

CIMFP Exhibit P-01721

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Government of Newfoundland and Labrador
Intergovernmental and Aboriginal Affairs Secretariat

FACSIMILE TRANSMISSION

Date: May 29, 2012

To: David Schulze Fax: 1-514-842-9983

From: Aubrey Gover, ADM
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Re:

Pages (Including Cover): 3

Message/Comments:

Please see the attached letter.

Original To Follow: ☒ Yes ☐ No



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Intergovernmental & Aboriginal Affairs Secretariat

May 29, 2012

David Schulze
Dionne Schulze s.e.n.c
507 Place d'Armes # 1100
Montréal, QC H2Y 2W8
Fax: (514) 842-9983

Dear Mr. Schulze,

Thank you for your letter of May 2, 2012, addressing regulatory approval applications for the Lower Churchill Hydroelectric Generation Project (the "Project"). The Consultation Guidelines for these applications were provided to your client via email on March 22, 2012. I have been asked to reply to your letter of May 2, 2012.

In your letter you (1) indicate that the Conseil would be pleased to open discussions on a means to provide the community with capacity to provide a meaningful response to the above-noted referrals; and, (2) invite provincial departments and agencies referring regulatory approval applications to the Conseil to provide information about the relationship between the activities on which the Conseil is being consulted and the interests of the Ekuanitshit First Nation, the potential adverse impacts on those interests and any accommodation measures that may be integrated into any regulatory approvals.

As you know, the province released the Project from EA, subject to conditions, on March 15, 2012. The Ekuanitshit First Nation received capacity funding throughout the EA of the Project, and participated fully in the EA process before the Joint Review Panel. In addition, provincial officials met with Chief Piétacho on February 13, 2008, in Quebec City, QC regarding the EA of the Project, and Nalcor Energy subsequently began its own efforts to engage the Ekuanitshit First Nation in May 2008, in an attempt to solicit information on potential adverse impacts on the Ekuanitshit First Nation's asserted Aboriginal rights.

In its comprehensive report, the Joint Review Panel concluded that the Project's impact on Quebec Aboriginal contemporary land and resource uses, after implementation of the mitigation measures proposed by Nalcor Energy and those recommended by the Joint Review Panel, would be adverse but not significant.

Given the preceding, Ekuanitshit First Nation should already have extensive information on potential adverse impacts.

At the time of EA Release, the Ekuanitshit First Nation was invited to provide or confirm the appropriate point of contact for consultation on regulatory approvals for the Project. As we did not receive a response to this request, we have continued to send applications to Chief Piétacho via the Conseil's general email account.

As you know, the objective at this juncture is to identify any specific adverse impacts on asserted Aboriginal rights arising from the particular activities applied for by Nalcor Energy, the

proponent of the Project. Since the Project has been released from EA, the objective of the consultation process is not to identify environmental impacts in general, but rather it is to identify particular impacts on specific asserted Aboriginal rights and develop, where appropriate, mitigation measures to address any such impacts which could be implemented via the terms and conditions of a regulatory approval.

We understand that the proponent will offer your client access to its technical and scientific experts to answer questions your client may have regarding the applications. We would encourage you to consider availing yourself of this offer, particularly if you believe it might assist your client in identifying any specific potential adverse impacts on your asserted Aboriginal rights arising from the activities applied for under the permit.

We also understand that provincial officials met with delegations from six Quebec Innu communities, including Mingan, on May 8, 2012, in Sept-Iles, QC, to discuss the George River Caribou Herd. We trust that this meeting will have provided further information to your client on that herd, as well as provided a point of contact with provincial technical and scientific experts on issues you may have in relation to that herd.

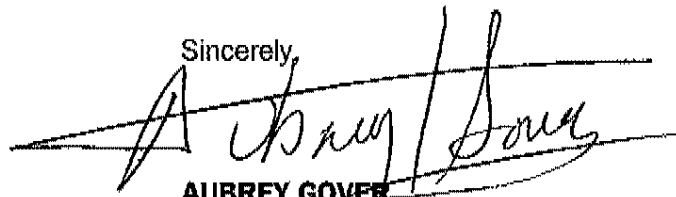
As a result of the foregoing, the province sees no need for capacity funding for the Ekuanitshit First Nation during the post-EA regulatory approval phase of the Project.

In your letter, you also solicited the province's views on potential adverse impacts. Clearly the Ekuanitshit First Nation is in the best position to identify its contemporary use of the project area and how the activity that may be authorized might impact on that use. This is why, of course, the duty to consult places the responsibility for identifying potential adverse impacts on asserted Aboriginal rights on the Aboriginal organization.

In conclusion, as referenced throughout this letter, the very purpose of the referral of regulatory approval applications to the Conseil is to solicit information from the Ekuanitshit First Nation regarding any potential adverse impacts of arising from the activities applied for in the permits on specific Aboriginal rights asserted by the Ekuanitshit First Nation. Provincial departments and agencies will do their utmost to work with the Ekuanitshit First Nation and the proponent to identify and implement measures to mitigate any potential adverse impacts on specific asserted Aboriginal rights, as identified by Ekuanitshit First Nation resulting from activities for which provincial regulatory approvals are required.

Thank you for your correspondence bringing your concerns to our attention.

Sincerely,



AUBREY GOVER
Assistant Deputy Minister (Aboriginal Affairs)

- cc. The Honourable Terry French, Minister of Environment and Conservation
The Honourable Jerome Kennedy, Minister of Natural Resources
The Honourable Nick McGrath, Minister of Intergovernmental and Aboriginal Affairs
William Parrott, Deputy Minister, Environment and Conservation
Diana Dalton, Deputy Minister, Natural Resources
Tracy English, Deputy Minister, Intergovernmental and Aboriginal Affairs
Don Burrage, QC, Deputy Minister, Justice
Charles Bown, Associate Deputy Minister, Natural Resources
Mr. Steve Pellerin, Nalcor Energy