

FACSIMILE**TO:**

Mr. David Schulze

FROM:

Gilbert Bennett

COMPANY:

Dionne Schulze Attorneys

DATE:

12/19/2012

FAX NUMBER:

514-842-9983

PAGES INCLUDING COVER:

9

PHONE NUMBER:

514-842-0748

SENDER'S REFERENCE NUMBER:

L010-D021-200-140148-00004

RE:

Joint Review Panel Recommendation 15.5

YOUR REFERENCE NUMBER: URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE**NOTES/COMMENTS:**

Cc Chief Jean-Charles Pietacho
Fax: 418-949-2085

The original will follow by mail.

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Kathy Winsor
Executive Assistant, Nalcor Energy
Phone: 709-737-1805 / Fax: 709-737-1952



Hydro Place, 500 Columbus Drive,
P.O. Box 12800, St. John's, NL
Canada A1B 0C9
t. 709.737.1833 or 1.888.576.5454
f. 709.737.1985

Rec. No. L010-D021-200-150148-00004

December 19, 2012

Mr. David Schulze
Dionne Schulze s.e.n.c
507 Place d'Armes # 1100
Montreal, QC H2Y 2W8

Dear Mr. Schulze:

I am writing regarding your request for further information on the Joint Review Panel Recommendation 15.5 – Lower Churchill Project Monitoring and Community Liaison Committee.

In its response to the JRP report, the Government of Newfoundland and Labrador (Government) confirmed its commitment to ensuring consultation with affected Aboriginal groups, communities, and relevant stakeholders to address public concerns and communicate monitoring results. Government also confirmed Nalcor will establish a committee to provide feedback and advice to both Nalcor and Government on the effects of the Project.

Consistent with Government's response, Nalcor Energy is establishing a Community Liaison Committee (CLC) for stakeholders in the Upper Lake Melville region. The purpose of the CLC is to promote open communication with area stakeholders and Aboriginal groups and provide them with an avenue to bring forward feedback on community, environmental, economic or other matters relating to the development of the Lower Churchill Hydroelectric Generation Project. The CLC is governed by Terms of Reference, a draft of which is enclosed with this letter, which outline in more detail the purpose, objectives, membership, roles and responsibilities of the members.

Nalcor wishes to take this opportunity to emphasize that the CLC is not the only avenue for consultation; we are open to other mechanisms or approaches that may be more effective or useful to Ekuanitshit. The mechanisms that are currently available include:

- (i) Direct engagement with Nalcor representatives on issues of concern, either in the form of conference calls or meetings as required;

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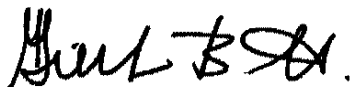
- (ii) participating in, and providing comments through, the permitting process established by Government; and
- (iii) participation in the CLC.

As indicated above, Nalcor would also consider suggestions from Ekuanitshit for alternate consultation mechanisms. If Ekuanitshit would like to send a representative to participate in the quarterly CLC meetings, they are welcome to do so. Participation on the committee is voluntary and any costs associated with participation in the CLC is the responsibility of the participant. CLC meetings will be conducted and recorded in English, as will as all related material. The meeting minutes and agendas will be available online following the meetings; a dedicated website is currently under construction and will be established shortly. If a member of Ekuanitshit wishes to attend the CLC, I invite them to contact my office at (709)737-1805.

Up-to-date information on construction-related activities, schedule, and employment and business opportunities is also available on the Project website.

To summarize, while Ekuanitshit is welcome to participate in any of the Project's consultation and community engagement activities, alternate approaches such as direct engagement on specific issues may be more useful and productive for the community. We would be pleased to discuss this further – either to discuss the specific issues on which the community wishes to engage, or the mechanics of how best to engage. We look forward to hearing from you.

Sincerely,



Gilbert J. Bennett, P. Eng.
Vice-President, Lower Churchill Project

Enclosure – CLC Terms of Reference

cc. Chef Jean-Charles Piétacho
Rosanne Williams



**LOWER CHURCHILL HYDROELECTRIC GENERATION PROJECT
COMMUNITY LIAISON COMMITTEE
TERMS OF REFERENCE
DRAFT**

Lower Churchill Project

The Lower Churchill Project is comprised of two proposed installations on the lower Churchill River - Gull Island and Muskrat Falls for a combined generating capacity of over 3,000 megawatts.

Background – Community Liaison Committee

Nalcor Energy (**Nalcor**) is committed to open communication and ongoing consultation with the public. To better facilitate this and understand local interests as they relate to the Lower Churchill Hydroelectric Generation Project (**Project**), Nalcor is establishing a Community Liaison Committee (**Committee**) in the Upper Lake Melville region. The purpose of the Committee is to promote open communication with area stakeholders and provide them with an avenue to bring forward feedback on community, environmental, economic or other matters relating to the development of the Project. The Committee will facilitate communication between Nalcor and area residents, Aboriginal groups, municipal representatives and community stakeholders.

1. Purpose

The Committee is an advisory group that provides feedback, knowledge, and suggestions to Nalcor on Project-related issues.

The purpose of the Committee is to ensure the healthy, two-way flow of information between Nalcor and the constituent communities and organizations represented on the Committee. Nalcor will provide the Committee with timely and accurate information about the Project. Committee Members will serve as a sounding board for Nalcor, providing a representative cross-section of community views and feedback on the Project.

It will not be a decision making forum, and the Committee will interact with Nalcor in relation to the Project.

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2. Objectives

2.1. The objectives of the Committee are:

- (a) to facilitate open communication between Nalcor and area residents, Aboriginal groups, municipal representatives and community stakeholders of the Upper Lake Melville region;
- (b) to bring forward feedback from area stakeholders about the Project to Nalcor;
- (c) to act as a liaison between area stakeholders and Nalcor;
- (d) to help Nalcor better understand local interests of the residents and organizations of the Upper Lake Melville region.

3. Guiding Principles

3.1. The following principles will guide the operations of the Committee:

- (a) **Respect and Dignity:** the Committee will uphold the highest level of integrity, recognizing and respecting the opinion, knowledge, culture and abilities of Members.
- (b) **Honesty and Trust:** the Committee will be factual and sincere when sharing Project information and addressing priorities, interests and concerns.
- (c) **Open Communication:** the Committee will encourage the public to express opinions and foster a supportive environment where all ideas can be shared respectfully.

4. Membership

4.1. **Composition.** The Committee shall be composed of a maximum of 13 members (**Members**) invited from Nalcor, local communities, Aboriginal groups and the community at large as follows:

- (a) One Member from each of the communities of Happy Valley-Goose Bay, North West River, Sheshatshiu, and Mud Lake (collectively, the **Communities**, and each a **Community**), appointed as follows:
 - i. a resident of Happy Valley-Goose Bay appointed by the Town of Happy Valley-Goose Bay.
 - ii. a resident of Northwest River appointed by the Town of Northwest River.
 - iii. a resident of Sheshatshiu appointed by the Sheshatshiu Band Council.
 - iv. a resident of Mud Lake appointed by the Mud Lake Improvement Committee.
- (b) One Member from each of Innu Nation, Nunatsiavut Government, and NunatuKavut Community Council (collectively, the **Aboriginal Communities**, and each an **Aboriginal Community**), appointed as follows:

- i. a Labrador Innu resident in one of the Communities appointed by Innu Nation.
 - ii. a Labrador Inuit resident in one of the Communities appointed by the Nunatsiavut Government.
 - iii. a NunatuKavut Member resident in one of the Communities appointed by the NunatuKavut Community Council.
 - (c) Four Members-at-Large. Members-at-Large shall be appointed by a majority decision of the Members representing the Communities, Aboriginal Communities, and Nalcor. Appointments shall be made from a list of residents of the Communities who have responded to a public Expression of Interest (EOI) to serve on the Committee. Consideration for broad representation from all Communities shall be given when Members-at-Large are appointed.
 - (d) Up to two Members appointed by Nalcor; and
 - (e) A Secretary to the Committee appointed by Nalcor.
- 4.2. Vacancy. If a Community or Aboriginal Community does not appoint a Member to the Committee, the position will remain vacant until an appointment is made. Vacant positions will not affect the operation of the Committee or be considered in the total number of Members for the purpose of calculating a quorum of the Committee. At the end of each calendar year, the Committee may call for an EOI to fill any vacancies in the Member-at-Large positions.
- 4.3. Term of Membership. Each Nalcor, Community or Aboriginal Community Member shall be appointed at the discretion of the appointing entity. Members-At-Large will be appointed for a two-year term and may be reappointed for successive terms.
- 4.4. Chairperson and Vice-Chairperson. The Committee will elect the Chairperson and Vice-Chairperson for a two-year term from among all voting Members. At any time, either the Chairperson or Vice-Chairperson shall be a Member representative of Nalcor. The Chairperson shall preside over the meetings of the Committee and the Vice-Chairperson will be the Chairperson's designate in the event the Chairperson cannot attend a Committee meeting.
- 4.5. Continuity. Members-At-Large, the Chairperson or the Vice-Chairperson whose term has expired shall continue to serve until a vote has been held to appoint a successor.
- 4.6. Secretary. The Secretary will be a non-voting member of the Committee.
- 4.7. Funding. Nalcor will be responsible for the costs associated with the effective operation of the Committee, including funding for any required support resources and the cost of hosting Committee meetings. No funding will be made available for invited groups or other individuals to attend a meeting.

- 4.8. Participation by Members. Participation on the Committee is voluntary and members will not be compensated for their time. Committee Members will be reimbursed by Nalcor only for expenses incurred to attend Committee meetings from their residences within the Communities. Expense eligibility and reimbursement will be in accordance with Nalcor's corporate travel policies.

5. Term of the Committee

- 5.1. Term. The Committee shall operate in accordance with these Terms of Reference throughout the construction phase of the Project and for the first 10 years that the Project is in operation, at which point Nalcor, in consultation with the Committee, the Communities, the Aboriginal Communities, and the Government of Newfoundland and Labrador, shall determine whether the term of the Committee should be extended.

6. Meetings

- 6.1. Meetings. The Committee shall meet at least four times per year on a quarterly basis, with additional meetings scheduled as required and as agreed by the Members.
- 6.2. Location. Meetings shall be held at a suitable location in Happy Valley-Goose Bay as determined by Nalcor. Meetings may be held by teleconference or by other electronic means as appropriate and as agreed to by the Members.
- 6.3. Scheduling. The date and time of each meeting will be scheduled annually by a decision of the Committee at the beginning of each calendar year.
- 6.4. Agenda. The Secretary shall be responsible for preparing and distributing meeting agendas. Any Member can request a matter to be placed on the Agenda for the next meeting by communicating the necessary information to the Secretary no later than five business days prior to the meeting at which the matter is to be discussed.
- 6.5. Designates. Community, Aboriginal Community and Nalcor can send a designate in their place and should notify the Secretary in advance of the meeting.
- 6.6. Quorum. The quorum for a meeting of the Committee is 50% of all Members, and shall include one Nalcor Member. Any decision of the Committee will be determined by a majority of the Members present.
- 6.7. Minutes. The minutes of each meeting of the Committee shall be prepared by the Secretary or designate and distributed to the Members within 15 business days of that meeting.

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- 6.8. Recommendations. The Committee may make recommendation to Nalcor for its consideration.
- 6.9. Technical Resources. If required, Nalcor subject matter experts will be made available to the Committee.

7. Roles and Responsibilities of Committee Members

- 7.1. Roles and Responsibilities. The Members shall:
- (a) bring forward feedback from area stakeholders about the Project to Nalcor;
 - (b) provide feedback and offering suggestions or recommendations to Nalcor including potential ways to mitigate impacts on individuals and communities and ways to ensure Project-related community relations and communications efforts are being effectively implemented;
 - (c) act as a liaison between area stakeholders and Nalcor;
 - (d) disseminate information to the Communities or Aboriginal Communities as may be required by the Committee; and
 - (e) facilitate achieving the objectives of the Committee.

8. Roles and Responsibilities of the Chairperson or designate

- 8.1. The Chairperson or designate will:
- (a) guide development of meeting agendas based on input from the Committee, ensuring that agenda items support the Committee's objectives;
 - (b) facilitate discussion to ensure a balance of views and concerns is maintained;
 - (c) ensure the roles and responsibilities of Committee members is maintained; and
 - (d) ensure Committee meeting protocols are maintained.

9. Roles and Responsibilities of Nalcor

- 9.1. Nalcor shall:
- (a) provide accurate, timely and comprehensive information to the Committee, including information relevant to Project mitigation, impacts monitoring, adaptive management, and social and economic impacts;
 - (b) respond in a timely manner to questions and reasonable requests for information from the Committee;
 - (c) distribute relevant input received from the Committee in relation to the Project to the Project team, where appropriate;
 - (d) provide administrative or other support or resources to the Committee, as requested or required;

- (e) make publically available information related to the operation of the Committee;
and
- (f) disseminate minutes and other information from the Committee to the public and other stakeholders.

10. Expectations of Committee Members

10.1. All Members are expected to be:

- (a) aware of Nalcor's Values, business code of conduct, safety policies and guidelines and operate the Committee in a safe manner;
- (b) respectful of the views and opinions of the other Committee Members; and
- (c) respectful of the confidentiality of other Members.