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**NUNATSIAVUT**  
kavamanga Government

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November 30, 2016

Hon. Siobhan Coady  
Minister of Natural Resources  
Government of Newfoundland and Labrador  
P O Box 8700  
St. John's, NL A1B 4J6

**RE: Muskrat Falls Initial Impoundment Requirements**

Dear Minister Coady:

On behalf of President Lampe, thank you for your letter of November 22, 2016 regarding the Hatch response to the independent review of the initial impoundment engineering reports. This issue was also discussed on the teleconference on November 25 between you, the Premier, Minister Trimper, Nalcor CEO Stan Marshall, NunatuKavut President Todd Russell, Innu Nation Grand Chief Anastasia Qupee, and Torngat Mountains MHA Randy Edmunds.

With regards to this issue, and following the teleconference, we are hoping you can clarify and/or confirm several points. Your letter indicated that our letter asked Nalcor be directed to respond to the independent review conclusions. In fact, our letter requested the Province to indicate how it will direct Nalcor to respond to the conclusions and actions put forward by the independent reviewers. In reading your letter, and the discussion of November 25, it is still unclear how the Province, as regulator, plans to direct Nalcor on the initial impoundment. Are you simply going to accept that the water levels be raised to the 25-metre mark? In our opinion, there was lack of detail in the Hatch report to explain the justification for many of the statements that were made.

In reviewing the information attached to your November 22 letter, several questions arise. The independent review indicated it could be possible to only raise water levels to the 24-metre mark. It seems to be that the rationale for not being able to go to this level is based on the fact that the ice boom was not designed to withstand flows below the 25-metre mark. We would expect that engineering structures such as an ice boom would have contingencies built in the design. What is the contingency level built in to the design of the ice boom, if any?

As noted above, the Hatch review stated that the ice boom design requires the water levels to be raised to 25 metres. During our teleconference, Mr. Marshall noted that the ice boom would not be put in place as the cofferdam repairs do not allow time to do so prior to winter freeze-up. The boom was integral to limiting the formation of frazzle ice and subsequent damage to infrastructure. What are the impacts to the frazzle ice issue by not putting the ice boom in place this winter? (The Hatch response was

based on the ice boom being put in place.) Is the 25-metre mark the absolute highest the water will be raised this winter? How do you plan to communicate this issue to the general public?

Furthermore, please confirm that the commitment remains to lower the water to natural levels in the spring. Throughout the fall we have reviewed water levels online through real-time water monitoring stations reports, specifically the “midstream” station and “above the upper falls” station. Both of these stations have been offline since November 12, but it seems the midstream station is now back online. Please confirm why these stations were taken down and when they will be fully operational and online again.

The Department of Environment and Climate Change undertook a methylmercury monitoring program prior to initial impoundment. Please confirm when these monitoring results will be available for review?

Also, are you able to confirm how much trees, vegetation and soil have been cleared from the initial impoundment area (up to the 25-metre mark)? We have still not received this information, despite previous requests. Is there any additional clearing in the reservoir taking place now?

Finally, we feel it is imperative that we formalize an agreement between parties regarding the commitments made at the October 25 meeting in John’s. We are in the process of discussing a draft agreement with the other Indigenous leaders.

Sincerely,



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cc. Johannes Lampe, President of Nunatsiavut  
Premier Dwight Ball  
Grand Chief Anastasia Qupee, Innu Nation  
President Todd Russell, Nunatukavut Community Council  
Hon. Perry Trimper, Minister of Environment and Climate Change