

August 16, 2016

SENT VIA E-MAIL

The Honourable Perry Trimper
Minister, Department of Environment and Conservation
Government of Newfoundland and Labrador
P.O. Box 8700
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Dear Minister Trimper:

Re: Environmental Management Agreement with the Innu Nation

We are following up on the discussions we had during our meeting on August 3, 2016, about the obligations that Newfoundland and Labrador, Canada and Nalcor have to the Innu Nation respecting the Lower Churchill Hydroelectric Project. In particular, the obligations that Canada and the Province have to conclude an Environmental Management Agreement with the Innu Nation.

The commitment to conclude and implement the Environmental Management Agreement is set out in Part 28.7 of the Agreement in Principle. The Environmental Management Agreement is meant to provide a process wherein the Innu Nation will be adequately consulted by the Crown throughout the Project, setting out a process for consultation and engagement with the Innu Nation about matters such as permits and management plans that Nalcor is required to submit and have approved by either the federal or provincial governments. With the passage of time, the structure set out in the Environmental Management Agreement would logically evolve towards monitoring and follow-up measures, aimed at ensuring that Nalcor's predictions about the impacts the Project will have on the environment are correct, that mitigation measures are effective, and that any further measures necessary to protect the environment are implemented.

We see this as a logical structure for discussing and addressing concerns about methylmercury in Lake Melville and its accumulation in species that the Innu Nation rely on. Innu Nation is directly impacted by the environmental and human health impacts that this Project will have, and there must be continuing engagement and consultation with the Innu Nation with respect to any new information about those impacts. The Environmental Management Agreement would give us the opportunity to talk about Nalcor's plan for assessing the risks to human health that arise from downstream methylmercury, to discuss what mitigation measures are needed and what kind of implementation and management is necessary going forward.

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Up until October 2013, we negotiated with Canada and the Province in good faith, arriving at an almost final version of the Environmental Management Agreement (that version is attached here), but the Province and Canada would not agree to fund the implementation of the Environmental Management Agreement. The Innu Nation cannot sign an agreement that imposes financial burdens on the Innu for the fulfillment of what we consider to be a Crown obligation, so in order for this Environmental Management to be completed, the Province and Canada need to be prepared to agree to reasonable funding for the Innu Nation's participation in this process.

In the interim, we have participated in what has been put together by the Province in an effort to understand the issues we are facing. That included the August 4 meeting that brought together scientists and representatives from other governments, Innu Nation, Nunatsiavut Government, NunatuKavut, and local residents. But, more is needed to ensure direct engagement with the Innu Nation. You need to consult with and accommodate the Innu Nation in a way that adequately addresses a potentially very significant impact on our aboriginal rights. As we have previously stated, completing the Environmental Management Agreement remains our priority because we believe it provides a good framework for that consultation and accommodation.

We look forward to your response, and to receiving your assistance in moving forward to resolve these concerns with us.

Yours truly,

Grand Chief Anastasia Qupee

Enclosure