Paradise River, Pinsent's Arm, Port Hope Simpson, St. Lewis, and Williams Harbour. The Inuit-Metis have also lived, and continue to live, in other parts of Labrador, as well

The map below depicts the current Inuit-Metis communities in Labrador.

The Inuit-Metis are represented by the NunatuKavut Community Counsel. The organization was first formed in 1985 as the Labrador Metis Association but changed its name to the Labrador Metis Nation in 1998. The Lands of the Labrador Metis Nation has since been renamed NunatuKavut. NunatuKavut represents the interests of Inuit-Metis people living south of lands claimed by the Labrador Inuit Association.

The objective upon which the NunatuKavut Community Council (NCC) was established was for the protection, maintenance and development of hunting, fishing, trapping and land use rights; and the provision of guidance and protection for the legal, constitutional and aboriginal rights of its members and communities.

3.0 Comments

IR# JRP.146 - Need, Purpose and Rationale for the Project

Nalcor Energy (Nalcor) has provided justification for the Lower Churchill Hydroelectric Generation Project (Project) in energy and economic terms in the Environmental Impact Statement (EIS) and in previous responses to IRs. Nalcor has also provided additional information in relation to both energy and economic terms, with an emphasis on the methodologies and assumptions used in the analysis. This information is contained in the attached *"Supplemental Report on the Need, Purpose, and Rationale"* (Nalcor July 2010). This report provides information in relation to power needs on the Island and other parts of Canada. Through all this research and reporting Nalcor still fails to address the need for power on the coast of Labrador. Also the NCC would like to see areas where interested parties could tap into an AC grid with alternative energy sources. *i.e* Wind Power along coast.

Port Hope Simpson 2010 – "If we don't get Power from this project our communities out here cannot survive.."

The NCC continues to ask why Nalcor makes no plans to provide power from this project to our coastal communities. Nalcor continues to ignore this topic, meanwhile they want to run Lower Churchill Power over the heads of our people.

Charlottetown 2010 – "Business here pays 3 or 4 times as much for power as companies in other parts of Newfoundland and Labrador"

IR# JRP.152 Downstream Effects below Muskrat Falls

The NCC made the comment on December 18, 2009 "Currently there are no conclusive studies contained within the submitted Information Responses or the EIS regarding the effects this project will have on the Environment past the mouth of the Churchill River, which is indeed "Down Stream" of the proposed dam locations, Nalcor Information Response JRP.56 states:

"Northwest Hydraulic Consultants conducted a sedimentation and morphodynamics study on the lower Churchill River to determine the potential effects of the Project on future sediment transport and associated river morphology (Northwest Hydraulic Consultants 2008). They concluded sediment transported downstream from Muskrat Falls will be much reduced. This

will lead to a new equilibrium of erosion and deposition being established within the river below Muskrat Falls. The reach above Muskrat Falls supplies 60% of the total sediment inflow which would be trapped by Muskrat Fails Dam. The remaining 40% of the total sediment inflow enters the river downstream of Muskrat Fails as a result of erosion of terrace and bank sediments along the channel. A sediment deficit downstream, will lead to general downstream bed degradation as there was no evidence of appreciable quantities of coarser gravel sized sediments for armoring".

The LMN is concerned with this change in sediment flow below Muskrat Falls and how this lack of sediment will affect the Bridge/Causeway constructed for the TLH just downstream of Muskrat Falls."

Nalcor has failed to address these concerns in this information response. Nalcor states:

"…The Churchill River is regulated by the Churchill Falls facility and the flows downstream of Muskrat Falls will remain at current levels. Considering this, and the limited nature and extent of effects downstream of Muskrat Falls (i.e., no adverse effects predicted below Muskrat Falls)"

The NCC feels that water flows remaining the same but subtracting 60% of the sediment from the river will have significant effects of the environment downstream from Muskrat Falls as opposed to no adverse effects such as Nalcor is proposing.

Nalcor has also failed to answer the NCC's question in relation to Seepage of the Cofferdams and length of time the Cofferdams will be in place have to be taken into consideration. Also where Cofferdams are erected on soils that are pervious, the flow of water into the cofferdam cannot be completely stopped this can lead to and extended TSS issue during the construction phase. Will water seep below the Cofferdams ? If so at what rate and what adverse effect will this have downstream?

It is the NCC's position that our concerns with TSS and Downstream effects on this project have not been adequately addressed and furthermore the statement *"[s]several river systems throughout Canada have healthy fish populations despite natural TSS concentrations exceeding projections of this study"* is misleading and does not apply nor relate to the Ecosystem of the Lower Churchill River.

<u>IR# JRP.161, Economy, Employment and Business</u>

Nalcor states that the Lower Churchill project will increase wages, population and person flow through Labrador and Upper Lake Melville. Low to Middle income housing and living accommodations are at a minimum in the Upper Lake Melville area and primarily Happy-Valley Goose bay. Numerous reports have been issued to the NCC from our members

complaining of lack of affordable housing in the area. The NCC feels that this is a problem with be further compounded by the "in-migration" as a result of the project. The NCC has

major concerns about persons with disabilities and elders seeking low income housing. The NCC would like to hear from Nalcor how that plan to mitigate this problem.

IR# JRP.163, Cumulative Effects

Nalcor states; *"The latest, largest remediation project was not included in the EIS because it was hypothetical at the time of EIS preparation. In July of 2009, following submission of the EIS for the Project, the Government of Canada announced that $300 million in funding for the remediation project under the Federal Contaminated Sites. Action Plan had been approved. An Environmental Screening of the remediation project pursuant to CEAA was submitted in February 2010 (AMEC Earth and Environmental 2010) and the decision has recently been made that the project can proceed with appropriate mitigation in place. While this project was therefore not included within the CEA, Nalcor is confident that the inclusion of this project in the CEA for the Project would not alter any of the effects conclusions, as described below."*

The environmental assessment for the remediation project (AMEC 2010) considered the potential for cumulative effects with the Project. While there is no apparent overlap in the physical footprints of the two projects, the environmental assessment (AMEC 2010) identifies the following potential cumulative biophysical environmental effects: short-term/temporary increases in heavy vehicle traffic which could result in increased noise and dust levels and possible effects on fish and fish habitat.

The NCC feels that this statement is somewhat misleading. Known contaminant in the South escarpment area and Stillwater's are located in very close proximity to the Lower Churchill River. Altering or decreasing the flow of water in the Churchill River will cause these contaminants to migrate. The NCC feels that if these contaminants are still present during flooding of the dams that there could be significant and damaging effects to the ecosystem.

IR# JRP.164, Monitoring and Follow Up

Nalcor proposes in its Socio-economic Follow-up programs to be conducted on this project that information collected and reported will include information in relation to Aboriginal and Non-aboriginal. Does this statement indicate that on this project all aboriginal groups are to be treated equal in terms of benefits and inclusion ?