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Mercury concerns covered in assessment: Nalcor

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None

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The Nunatsiavut government still has concerns over the potential for the hydroelectric development at Muskrat Falls to lead to methylmercury contamination downstream in Lake Melville, reaching into the Labrador Inuit Settlement Area.

The recognized government representing Labrador Inuit has repeatedly raised those concerns with the provincial government and Crown corporation Nalcor Energy, recently asking for \$500,000 in support of its own scientific studies downstream.

In September 2014, representatives presented a case before the Supreme Court of Newfoundland, arguing in support of an application meant to quash a permit allowing for construction at Muskrat Falls to proceed, saying the province had failed in its duty to consult and consider potential harm.

The application was dismissed given, as Justice David Orsborn summarized in his Jan. 12 decision, the question of methylmercury was dealt with at the time of the environmental assessment and the decisions by both the provincial and federal governments — after hearing all submissions and from a project review panel — to release the project from further environmental assessment.

"The specific activity authorized by the 2013 permit (in question) does not directly affect Inuit rights. It does nothing more than grant approval for one of the many activities requiring regulatory sanction following and contemplated by the release (from environmental assessment) Order," Orsborn said.

And the dispute he heard, he said, is more about accommodation than consultation.

"While an element of consultation may be an issue at the margins, the heart of the matter is the Inuit's continuing disagreement — and disappointment — with the province's decision to reject one of the mercury reduction measures (full clearing of the reservoir) recommended by the (environmental assessment's) joint review panel and to less than wholeheartedly 'accept the intent of' panel recommendations relating to monitoring and compensation for losses flowing from any future limitations on the Inuit's ability to harvest fish because of mercury accumulation."

Orsborn described the aboriginal government's position as emerging from a long-standing dissatisfaction with its interactions with the province on the matter.

"The rights held by the Inuit are real. They cannot be ignored. The Inuit invested much time and effort in the joint review panel process and continue to seek to minimize the effects of the project on those rights. There is disagreement over what that effect may be in years hence. But respect and honourable dealing requires the province to look past the continuing disagreement and to at all times in its decision-making carry out a good faith balancing of the rights and interests of the Inuit and the rights and interests of the province," he stated.

He ruled agreement on the project is not required for it to proceed.

Company pleased

Nalcor Energy welcomed the decision, noting the recognition of the environmental assessment process.

"The consultation process for the generation and transmission projects were comprehensive and inclusive and we are pleased that the court concluded that the issues raised by the Nunatsiavut government have been carefully considered in the environmental assessment process," Gilbert Bennett, Nalcor Energy's Lower Churchill project lead, said in an emailed response to questions.

Consultations with Nunatsiavut on the project began about six years prior to the Muskrat Falls project being released from environmental assessment.

In November 2014, Nalcor Energy issued notice it was seeking 330 people in the Churchill River area for a Muskrat Falls methylmercury monitoring project, having already established pre-construction concentrations in the river for mercury in water, sediments, plankton and fish.

The Nunatsiavut Government and the Harvard School of Public Health are continuing a separate study, looking at the consumption of fish and seal from Lake Melville and resulting mercury levels in humans.

Methylmercury can be added to a local ecosystem as hydroelectric reservoirs are created — when previously dry land is flooded and decomposition of vegetation is paired with mercury in the soil, leading to methylmercury.

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