



NUNATSIAVUT
kavamanga Government

Nunaligninikmik amma Nunamiutani
Ujaganik Imaniklu
Lands and Natural Resources

August 13, 2018

Hon. Andrew Parsons
Minister of Municipal Affairs and Environment (Acting)
Government of Newfoundland and Labrador
P.O. Box 8700
St. John's, NL A1B 4J6

VIA Email MAEInfo@gov.nl.ca

Dear Minister Parsons,

It's now been four months since the Independent Expert Advisory Committee (IEAC) submitted its recommendations to the Minister of Municipal Affairs and Environment regarding "... protecting the health of the indigenous and local populations ..." from impacts associated with the Muskrat Falls Project. As you know, the Nunatsiavut Government supported all of the recommendations put forward by the IEAC.

On June 7, 2018 we spoke by phone and I stressed the urgency of you making a decision on these recommendations as the timelines for full flooding of the Muskrat Falls reservoir is scheduled for 2019. On our call on June 7 you indicated you needed to meet with Ken Reimer, Chair of the IEAC prior to discussing the recommendations with the indigenous groups. I understand you met with Dr. Reimer about 8 weeks ago. In an email today from your Deputy Minister to my Deputy Minister it was confirmed you have now spoken to all the indigenous groups and are moving forward with a decision. We are pleased to hear that you are moving forward with a decision as it is well past due. We are surprised though that you are considering our phone call of June 7 as your engagement with us on the recommendations as you said that this would be an important part of the process after you spoke to Dr. Reimer. Although we were prepared to say more on June 7, we did not as you wished to engage Dr. Reimer prior to engaging the indigenous groups. In the absence of this further engagement we would like to bring several points to your attention that we feel are important to consider in your decision making process.

In October 2016, Labrador's three indigenous leaders and the Premier agreed to the establishment of the Independent Expert Advisory Committee to make recommendations on ways to mitigate the impacts from methylmercury. The "Mission" of the IEAC as agreed to by all parties is to oversee and provide independent assessment of the adequacy of mitigation, monitoring and management measures, and provide recommendations to the Responsible Ministers with respect to those and addition of any further such measures for the protection of the health of the Indigenous and local population impacted by the Lower Churchill Project, and in particular increases of methylmercury in country foods in the Churchill River near Muskrat Falls and downstream, all along the river and including Lake Melville.

The mandate of the IEAC is to use the best available peer-reviewed science and Indigenous knowledge to assess and recommend options for mitigation. It is not appropriate to dismiss Indigenous knowledge opinions – Indigenous Knowledge experts participated in all discussions of the expert committee and all experts valued their opinions and input. The scientific models had significant improvements based on the knowledge of the Indigenous experts. You must respect the mandate of the IEAC, respect that protecting human health is the top priority and to implement all of the recommendations put forward by the IEAC.

The Nunatsiavut Government has always maintained that unless adequate mitigation measures are taken, as per the direction of the IEAC, the Muskrat Falls development will result in increased levels of methylmercury into the Lake Melville ecosystem and negatively affect the health of our people, our land, and the fish and wildlife we depend on. The revisions to the models through the IEAC process show that methylmercury would still increase 23%. This is substantial when you consider bioaccumulation and bio magnification up through the food chain.

Some experts are saying dietary advice (consumption advisories) will be adequate to protect human health. Issuing consumption advisories is not a mitigation measure, but rather a reactionary measure. In fact the environmental assessment panel concluded that should consumption advisories be required in Goose Bay and Lake Melville, there would be significant adverse effects on the pursuit of traditional harvesting activities by Labrador Inuit, including the harvesting of country food. Consumption advisories must be the method of last resort after all of the IEAC recommendations are implemented.

More and more science shows the direct relationship between carbon availability and increases in methylmercury in the ecosystem, through bioaccumulation and bio magnification. With these increases in methylmercury, and the known impacts of methylmercury, current health guidelines may not be adequate.

If the targeted soils are removed in an engineered and planned fashion you will have minimal impacts to the surrounding area. It is imperative that we do what is possible to minimize the amount of carbon entering the system. The only reasonable option to reduce this carbon is the targeted removal of soil and the capping of wetlands. We have heard some people say that targeted soil removal and capping will require an environmental assessment. As we don't have time to undertake an EA without further delaying the project, as Minister you have the ability to exempt projects from environmental assessment. (Part 70 of the provinces Act) We would suggest that the review process and debate in the IEAC was more than adequate to compensate for an exemption to the EA. (there was 9 months of research, debate and study in the IEAC) There are well proven best practices to design and build soil storage areas.

Interestingly, we have heard that there are concerns on where / how the soil will be stored but neither the Innu nor the province seem to be too worried about the huge piles of rotting wood that is now adjacent to the reservoir area. There are well-known and proven engineering options to isolate soils material so as not to impact the environment. Proper engineering of the soil storage areas would ensure there would not be increases in methylmercury in the surrounding environment. There are also some large rock pits that were used for the project that can be backfilled with the targeted soil that has been removed. Just a robust monitoring program is not enough. Mitigation, as recommended by the IEAC, is critical to reducing methylmercury concentrations. The monitoring program is then still essential to ensure that the increases in methylmercury are below guideline levels.

Our Land Claim Agreement says that the use of the Precautionary Approach are priorities in decision making that relates to or directly affects Wildlife, Plants or habitat in the Settlement area. Canada and the Province of NL are signatories to this agreement and signed on to this principle. Labrador Inuit have

a communal food fishery licence to harvest from Lake Melville and the Labrador Inuit Settlement Area. Fishing and harvesting in Lake Melville is critical to our food security and way of life. We must do everything we can to ensure that Labrador Inuit have culturally appropriate and healthy food available to them, and that current cultural practices can continue.

In terms of costs, the proposed mitigation measures of targeted clearing and capping of wetlands is only 3-5% of total project costs. A small price to pay to protect the health of the indigenous and local population. I want to assure you that our position is not politically motivated. The issue has always been about minimizing the impacts to Inuit health, culture and way of life. We must do everything we can to ensure that Labrador Inuit have culturally appropriate and healthy food available to them, and that current cultural practices can continue.

Finally, on February 19, 2018 President Lampe sent Premier Ball a letter requesting that we get together to discuss an Impact Management Agreement directly with the Nunatsiavut Government. A response to this letter is long overdue.

We are the only indigenous group in Labrador that has in place a constitutionally protected land claim agreement and you must ensure that you do everything you can to minimize any significant adverse effects on the pursuit of traditional harvesting activities by Labrador Inuit, including the harvesting of country food in Lake Melville and the Labrador Inuit Settlement Area.

Sincerely,

A handwritten signature in blue ink that reads "Tony Andersen". The signature is fluid and cursive, with the first name "Tony" being particularly prominent.

Tony Andersen
Minister