

**Expert Panel Indigenous Presentation Session**  
**Review of Environmental Assessment Processes**

**October 7, 2016**

**Labrador Friendship Centre, Goose Bay, NL**

**Expert Panel:**

Johanne Gélinas, Chair;

Doug Horswill;

Rod Northey;

Renée Pelletier.

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**TRANSCRIPTION/TRANSCRIPTION  
EVENT/ÉVÉNEMENT**

**Transcription prepared by Media Q Inc. exclusively for Canadian Environmental Assessment Agency**

**Transcription préparée par Media Q Inc. exclusivement pour Agence canadienne d'évaluation environnementale**

DATE/DATE: November 1, 2016 (of transcription)

LOCATION/ENDROIT: (Client supplied audio)

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Doug Horswill, Panel Member;

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SUBJECT/SUJET: Review of Environmental Assessment Processes. Goose Bay Indigenous Presentations.

**OPENING REMARKS**

**Kelly McGee:** Kelly McGee. I'm with the Secretariat that supports the work of the Expert Panel. You've already met the other two Secretariat staff at the back of the room. Please don't hesitate if you've got any questions or do any follow-up with them, they're here to be of assistance to you.

I just want to mention if you have it, please silence any cell phones and electronic devices. There is an audio recording being made today of all of the presentations, and following that, we will be creating a written transcript of those audio recordings for the Panel's website.

Madame Johanne Gélinas is the Chair of the Expert Panel, and I would like to turn it to her.

**Johanne Gélinas:** So good afternoon. Thank you for joining us today. I would like first to introduce myself. My name is Johanne Gélinas. I chair this panel with three panel members. As you can see, there's one missing this

afternoon is our colleague Rod Northey who had to go back to Toronto. So Renée Pelletier is one of the other member and also Doug Horswill who sits on this panel with – with me.

So I will just briefly tell you what is the objective of this mandate, what we were asked to – to do. So in fact, the mandate was first given by the Prime Minister to Mrs. – Ms. McKenna who is Minister of Environment and Climate Change, and it was directed to achieve three things.

The first one is to regain public trust. Can you hear me well? Yeah, okay. To help get resources to market, and also to introduce fair and new processes. And our mandate, per se, is to consider the goals and purpose of modern day environmental assessment, is also to communicate and engage directly with a wide – a broad section of indigenous peoples, interested groups, organization and individual and also to develop early next year recommendations to the Minister.

So we have started to do our Canada tour, as I call it, three weeks ago. This week, we were in the Maritimes, so we did Halifax, St. John's, Newfoundland. Today we're here, and next week we will be in Fredericton.

So I think without further ado, I will stop here because we're here to listen to you, and I would like to hear what you have to say about the EA process.

## ELDRED DAVIS, GRAND RIVERKEEPER LABRADOR

**Eldred Davis:** Thank you, Madam Chair. First of all, I'd like to welcome you to this little known corner of the continent. We have an old established community here of partially Aboriginals, Indigenous people, and we all seem to get along relatively well, although every now and again we get a little bit put out by the fact that people from elsewhere come here and tell us what we have to do and what they're going to do to us, and so on. I guess it's common across northern Canada, but finally people here are beginning to speak up about it.

And I thank you for the opportunity to express some of my opinions and take some suggestions back with you regarding the environmental assessment. So I've only been involved with one, and that's my frame of reference. I have not had a lot to do with it. When I started, you know, the right to save this river, the Grand River, I think they call it the Lower Churchill Project. To us it's still the Grand River. I've been here a long time, and I've sort of picked up a few things along the way and I make mistakes. Occasionally – I have a very good memory, but it tends to come up with untruths sometimes, unintentionally, I'm sure.

Anyway, I have a few things to say, and I'm hoping you're going to have a lot of

questions for me.

Again, this is about the Environmental Impact Statement for the Lower Churchill project that I'm using as a reference. And the government initiative was to do this. It was never called for by the developer and generator, distributor of electricity on their island. It was Danny Williams, it was his idea and it was for his personal aggrandizement and revenge against Quebec, which is a total fallacy in itself that Quebec did anything wrong. It's a make-work project for supporters, that is Danny's friends, and relatives, I assume.

Basically, it's a wealth distribution from the ratepayers to the wealthy Newfoundland elite. And you probably have heard what began as a \$5 billion project is now at least about – well, official numbers are 11.4 billion and counting quickly. And also it was to show Quebec from the promoter now that they own Labrador, not Quebec. So it's some kind of a political reason there. Again, it's a fallacy. They don't own Quebec – or sorry, Labrador. And they don't own Labradorians. We are Labradorians. Some of us are not; that's why we accept whoever comes – wants to be here.

The justification for this project, again, is built on untruths for the most part—clean, green, cheap power for the island and lucrative exports to the USA which would pay for all of this. Totally false. Never was true. It managed to convince a few people of what they had planned. It certainly didn't appeal to very many people around here. Connection to the North American grid, the electrical connection, makes sense. It's totally unnecessary, but you know, it could be something that might eventually be beneficial. Replace the oil-burning generation that is the majority of the winter power source for their island. It's a dirty oil burner. It's been cleaned up in recent decade – 20 years ago, maybe. Instead of the really cheapest oil, the kind they use to make asphalt, it's a little less smoky and so on nowadays. It's only used in the winter when the maximum requirement for power of course on their island.

And why they would stick to hydroelectricity, an 1,100-kilometre transmission line, something up in what they call the wild Labrador wilderness, it defies common sense that they totally dismissed wind power, solar, natural gas, and other sources. They have a lot of hydro power on their island and they have a lot of rivers that aren't dammed, but they're Newfoundland rivers. You know, their people enjoy them. Labrador rivers, they're all up for grabs. There's no limit on what they have planned, and we've seen plans for other rivers in Labrador, totally unrealistic. I mean maybe one time they thought it was great, you know, kill off rivers, make a lot of money, but that doesn't work anymore. Demand for electricity is not what they thought it would be. It may increase with the proliferation of electric vehicles and stuff, cutting down on carbon burning for energy sources, so there may be a shift toward more electricity, but killing rivers is not the answer, in my opinion. The rivers are the lifebloods of the ocean as well as the Earth. And when you get the oceans starting to die, you don't stick more knives in it.

The environmental impact system hearing, excuse me – sorry – I attended that every

day, well, except the first day where it was a meet-and-greet, and I really – I was working on a proposal, on a statement, a report that I had to do, the second one of the whole series, I had to do. And I'd never done one before, so it didn't go over very well, actually.

Anyway, some of the things that I noticed is that the government is a promoter and there were an awful lot of government people giving reports and they – they were pretty – pretty predictable. You know, they weren't very negative toward killing off rivers, and so on. And they – the researchers, the people who wrote a lot of these reports were environmental companies, firms, contractors and so on, it was predictable in that they didn't say very much that the government would to approve of. In fact, we know that most of this was vetted by government and/or Nalcor. Nalcor had a pretty big staff at that time.

They – the findings that came out of these reports were biased. Just about every topic had – had the government fingerprints on it. They had a guy at the hearings, I referred to him as the guard dog. He was a big guy. Nobody spoke with him. He didn't speak to anybody else. One of our members eventually approached him after a couple of days and asked him, you know, "What's your connection?" He replied in one word, "Justice." So he worked for Justice, I guess.

He had a computer, and every time a government employee gave a report, he moved up to the seat at the front of the row behind the person and as they read from their computer, he monitored his computer, and the exact same thing was on his computer. He monitored to make sure they toed the line, they didn't deviate from anything that had been told to them that this is what you have to say. And this covered a lot of topics, you know, from well, the caribou and wildlife, financing. You name it. It was all somewhere.

There was a Newfoundland employee, I guess, making a statement. Most of it – one of the Secretariat members actually approached me afterwards and said, "What do you think about these reports." And I said, "Well, I didn't think very much of them." He said, "They're pablum, aren't they?" His words, not mine, or her words, whoever.

Anyway, some of the things that bothered me were like the fish studies, the woodland caribou, the methyl mercury. Like the woodland caribou, there's the Red Wine Mountains woodland caribou herd is in danger. It's been in danger for decades. The last number I heard for that herd was maybe 50 animals or something like that. And now there are claims that they expect that there will be some – a decrease in the number of animals due to poaching. Now I was involved or I was present at an item that came up here at one point. There was a panel—I can't remember their name—but there were caribou habitat lost or caribou sites – I forget, you know. And one of these groups, anyway, wanted to make aware to Canadians that woodland caribou were in danger. And they came here in the midst of a huge storm. There were two members in their lodgings, and I was one of them.

And they said upfront that the biggest danger to the woodland caribous is habitat loss and yet Nalcor would not even address that. They just said it was poaching. How they got that idea, I really don't know. Well, I think they invented it basically, or they took a minor problem and made it the solitary problem. And now that herd, I know that – well, Nalcor's own research said that those animals, they don't congregate in herds like some you've seen, the Porcupine herd in Northwest Territories—thousands of animals, the hillsides are moving with them. Woodland caribou are a different group altogether. They're very remote. They don't herd up except, I think, during the rutting season in the fall. The individual does go off to birth their own calf. They don't have calving grounds like the George River herd or other barren ground caribou herds.

Anyway, they – since Nalcor gave that, they created thousands of miles of clear cut for roads, pits, rock pits, clearance for transmission lines, clearing reservoirs, all of it has impact on the woodland caribou herd. And it's to the point where I thought they were extinct, actually, although I haven't heard a thing about it since, but this summer, one person told me that he actually saw a caribou not too far from here and it had to be that heard. I mean in my mind maybe the sole remaining animal in that herd. Who knows? We haven't had any studies.

Fish. You know, like fish is a big component of what was talked about, and one of those is Atlantic salmon. You know, they have a – Nalcor had a way of coming up with blanket statements and one was, "No effects beyond the mouth of the river," of anything, basically. Another was, "No fish will ascend Muskrat Falls." There's no passing from east to west, going upriver of Muskrat Falls. And I didn't think Atlantic salmon was all that important because in the plans that I mentioned earlier about damming rivers in Labrador, they had plans to dam the Kenamu River, which is just 30, 40 kilometres from here, I guess—the best salmon river in central Labrador—and also the Eagle River, which is on the Labrador coast is probably one of the finest Atlantic salmon fishing rivers in the world. It didn't matter. It's in the plans to be dammed. They actually went so far as to remove the river from the Mealy Mountains federal reserve for a national park. It's now become a national park. At the time it was reserved. The federal parks service, I guess, or group wanted to include the Eagle River, but Danny Williams said no, and he was firm on that. And now – he was going to make a water park out of it. Nothing has been done in that way. It's in reserve as a dam, a reservoir.

Back to the Atlantic salmon, we know that salmon do exist in that river. I've talked to people who've caught them up there. And one fellow who he says – I know he's a shy person, he's a local guy, he works at Churchill Falls, or he did. He told me he spent – he told my brother, actually. My brother relayed it to me; I don't want to get off track on that. My brother told me that he spoke to him, he lives two or three doors away from him right on the river bank in – I was born along the river bank, as he was. Anyway, he – he said he spent 18 years in a commercial salmon fishery, Atlantic salmon, and he knows a sea run of Atlantic salmon from the wananih that – that Nalcor claims is the only type of salmon up there.

And they had – they say they had proof. One of their field trips was to tag Atlantic salmon that had come into the western end of Lake Melville, radio tag them and track them, see where they go. And they – they had one that came up into Goose Bay and up into this river out here and did not ascend the falls. He went up to McKenzie Brook – McKenzie River, which is just a few kilometres – you know, you can see it right from the falls. And he went in there for a while and spent some time. Then he moved down river to a river – straight across the river from here, Traverspine River, until spring, and you know, eventually he disappeared – he or she, I don't know. They assume he just went back to the ocean in the spring, which was unusual – well, not unusual, that's just the way it works.

Anyway, so they – they concluded that salmon coming into Lake Melville do not go up over the falls. Now their test required 50 tagged salmon to make a definite conclusion. They had one, and they used that as justification for their comment that there are no salmon out there.

The other test that they did, they had to determine whether the fish that are presently – Atlantic salmon – now they say there's a confusion between wananish, which is landlocked Atlantic salmon and sea run Atlantic salmon. They say people see salmon up there, they're wananish, guaranteed wananish all the time, right? And they took so many of these fish – and I remember looking at the numbers, the sizes and so on, they were never very big, you know, very small – relatively small fish, and they sent them to a lab, I'm not sure where, but they did testing to determine if there's a certain element in the flesh or gills or something in the fish that would prove that they'd been in a marine environment, saltwater, like the ocean, and none of them had it. But the simple fact is that salmon that are born in a river or spawned and hatch in a river, they won't have this particular element to prove that they've been in a marine environment; it's only natural. It's when they go out to the ocean. Atlantic salmon, they go out to the ocean. They go up around the north Atlantic, all over, and they're gone for five years or so before they mature enough to come back to spawn. They don't come back as juveniles or infants. They come back to spawn. They are of a certain size.

And the fish that they – I spent a summer working with my stepbrother fishing, commercially fishing on the Labrador coast between Grades 10 and 11 in high school, so I've seen a few Atlantic salmon, and I've never seen salmon coming into shore any smaller than probably five or six pounds, and they were considered small salmon, but commercial fishermen get now they're seven, eight, 10 pounds, and go on up to, you know, well over 20 pounds. And they determined that because those small fish, which they knew were local fish, they could have been spawned from Atlantic salmon, but they had not been to sea, obviously, because of their immaturity. And yet that again was proof in their minds of what they were selling to the public that Atlantic salmon do not come up this river.

And yet I know people who have seen them up there, and this fellow I mentioned, he said he's caught them up there. He goes fishing down at the tail, right from the outlet of



the Churchill Falls project, and he catches, occasionally, an Atlantic salmon.

**Johanne Gélinas:** Mr. Davis, I just want to let you know that if you want us to ask you a question, you will have to conclude at some point.

**Eldred Davis:** I was expecting that.

**Johanne Gélinas:** Just one thing I would like to ask you, as I have interrupt you, and I apologize for that, what you are saying, are they things that you were hearing through the consultation process or it's things that you have learned from one person or another one or reading reports?

**Eldred Davis:** Well, I studied the environmental reports. I had stacks of manuals. I spent so much time at it years before the actual hearings began, so I had a good idea of what was going on. And I should say the panel was frustrated like you wouldn't believe from dealing with the promoter. They tried to hide facts. They were very frustrating, I guess, to put it mildly. The EIS I have, their reports were stacked with the same old researchers with favourable results that were predictable. The government was a promoter. They knew – I mean some of these people were involved with all the environmental assessments around here. They didn't pick, I would say, neutral people. They picked the people who knew – they knew would give the results they wanted. The findings were biased, and I've already discussed that in detail, or relatively detail.

The impoundment schedule, that's another thing that's come up recently so I had to mention. I had to go back and look at – I remember one of the – the scheduling for the impoundment, the actual impoundment to close off the river and start to increase the water level in their proposed reservoirs, the schedule is they had several choices. One of them was the least disruptive to fish, and that would have been in the fall. The best time, apparently, was mid-August to the end of September. That's when the fish are not spawning and whatever; I can't remember all the details.

But Nalcor, because of the great concern of methyl mercury and the request – and the insistence by indigenous groups that they clear cut this reservoir before flooding to avoid the methyl mercury that they downplayed, I mean they addressed the methyl mercury situation during the hearings, and they downplayed it, you know, basically passed it off as not that significant, and they do testing, but they did – like I seem to recall someone saying that once the Nunatsiavut government and Harvard University did real testing for methyl mercury, they began to do some of their own. They'd never even addressed it before.

So the flooding of the reservoir enables mercury to be methylated and sent downstream. There are communities in Labrador that are very dependent on wild food from Lake Melville. And they're – because of the Churchill Falls project, which is – flooding began and producing power in the early '70s, even now, 40 years later, 40

years after they began, there's still mercury being methylated and brought down to the food chain, and there's people out on the east end of Lake Melville are higher – showing higher mercury content than most Canadians—other than the people of Grassy Narrows, I guess you'll agree with that.

And I think that despite the schedule to start impoundment late summer before it would impact fish spawning, I guess, they decided to go ahead and they made known that they will be impounding from the 15<sup>th</sup> of October any time on. And they say, again, a plausible reason is they don't want ice to be forming and coming down into the partially complete generating system. It kind of makes sense, but they'd never mentioned it before, to my knowledge, and I've never heard of it, and I was at the hearings every day and I went through most of the manuals. So that kind of indicates to me that they wanted to get the flooding done so they don't have to go back and clear cut. They're not – excuse me, once – once the flooding is done, they have no intention of dropping the water level to clear cut. It just wouldn't happen. So they want to rush it, in my opinion. The cost. The North Spur clay, you know, it's – they told people that this project is the most studied potential hydro project in North America, it's – North America. It's clean, stable, no problems, and they tried to hide these problems. The clay – North Spur is on several hundred metres of clay, marine clay. This was all ocean bottom at one point. You know, during the ice age, the land was depressed. It's still rebounding. In my lifetime, I've seen changes in the water levels on the coast. I mean I'm 66, so that's quite a long lifetime still, but you know, in geology terms, it's the blink of an eye.

So they are dealing with clay, marine clay, some of it – they say it's not necessarily quick clay, but it's sensitive clays. And I've looked at graphs and their drawings and photographs and everything else, and I'm appalled that they don't take this any more seriously than they do. Several hundred metres down, you know, there's clay, several hundred metres thick in various layers and water. And there's no bedrock until I think it's six or seven hundred feet. It's just amazing, the deposit of clay on which they decided they were going to put this dam. And people are afraid, you know, that it's going to collapse. Once – and we've had world experts here. Dr. Stig Bernander of Sweden, he's – he wrote – he's written books to upgrade the conventional knowledge on quick clay and landslides and so on. He's been on the river, and he's walked it. I've been with him on the river. He's been up in a helicopter looking at landslides.

Nalcor said there are no downhill progressive landslides on this river. He's – from a helicopter, he could point them out, huge landslides. And Nalcor, even there, they – they make him appear to be – deny, you know. There's no big deal; we can deal with it. Anyway, they – I think they're in for more problems than they admit.

**Johanne Gélinas:**

I will invite you to conclude.

**Eldred Davis:**  
me.

Thank you. I thought you were talking to me.

**Johanne G elinas:**

Yeah.

**Eldred Davis:**

Never heard anybody. The other – a few of the other problems, of course, are obvious—destroyed habitat. The river does not have a lot of fish in it. It’s a northern river. There are places, the tributaries are really good, you know, very pristine. They plan to change all that. That’s coming, and we don’t particularly like. The markets for the power, they – there’s a – and the cost thing. The cost is not really relevant to me. I burn firewood to heat my place. My hydro bills are very low, but I know people around here will do into real hardship if they have to pay the high costs of paying for this project, which is 11.4 billion a few months ago and rapidly climbing.

The market was supposed to be the United States. Once they had power for their island, they would sell the excess, I suppose, into the United States, and that would be sufficient to pay for all costs. Of course it’s totally backfired. There’s nothing – the cost of electricity in the United States now, the Massachusetts hub is like four and five cents per kilowatt hour, and it’s going to cost them many, many more times than that just to produce it. And they’re saying well, you know, even if we sell it a loss, at least we’re getting something for it, the excess, but it – the excess is actually causing wear and tear on the equipment. It produces heat in the transmission lines. It’s something that should never have been done. Even the new CEO of Nalcor said the project was not the right one. It was far too much power for what they needed, and it has a attached cost of course—just ridiculously expensive.

Methane, you know, they talk about how clean and green it is. They don’t say cheap anymore; they’ve taken that off the description. It’s clean and green. Methane is produced in reservoirs, and it’s more apparent around the actual turbines. The compressed water squeezes the methane from the water and they get very high methane quantities. Methane is 23, 24 times worse than CO<sub>2</sub> as a greenhouse gas, and they’re still saying clean, green. You know, it’s propaganda. You know it makes some people feel good, I guess. Not too many people around here honestly are part of Nalcor, I guess.

And the hearings, coming up to the crux of the matter, I suppose. The hearings, they were new to most people here. I, like I said, I attended every day except the first day which was just an introduction. I was working on my presentation. And when I showed up, it was similar to this, but much bigger, many more people. Actually, I should apologize. You should have a lot of people here today, a lot of presenters. I don’t know what happened to people. I don’t know if they’re worn down by this whole thing or what the problem is, but the – the hearings were well done. They were long; it was about two weeks locally. A lot of government reports, which you could take it or leave it.

There were consultations previous to that, and that really was a bone of contention. They decided that they were going to recognize one of the Aboriginal groups out of the three that are affected and are in the area. And they gave them the powers to do their

own consultation with their own people.

**Johanne Gélinas:**

Who is “they,” Mr. Davis?

**Eldred Davis:**

They would be the Innu Nation. And the type of information dispersal and so on with the Innu Nation was the leaders would decide what the people would know. Basically, it was they were going to get some financial compensation and an apology for the destruction of the land and their – some of the homesteads, I guess, the camping grounds and canoes and so on from the earlier hydro project at Churchill Falls from, you know, beginning in the ‘60s, late ‘60s and early ‘70s. They did get, I guess, a bit of an apology. It was a New Dawn Agreement, the Tshash Petapen. You might have heard of that bit.

It was a – not a treaty, it was an agreement between the Innu Nation and Nalcor and the Government of Newfoundland, I guess. And it came at a cost, and that cost was there had to be no opposition to several more rivers that would be on the hit list for – for damming, so – and also some forest areas—a large forest area, actually. And but the people were told you’re going to get money. And most of the information that would not appeal to the people of Sheshatshiu, which is the closest community in which Innu people live and most affected. There’s another, Natuashish, which is up on the north coast who wouldn’t be physically affected by, you know, polluted and water and stuff, but they were part of the Innu Nation, obviously.

They – I don’t know how much they’re being paid, but you know, there’s a lot of money that’s part of the New Dawn Agreement, several million dollars a year before construction and after first power and the numbers are all out there in public. I think there were 19 pages made public, actually, of the New Dawn Agreement of somewhere around 600. And I —

**Johanne Gélinas:**

Mr. Davis, excuse me, but if you don’t conclude, we won’t be able to ask you question and there are other presenters waiting also, and we want to respect the schedule.

**Eldred Davis:**

ramble, as I say.

Oh, certainly. I understand. I tend to

**Johanne Gélinas:**

I see the effort.

**Eldred Davis:**

I have the – a few suggestions that I’ll just quickly read through. The panel members should be intolerant of promoters’ obfuscations, denials of facts and other information and just plain lies—and there’s a lot of that happening. It was actually embarrassing to be part of that.

Indigenous locations, a little less formality, which you’re already foreseen, and that’s greatly appreciated.

The promoter in the case of being the government should not hire, prepare and coach environmental researchers, and we know that happened. Well, nobody confessed to it, but it was pretty obvious.

The panel should have power to enforce realistic responses to inquiries in realistic time periods. To give you a quick example, one of the people noticed in one of these financial statements regarding costs of electricity to consumers and so on, he pointed it out at a regular meeting, one of the days of the hearings, and he was told – it was toward the end, actually. So they – the panel said we'll convene another day—I think that's the way it went if – you know, my memory leaks a bit—that they'd have a morning session and Nalcor would go and straighten out the numbers, so that they were more legible, you know, people could understand them and correct them.

So they had to – had that presentation by morning. I think it was somewhere before midnight that they – the correction came out. It was a 251-page document that had to be read through for the morning session, and it basically contained no new information. It did not answer the question, but it just wasted everybody's time. And that's the kind of thing that I – as far as I'm concerned, a promoter should not be allowed to really make a hearing a farce. The hearings are important. They should not be used by the promoter to disgust people, to put off interest in it.

And the other thing, once the hearing findings were released by the panel, the promoter basically said, oh, it's great, you know, we're done, we got everything we wanted even though the panel findings were not very favourable of some things. They mentioned methyl mercury was not addressed. The actual reason to dam the river was not properly qualified. In fact, it was not considered the lowest cost method of getting hydro power – or not hydro power, electricity to the consumers. And they – they said there'd be too much environmental damage, but the promoter just – just glossed over that, pretty much ignored it.

And they can see – apparently, they looked at once the environmental hearings were complete, they had a green light to do whatever they wanted to do, and that's the way they took it, the way their interpretation. That's the way they acted. They're basically not answerable to anybody. You know, they did not pay any attention to a lot of the suggestions, and they did what they wanted.

And we always knew or strongly suspected that would be the result, the reason being the Minister had the final word and being the Minister was part of the promoter. There was no question that it was going to be accepted. It didn't matter what – what the panel came up with. So I – I don't know if it's – it's just beyond what the panel – the environmental assessment panel would be able to do, but I think there should be some enforcement that all the money that's spent to get a good environmental assessment, there should be something in there that would have the promoter change some of their wasteful ways, some of their damaging ways and actually do something that's right, not

just what they want, but what would be acceptable by the people who are to be affected. And I think if they go to the point where they go beyond what they – what's considered humane, detrimental to the health of the people, I think it should be criminally prosecuted.

**Johanne Gélinas:** Thank you.

**Eldred Davis:** I don't know if I can go beyond that. I certainly hope you have questions.

**Johanne Gélinas:** Thank you very much. I have a few questions to start and then I will give the mic to my colleagues. Can you just tell me a little bit during this – first of all, this is, what, 2012?

**Eldred Davis:** 2011, I think, mainly.

**Johanne Gélinas:** Okay. Yes, because the decision, I think, was presented in 2012. During the hearings and any other consultations that were taking place through the proponent or the agency, who was there from the community? Who were the people in the room listening and how they were organized to question and to propose mitigation measure or whatever?

**Eldred Davis:** Well, during the panel hearings, the presenter, I guess, who had applied for certain time and so on, gave their presentation and then the panel asked questions.

**Johanne Gélinas:** Yeah.

**Eldred Davis:** And then the promoter asked questions of the presenter, and finally, the public could ask questions.

**Johanne Gélinas:** Yeah, the process we understand. I want to know who was in the room.

**Eldred Davis:** Who —

**Johanne Gélinas:** Who were the one who were asking question to the panel?

**Eldred Davis:** Well, I can say —

**Johanne Gélinas:** I'm just trying to understand who from the community was involved in this project to see how we can improve maybe public participation, as an example.

**Eldred Davis:** Well, the first people – I guess the most prominent people would be the interveners and in this case it would have been Grand River Keeper, Labrador, which I was a part of that group—I still am—and it went right down to the public. A lot of people asked questions that were relatively straightforward because they hadn't kept up – they hadn't really studied all the manuals and stuff. So they were not terribly aware of what to expect, but they were all answered, you know. The panel asked people to give answers, presenters, and sometimes, the promoter would interject if there was something they didn't agree with.

But in the beginning, there were a lot of questions. Toward the end of the two-week period, there were fewer people in the room, but municipal people, town management and so on, they had some. And government people never had a lot to say.

I guess there was one who really wanted to say something. He had been on vacation or leave from work during the caribou discussions, and this fellow worked with wildlife, and he had not shown up to any of the other presentations or any of the other topics that were discussed. And he asked a few questions of whoever—I don't have the details—was giving the talk on – a presentation on caribou. And he didn't agree with what – a lot of what was being said, so he said, "I'll come back tomorrow if you'll give me time, and I'll make a statement," and the panel agreed to it because this guy was an expert. And he came back in the morning and before he was allowed to give his presentation, he was taken by the fellow I mentioned earlier, the guard dog, the fellow from Justice, brought him to the corridor and came back a few minutes later, and he told the panel that he had changed his mind. He declined to speak about this topic. And the panel, you know, encouraged him, well, just, you know, please, why don't – you know, we'd be interested in what you have to say. And he kind of hinted that he couldn't. He was on vacation or sick leave, I'm not even sure. And I think his response was something like well, if you can guarantee that I'll be able to come back to my job, maybe. Something to that effect.

**Johanne Gélinas:** Okay. Thank you. Renée.

**Renée Pelletier:** Just want to get back to your comments about you said there was the hearing and then there was consultation, and I think you said there was a lot of problems with the consultation. Who was the consultation with? Was it with Nalcor? Was Nalcor consulting with you or was it the government, the province? Like who – who was consulting?

**Eldred Davis:** I don't think government as such was ever involved hosting the consultations sessions and so on. A lot of them were just the people who were hired to do studies, like environmental studies and such, different contractors. They actually – like fisheries, you know, different aspects of the project itself. Some people talked about the financing, how many jobs there are going to be and where are all these people going to live all of a sudden, the contractors and will

there be any effects on the hospital, you know, waiting lists and stuff like that? And it all – they all eventually made it sound pretty good, you know. Of course it didn't necessarily follow that way. But sometimes Nalcor personnel management. One of them was the head of the environmental assessment from Nalcor. And they had public displays, several of them, and open houses sort of thing where they had big billboards and some of the information that most of the public would be interested in and people there to answer questions.

I remember the one in Sheshatshiu; I – I went to that one. And I had several copies of the New Dawn Agreement, financial – the first few pages. There were no signs showing where to find this session, where the open house was happening. It happened to be in a school, and I knew where that was, so I found it. Even when I walked in the building, I had to wander around trying to find this place. I'd never been in that school before, obviously. Anyway, I did go there and they – they had very few people there. You know, most people didn't know about it. I should say the people of Sheshatshiu were kept in the dark over all of this, except for the leaders—the chiefs and their buddies and people with power in the community. Most people didn't even have access to the local radio station to go on and give their misgivings, their fears about this so-called project.

Anyway, I went there, and I asked some of the people that I knew, I said do you know about this New Dawn Agreement, you know, that all these other rivers that are due to be dammed or protection taken away from them? Like you have no say if you sign this agreement. So many rivers have been passed over to Nalcor basically to do what they wish with them.

And I had one guy interpret – read what was on the New Dawn Agreement, the portion that I showed him, to an elderly gentleman and his wife and he read it in Innu-aimun. I didn't understand a word of it other than some of the names when they came up. And he – the old fellow, a little bit older than me, he – I could see the look of apprehension on his face as he was reading this, and just showed me that the people of the community and other people – other people living in the community told me the people here don't know what's going on, they're kept in the dark. And it's deliberate.

**Renée Pelletier:**

Okay. Thank you.

**Doug Horswill:**

I've got two basic lines of thought or question, and one of them I don't want you to answer now, but I'm going to ask it first. And the other one will get more into the substance, but the one I want to – maybe you could think about and maybe you could come back to us on is the issue of the environmental effects and outcomes. You've gone through a lot of the things in your own observation. The question from me is – or for the panel is are there any documented post-project impact studies that we could look to that might give us some sense of being able to look at a project approval and the conditions and then what actually happened on the ground? That particular part of environmental assessment is somewhat hard to get at. So while I say I don't want you to answer it now, I'd like it if



you could – if you think of any or know of any, if you could let us know by submission just where to go and find these things, that would be useful. Okay?

The area that I'd like to get into, obviously, it sounds like you're not completely happy with the – with the process that was – was undertaken. So the question then becomes how – how would you go about making it better? Now you've given us sort of six thoughts and points on things like the panel, but you did say in your presentation that you thought the panel was frustrated.

My first question do you know how the panel was chosen and how you felt they as individuals represented the sort of ideal of independence and all that? Do you have any view on that?

**Eldred Davis:** Well, it was a joint panel, provincial and federal. The federal government Department of the Environment, maybe, suggested two members. The provincial government had two more and the third – or the fifth person was agreed upon by both parties.

**Doug Horswill:** By both.

**Eldred Davis:** I'm sure that was the procedure.

**Doug Horswill:** Okay. Okay.

**Eldred Davis:** And I think they did, you know, a pretty good job. They were aware – some of them had experience on environmental hearings before and I have no complaint about the quality of their performance.

**Doug Horswill:** Did you have any or did the community, to your knowledge, have any opportunity to input into the form and nature of the studies that were actually undertaken?

**Eldred Davis:** Absolutely. I made several submissions to the panel as the reports – the environmental reports were released by the promoter and there's thousands of pages and just about every topic that would have come up in a large environmental assessment like this was. Anybody could make a phone call even. You know, they were very flexible.

**Doug Horswill:** About the content or the scope that they would —

**Eldred Davis:** Yeah, regarding the contents of the different releases and so on.

**Doug Horswill:** Your feeling about the people who conducted the study, were you referring to the consultants or were you referring to the

fact that Nalcor was choosing them? What were you talking about in that comment?

**Eldred Davis:** Well, it's a bit of a combination. I think Nalcor chose people that would – I'm saying would give them the results they wanted. I think they talked to each other all the time. They do it on various projects—you know, the Voisey's Bay mine and mill. You know, some of the same people were there – the same old people from the fisheries group. Now I agree that the choice of the people in these specific fields is not great, so they – in fact, somebody told me at one point that as a member of the Grand River Keeper of Labrador who was a funded intervener said you're going to have a hard time finding anybody locally like in your province of Newfoundland or the colony of Labrador to represent you because they're all taken up by the promoter, but they did have a lot of people and they actually went to reinforce their story, I guess, their reason – the justification. They went to Manitoba Hydro International and Navigant, you know, who have consulting branches that reinforced everything Nalcor wanted, basically.

**Doug Horswill:** Did you have any funding?

**Johanne Gélinas:** I will just let you have your last question because there's someone on the phone who has been waiting for a turn.

**Doug Horswill:** Sorry. And then the last question, and it was the last question anyway. In terms of capacity to be able to view these studies, was it just you and your – your unpaid volunteers or did you have any access to – to funding to be able to —

**Eldred Davis:** We did have intervener funding. It was a significant amount of money, and we spent it on some good quality people who are experts in their field, and I should add that we had good quality people who volunteered their information because, as one said, "I do it for my grandchildren."

**Doug Horswill:** Okay. Thank you.

**Johanne Gélinas:** Thank you very much, Mr. Davis, for —

**Eldred Davis:** Thank you for the opportunity.

**Johanne Gélinas:** — having shared with us your – your thoughts and your views.

**Eldred Davis:** Thank you very much.

CHIEF GREGORY BURKE, BRAS D'OR LAKE MÉTIS NATION, CAPE BRETON,

## NOVA SCOTIA

**Johanne Gélinas:** You're invited to stay in the room if you want to. And our next presenter, we will have a presentation by phone with him is Chief Greg Burke.

**Female Speaker:** (Off microphone.) Chief Burke, can you hear?

**Chief Gregory Burke:** I can. Can you hear me good?

**Johanne Gélinas:** Good afternoon, Chief Burke. I can hear you not that well, but I can hear you, so the floor is yours, so to speak.

**Chief Gregory Burke:** Yeah. I guess I'm hearing somebody talk in a hallway, I guess, but you know, how's my reception? Can you hear me well or?

**Johanne Gélinas:** It's much better, so you can go ahead. It's excellent.

**Chief Gregory Burke:** Okay. Very good. I'll start out with saying good afternoon to everybody. I'll introduce myself. My name is Chief Gregory Burke out of Bras d'Or Lake Métis Nation in Cape Breton, Nova Scotia. I want to thank the Environmental Assessment Board for allowing me to speak to you on behalf of the Bras d'Or Lake Métis Nation of Nova Scotia.

I first want to give a little bit of knowledge of who the Métis in the East are. Because of the lack of education throughout the Maritimes as well as throughout Canada, a lot of people tend to think that there's only Métis in the western area/Louis Riel. Louis Riel, of course, as we know, we all learned in school was in the 1800s, and he was dubbed the rebellion – or the rebel of Canada. Our history predates that at least 200 years where we had our own rebels here in this area. So I just want to give a little bit of history on that.

So the word Métis is derived from the word métissise (ph), meaning the mixed blood of people when the first baby was born on these lands from mixed marriages in the 1500s, beginning in around the 1500s between the French and the Mi'kmaq. And it continues today with other – many other cultures.

A wise Mi'kmaq elder once said to me concerning the coming of the Europeans, which – which struck me in awe when he said this to me, "This Earth wasn't the end of something; it was the beginning of something new." So the Mi'kmaq of – of the Maritimes see the value in their – in their cousins and brothers and sisters.

So a little history on myself is my history began in 1628 when my first ancestor arrived from France to Port Royal as a civil and criminal judge of l'Acadie. And at the time, he owned a quarter of Port Royal, which his offspring eventually owned and evolved into becoming the Acadian Métis, never knowing of their ancestral homelands.

So the Métis history began in the 1500s, I believe, from the research that I've done was the early, mid-1500s at the time that there was Italian explorers here in Cape Breton when the French landed on the shores of l'Acadie, now known today as Nova Scotia. So my ancestors began to enter into relationships immediately, into marriages with the Mi'kmaq people, and that was at the turn when the Mi'kmaq and the Maliseet people started to accept Christianity. And they eventually developed – the Acadian Métis eventually developed their own sovereign nation separate from the French and separate from the English and separate from the Mi'kmaq.

So we had our own council back then and our own industry whereby the French and the English had to consult with us concerning any development or any settlement within our lands.

So we were – as you can see, back in the 17 – 16, 17 hundreds, pre-genocide in 1755, we had a powerful presence within l'Acadie. Our ancestors negotiated all kinds of good faith for the Acadian Métis peoples as well as our Mi'kmaq cousins, making sure by the way of friendships and treaties that neither were abused or taken advantage of.

We are the Acadian Métis, one of the two Aboriginal peoples, but we are a very unique, proud Aboriginal peoples of Nova Scotia. We are the Métis who are part of a very long Daniels court case from 1999 to 2016 where the Supreme Court justice in April of this year recognized the Acadian Métis in their decision placing us under Section 91, having the same rights as our Mi'kmaq brothers and sisters. We are the other Aboriginal group that – that share these and dwell on these lands and sail on the waterways and work within the economy and who care about the environment and the future of our people.

Although recognized on the federal level, we are the Métis whose human rights and a right to have a voice concerning our environment have been denied for many, many years, through our rights and our recognition which were established in '82 in Section 35 from the current provincial Liberal government. Even though promised in a pre-election, they continually refuse—they being the Liberal government—refuse by slamming doors in our face at the same time sending thousands of dollars to the western Métis for reasons they refuse to answer us.

So no matter how strong we have as a voice and how deep our roots are, when it comes to the environment or our rights, government is not listening to us. I feel that they – they will listen to us, they'll read us letters, but it's more of a patronization than it is an acceptance.

So because of this denial in our rights, people suffer every day from the lack of

employment, proper housing, proper medical care and the lack of input, but most importantly on the lack of input on the environmental issues and opportunities that bestow the Métis in the West complements of the Liberal government of Nova Scotia.

Although we are beneficiary heirs of the Friendship Treaties of 1725 and 1761 stating that the Mi'kmaq are not the only beneficiaries of those treaties—and I want to make that clear—and according to the understandings by way of our ancestors negotiating and our signatures on those treaties, and we've proven it through our DNA and genealogy, we've been denied to have a voice at any government table concerning our environment, the energy, the economy and natural resource management of our forests. Our voices have been silent, which has been a profound negative impact on all sectors on our people and on our environment.

Our Canadian Métis ancestors were a sovereign nation on this land that cultivated the land, separating freshwater from the saltwater for the survival of our livestock throughout the winter months where even the New England states sought trade with us for this for food throughout the winter.

The Acadie Métis people did not benefit from any schooling or medical care from the French or the English. We were totally on our own to survive on our own and they depended solely upon the knowledge of their Mi'kmaq wives and the mother of their children.

Our language and our culture became intertwined to be a mixture of English, French and Michif, which is Mi'kmaq, unique to this land known as Acadian French, or Michif. So much so that by the late 1600s and 1700s, the French or the English could not tell the difference between the Acadian Métis or the Mi'kmaq, as it's been described in many letters by English generals to the British empire by the mid-1700s, and I quote: "They speak like them. They dress like them. They eat like them. They live like them. And we can no longer tell the difference between the French or the Indian." Now these are actual writing in letters that have been sent to the monarchy in the British empire at that time.

And he goes on to say: "They do not take direction from us on which lands to settle. They settle wherever they choose."

So clearly by these letters, and that's just one letter, but clearly by these letters you could see that we had our own nation here, which we lack today. We're being ignored. And as I shared with the panel the other night, I've tried many, many, many times since 1985 I've been involved with the – the movement on the environment and our natural resources, and I continue to be ignored.

Our people have cherished the values of these forests and waterways for over 500 years and still to this day because we're dependent on the food, shelter, medicine and fuel. That is why it is of the most importance that we have a voice in the

decision-making with the environment issues, industry and the developing of our waters and development of our lands.

My people carried on a close relationship with the Mi'kmaq since the beginning of time where both nations depended on each for food, tools, cultivation, hunting, medicines and fishing. We are the Aboriginal peoples who work in the oil fields related to industries, who work on the fracking wells, who work on the pipelines. Our people travel west to work away from their families, bringing money back from helping Nova Scotia for a better economy.

And this does not make sense given the opportunities knocking on our doors each year through our natural resource industry wanting to build a have-not province into a have province, to build a reversed economy into a sustainable economy, helping to make a better environment.

For instance, Dalhousie University last year graduated 15 petroleum engineers out of their program, engineer program, yet not one of them today have a job in this province. We're losing thousands of highly trained educated people each year due to this reverse thinking.

Canada's energy sector is at war with the U.S. I'm going to give you a little bit of current issues that are going on, and really, it's sending a lot of mixed messages throughout Canada as far as the environment goes, and – and for the life of me, I don't understand why there's – there's not more pro-Canadian energy protesters than there are negative against our energy and our environment because it's all I've been hearing over the last 15 years is how bad our energy sector is at the same time we have foreign oil and chemicals coming into our lands.

So Canada – Canada's energy sector is at war with the U.S., and this may be shocking to some people, by the way, because it may be the first time that you've heard this, but this is not a scare tactic in any way. This is factual. I work in the financial industry, and I understand what's going on. I have my finger on the pulse in politics. I know what's good in politics for our country, and I know what's bad. Socialism has been proven to be bad for our economy where capitalism has been good.

So Canada's energy sector is at war with the U.S., Russia and Saudi Arabia. The Rockefeller Foundation, who provides the Suzuki Foundation \$9 million a year to speak anti against our energy sector, and the Tides Foundation and Greenpeace are pouring millions into Canada each year – are we still connected?

**Johanne Gélinas:**

Yes, we are, but I will ask you, Chief Burke, to get back to the purpose of this panel, which is EA and how we can improve and considering also the fact that we have had a chance with the panel to exchange and discuss that, I will very much appreciate if you can come with some maybe ideas to improve how Aboriginal communities, including Métis, can get better involved and

speaking their voice in those processes.

**Chief Gregory Burke:** Yeah, I know I'm a little bit long-winded, and I apologize for that, but I feel that it's very important to know where our knowledge is and where we stand. I guess if I – if I stop short of my presentation and answer your question, to sum up, we are being ignored. We are the generation that has developed the industry and protected the environment at the same time. And we're being ignored by provincial governments here, and they refuse to allow us to get involved and have a voice at the table to protect the environment.

And if there – I guess what I'm asking is that in your report to make sure that we are at that table because our voice is very important. We come here highly educated. We – we work – as I said, we work in the industry. We understand the environment. We live within the environment. We have major concerns of what's going on in our provinces as far as clear cutting goes. As I spoke the other night, as each – we're having hectares of land cut as I speak right now in Nova Scotia—not acres, hectares. And I've never been in a province where I've seen so many trucks with forests on them. There's not a road or a highway that you cannot travel in this province to where there's – there's a convoy of vehicles with our forest.

And the result of that is we are going to be in serious, serious trouble in the very near future because as our forest disappears, so does our wildlife, our resource of food. Our waters are warming up in the rivers and in the streams. Our lakes are shrinking because of it. Our lakes are warming up. They have – government will come out and say you're not allowed to cut trees within 150 yards of a river or a lake, nobody – nobody is watching that. Nobody – nobody makes sure that that is carried out. We see it; that's our complaint. Our complaint is nobody is saying anything about it.

So it's pertinent that we become involved at being at that table and stop being ignored.

**Johanne Gélinas:** Chief Burke, your message has been very well taken and heard. I can assure you that you're not the first one reminding us that this is an issue. We cannot talk for the provincial government, but we will for sure consider in our report how to better engage and give a voice to indigenous people.

**Chief Gregory Burke:** I just want to share with you—and you may be aware of this; a lot of people aren't—but Nova Scotia has the highest rate of acid rain. Furthermore, Nova Scotia has the highest rate of cancer in the world. So we have a combination of both here, and we've been aware of it since the early '70s that we had the highest rate of acid rain in the world that lands on our shores, in our waters and on our land, and we have the highest rate of cancer, yet there hasn't been a government since this has come out in a study in the '70s that has done anything to prevent that or to help the waterways. There was a little attempt back in the '70s, but that soon stopped.

So you know, we're aware of it. I don't hear anybody talking about it. I don't hear any other groups talk about it in as far as the environment goes. Nobody's talking about our forests disappearing. So I guess what I really want to send home here, the message is we are the Aboriginal group in Nova Scotia that understands it's important to have a healthy economy as well as a healthy environment. And as I spoke the other night, is that one complements the other. One cannot exist without the other. And I'm not hearing this from other groups.

So if I can send any message to your panel is the one message is that we need to be at the table when it comes to decisions here in Nova Scotia. The Mi'kmaq can't do this on their own. They may think they can, but they cannot. We have the resources. We have the people that understand. We have the education, and we can share that, but one Aboriginal voice at the table is not going to do it in Nova Scotia because we continue to be ignored by government and by environmental authorities.

**Johanne Gélinas:** So thank you very much, Chief Burke. We have presenters here in Goose Bay who would like – also, like you, to speak their voice. So thank you for your participation in Halifax and also for the time you have given us this afternoon. So thank you very much.

**Chief Gregory Burke:** Well, you can contact me any time. We can – we can discuss this further if any one of you wish to, and I want to thank you for listening. Merci and welalio (ph).

**ROBERTA FRAMPTON-BENEFIEL, GRAND RIVERKEEPER LABRADOR,  
CANADIAN ENVIRONMENTAL NETWORK**

**Johanne Gélinas:** Welalio. I will invite Ms. Roberta Benefiel to sit at the table. If you use the computer, please do so.

**Roberta Frampton-Benefiel:** (Off microphone.) Where does it actually show? On that wall?

**Johanne Gélinas:** Okay. So we'll go and sit there then.

**Female Speaker:** No, it's there.

**Johanne Gélinas:** Oh, there? Okay.

**Roberta Frampton-Benefiel:** Oh, okay.

**Johanne Gélinas:** I think I will sit in the front if you want to talk to somebody. I will just sit here. Otherwise, it's a little bit weird. Okay.



**Roberta Frampton-Benefiel:** Ready to go. It has to transfer somehow from there to there.

**Johanne Gélinas:** Why don't you start?

**Roberta Frampton-Benefiel:** Sure. So good day, ladies and gentlemen, and welcome to our beautiful autumn day. I wish you had been here yesterday because it was really super yesterday. And thanks for letting me present this afternoon, and thank you so much for waiting because I was supposed to have been here a while ago, and things didn't work right.

So my Name is Roberta Frampton-Benefiel, and I am a volunteer riverkeeper and I'm the Vice-President of the Grand Riverkeeper Group which Eldred belongs to. In fact, Eldred is our treasure.

So we're affiliated with Waterkeeper Alliance out of New York, an organization made up of about 250 or so organizations around the world who work tirelessly to protect their rivers, bays, streams, lakes, whatever waterway they happen to have near their communities that is threatened in any way. And I have been – also been involved with the Canadian Environment Network Environmental Assessment and Planning Committee for many years, since the inception of this project back when a former Premier decided he was going to dam the river.

I want to welcome you again to Happy Valley-Goose Bay. I hope you'll have a bit more time to explore. Are you off again right away or do you have a day here?

**Johanne Gélinas:** Tomorrow morning we're —

**Roberta Frampton-Benefiel:** Okay. I would recommend at least a drive down to North West River if you have the time. I wish you could go across to Mud Lake, and I could arrange that if you had the time, but – in a beautiful covered boat, but anyway, I think I can arrange it. So if you don't have the time, that's it. Mud Lake has a – is a community of about 70 people, and I want to mention Mud Lake again when I get into the middle of this presentation.

We understand that Prime Minister Trudeau's mandate letter to Environment Minister McKenna indicates that the purpose of the EA review is several items, mostly to regain public trust, which of course we're very interested in, ensure thorough EA processes, and require science-based decisions that serve the public interest—all great – great thoughts, great mandates.

We sincerely hope all three of these important mandates are met in the Next Generation EA. I'm not exactly sure who brought that term to bear, but we've used it a lot in the Environmental Assessment Caucus, and I've used it a lot here because I think it's an important way to describe what's going to happen in the future.

Along with a commitment to not only science from professional scientists but also serving the public interest by consideration of local knowledge from Aboriginal groups and local people as well as the views of citizens about how they want to see development take place in their communities. We also insist that the public interest that is served is the interest of those adjacent to the project first. In our opinion, they were certainly not met in the EA of the Lower Churchill and the Transmission Link. And I think you heard some from Eldred this morning about some of the reasons why.

This brings me to our very first recommendation for the panel. I can't get it up. It's okay; it'll be there. I think you have the presentation, anyway.

**Johanne Gélinas:**  
submission.

We have a written copy of your

**Roberta Frampton-Benefiel:** If the Government is truly committed to regaining public trust, all scientists involved in any environmental assessment must be arms-length from government, especially when the project being assessed is a Crown corporation.

I know everyone in this room knows that Crown corporations are way too interconnected with governments. We supposedly as citizens own Crown corporations, but we don't have enough say over how corporations do their business.

Why would we make this as our first recommendation you might ask. The territory was involved in two environmental assessments not that long ago. We call them the – they call them the Lower Churchill Hydro Electric Project and the Transmission – Labrador Island Transmission Link. Grand Riverkeeper was heavily involved in both those processes. We received some funding from the Canadian Environmental Agency to participate in each of those assessments. Thus, we have some experience.

In our opinion, the purpose of environmental assessment outlined in the Minister's letter – mandate letter above were not met with the Lower Churchill Project, even though it was assessed using the former CEAA Environmental Assessment Act and not what I call the Harper Act of 2012.

The Lower Churchill Hydro Project is a project that was promoted by a former Premier as a legacy project, in our opinion. An energy plan was put in place and legislated and further legislation that created Nalcor Energy, a Crown corporation that gave it a monopoly over selling power in this province, save a small amount sold by Newfoundland Power that was grandfathered in. As well, legislation was put in place by former Premiers to exempt Nalcor Energy from various Access to Information processes.

I ask each of you if that sounds like a project or an organization or a corporation that's

owned by the people. I don't think so. The people have a right to know what's happening in any Crown corporation.

The scientific studies for the project were overseen by government scientists, who we felt were the real proponents of the project. It was intertwined. It was so closely knit, there was no way to extricate them from each other. It was not arms-length.

There's a story I can tell about why we have that strong opinion, and I'm going to tell it because it needs to be known. Time and time again, I've mentioned it, and it just seems to fly by.

We got a call during the hearings from a Memorial University professor who said I got a call from a friend today who works for the Wildlife Department. He doesn't want me to tell you his name, but he said that the head of the Wildlife Department in Newfoundland is livid because all of his scientists had to send their documents to Nalcor to be vetted before they could be presented to the hearings.

We felt very strongly that that was totally out of – that should never have happened. I did actually approach that person during the hearings. I confronted, and he said, "No comment," which I accepted as a yes that that had happened.

So there is a very good reason why we don't trust government groups, government agencies and government scientists and government period and Crown corporations.

As a small volunteer group, we were totally baffled by the process in the beginning, but now we have been there and done that, we'd like to go back and do it again. I only wish that were possible. How absolutely different I know we would handle this process this time around. It's unfortunate that such an important project with such devastating environmental effects had to have such a steep learning curve.

With that statement I'd like to make recommendation number two. In Next Generation EA, if this government is truly committed to regaining the public trust, we recommend that future EA processes have as a legislated component, a specific department within CEAA which is properly funded and properly staffed and is there specifically to help lead citizens and citizens' groups step by step through the mind-boggling process that is a federal/provincial joint panel process and that the department appoint knowledgeable staff persons for each major project who will have the mandate to stay with that project and the citizens and groups involved from start to finish. This would have been such a big help.

We had access to people on occasion at CEAA. They were great. They were the best and helped as much as they could. We didn't have total access, and there were lots of times when we could have used it.

I brought along this report. As you can see, it's tagged and tattered and gone through

and beat up, and it's my bible, actually, for this environmental assessment. It's the Joint Panel report on the generation project, the Lower Churchill hydro generation. We advocated from day one that in order to assess cumulative effects of the hydro project, it was necessary to assess both the hydro generation project and the transmission project. In fact, the Joint Panel, in their recommendation 16.1 said:

"The Panel recommends that if the project is approved, the provincial Department of Environment and Conservation, in collaboration with the provincial Department of Labrador and Aboriginal Affairs and other relevant departments identify regional mechanisms to assess and mitigate the cumulative effects of current and future developments in Labrador."

We do not feel that assessing the transmission line for a project that had no way – energy project, that had no way to get out of Labrador other than to go either through Quebec – through Labrador to Quebec on a transmission line or through a transmission line to the Newfoundland Island, how can that be considered two projects? For the sake of – oh, what's the word I'm looking for? Let me go back; I'm confused. For the sake of assessing all of the effects – cumu–, there's the word, cumulative effects. How could it be possible that a transmission line is over here and you can't talk about where the energy's coming from for that project.

So what would we like to see happen in the Next Generation EA? That would be recommendation number three. When two projects are this closely related, and in this case the one is not possible without the other, they should be assessed together in order to assess all effects. And, any New Generation EA should be very clear about how this should happen—clear enough that citizens will understand, clear enough that proponents will understand and legislated so that politicians and ministers cannot make decisions contrary to the recommendations of an expert panel.

As citizens, we all felt it was a no-brainer. No power could go to the Island—which was much of the justification for the project—without a transmission line, and therefore, the one was – it should have been one project, not two.

With regards to the work of the Joint Panel, we have serious misgivings about how the panel recommendations were handled. The five-member Joint Panel spent an entire month here in Happy Valley-Goose Bay. They listened as many of our citizens spoke, both for and against the project. They knew the feelings of the people in the community, and they took that into account along with the science which was debated back and forth.

A couple of presentations ago, one of you asked a question about who was in the hearings. The hearings were not heavily attended. On some days, they were. On other days, they were not. Remember that this is a community that works during the day, and most of the hearings happened during the day. I made a little note. You know, the town – the town, some of the townspeople. Some women's groups presented, the –

individuals presented. The Innu Nation presented. Nunatsiavut presented. NunatuKavut had a – had a presence. I don't – I'm not sure that they presented. The Sierra Club was here, and of course, Grand Riverkeeper was here. And that might not be the total group, but that's what came to my mind.

They made recommendations – the panel made recommendations based on reviewing the proponents' work, the EIS, the presentations and the concerns from indigenous people, from individuals and from environmental groups. They said in the presentation – in their document, the final document: "Nalcor has not demonstrated the justification of the project as a whole in energy and economic terms."

They also said: "Nalcor's analysis that shows Muskrat Falls to be the best and least cost way to meet domestic demand requirements is inadequate." They recommended Integrated Resource Planning, which has yet to happen. They concluded that: "It is both technically and economically feasible to carry out 'full clearing' for the Muskrat reservoir." Yet now the proponent and government are saying it is too expensive and impossible, which goes back to the – to the presentation that Eldred made and talked about the methyl mercury issue.

If that methyl mercury issue had been done properly in the beginning, before – the science had been done properly before the project started, the costs could have been brought into the mix right up front and the decision would have been made, yea, this is too expensive, we can't go ahead, or no, it's impossible to do. We can't poison people downstream.

They also recommended flow standards, which as far as we can tell, basically with the way the water management is happening, that can't even happen. That means that, you know, environmental flows won't – won't take place.

They concluded that because of the uncertainty about the effects on fish and fish populations, the project would result in potentially irreversible, significant adverse environmental effect to fish habitat and the final fish assemblage in both the reservoirs. Remember that we're doing Muskrat Fall now, but this was about Gull Island and Muskrat Falls.

They also concluded that: "Nalcor's assertion that there would be no measurable effect on levels of mercury in Goose Bay and Lake Melville had not been substantiated." So back at the end of 2011, Nalcor was told in no uncertain terms that they had not substantiated their idea that there would be no effects beyond the mouth of the river, yet they continued with the project and the federal Minister approved the project. This is where we can't get through our head how a federal Minister could look at this and say, "Forget that, Panel. We just paid you a fortune or somebody paid you a fortune to spend all this time and yet we're going to ignore this recommendation," which obviously he did.

After this project began, Harvard University, which Eldred mentioned, did a peer-reviewed study. They did two studies, actually. I think it was Harvard and Memorial that clearly showed methyl mercury levels would rise beyond the mouth of the river and in fact will continue to be created out into Goose Bay and Lake Melville even after the fact, even after the fish and all of the other biotic things come through the turbines.

These and others of the panel's recommendations were ignored by the federal Minister of Environment in favour of the project proceeding even though, as the panel stated in their concluding comments, "The report of the panel is the only source of information for decision-makers identified in the legislation." We find that appalling.

So recommendation number four: clear criteria must be legislated into Next Generation EA that all future federal Ministers of the Environment must consider and must be accountable for and to the people. Criteria that takes into account sustainability, climate change, etc., the Minister must ensure that the views of indigenous and all citizens during consultation is actually recognized in the decision making process, that the interest of those adjacent to the project is served first, and that the science must be peer-reviewed, not simply proponent and government reviewed.

An independent advisory committee should be put in place and with input from concerned citizens at the very beginning of the process—for example, when a project is proposed—and that committee should – when a project is proposed, sorry, and that committee should determine which scientists should be brought in to study the proponent's Environmental Impact Statement with consideration for not only western science, but also local knowledge and indigenous knowledge.

If the government is serious about regaining public trust, the new law, Next Generation EA must be binding on the Minister. Decisions cannot be made at his or her discretion. He or she must follow criteria laid out in the law to make a decision to proceed or not proceed with a project. And I say not only must he make – have the criteria laid out in the law, it must be available for everyone in the country to look at, always on the websites.

Recommendation number five: if communities choose that they don't want a project, there needs to be a mechanism to stop a project from proceeding and the panel reviewing the EA should have the ability to make that recommendation. These, in our opinion, are two of the most important changes that can happen to help citizens regain trust.

With further regards to cumulative effects, if we, as a country, intend to totally address environmental issues, sustainability and climate change, then we must begin to think both locally and globally. Each of these major issues is closely connected. They are all about how societies will survive and prosper within a finite system called Mother Earth.

Thus it is our opinion that cumulative effects must be assessed over an even broader

area than they have in the past. When assessing projects, especially mega projects, it's important to assess not just the project and the local effects, but the regional effects. And for example, in the specific case of large hydro, the national and global effects of damming so many rivers. We understand there's over a hundred thousand rivers and dams that have been built throughout the Earth and that these dams are holding nutrients back behind them, and that's affecting fish. It's affecting the undercurrent of the Labrador current, we hear from one scientist. It's affecting everything about the oceans.

The planet is our only home. We all reap the benefits from its bounty, but we also all suffer the massive consequences of pollution and degradation from all of these various types of development. Climate Change is a huge example. Species extinction is another.

So we go to recommendation number six. By legislating that Strategic Environmental Assessments take place before any further projects are assessed, we can avoid some of the pitfalls of over-development, or development for the sake of jobs with no real consideration for the environment.

I'm sure that I don't have to say to anybody here, including you, the panel, that a politician looks to the next four years. However many jobs he can create in this four years means he may get elected the next four years. That's one criteria that a politician uses, which is absolutely another reason why the Minister must have criteria he has to follow, that the people can go by and understand how this decision was made.

Strategic assessments done with input from all communities within a region, including and especially, Aboriginal communities will set the frame – framework for what communities want, how they want development to occur within their regions, and what effects the policies of a government will have regionally, nationally and in many cases, globally.

Projects must fit within the parameters of an SEA, a Strategic Environmental Assessment. So those need to be done first, and it needs to be a long and very complex process where people are totally involved. And I am so sorry to see that not many people are here today. I think you will find probably in some of your other areas that this will also happen, but I think that you're here in the middle of the day. I hope that tonight there will be more people here for discussion because if people don't start to get involved, it's like I tell them when they don't vote, then you get exactly what you deserve.

For example, if a region decides among themselves they don't want nuclear power, and the SEA specifically states that as a policy, there's absolutely no need for a proponent to even apply.

I just received a good news story from co-waterkeeper, a riverkeeper down in Lima, and

I just wanted to read to you a little bit about it because – it's a quick thing because it's so close to what I just said.

In Lima, this riverkeeper had a visit from our Vice-President – or President, actually, Robert F. Kennedy – Robert Kennedy Junior, sorry. If he had a visit from Robert F. Kennedy, I think it might be a little strange. (Laughter.) He said: "It's a huge positive step forward to recognize how dangerous and unsustainable these dams are and to increase risk for investors in these projects." He said: "This give us a strong," when the government officials came out, they announced that during their five years there would be no dams built. No more dams would be built. "This gives us a strong platform to build on and put SEA issues onto government radar. We will continue to push government to complete a Strategic Environmental Assessment for the entire river basin, taking into account cumulative impacts of all dams proposed."

This one here is one in Canada. This is the seventh largest river in Canada. We have so many dams in Canada that if the United States and the northern states get their wish and get their governments to exclude Canadian hydro – or to include, sorry, Canadian hydro as part of their portfolio of renewable portfolio standards, then there'll be a rush on Canadian rivers from every single area that is now currently producing electricity from hydro. There will be a huge rush. It'll be a rush to send power to the United States. We will pay the difference between what it costs to produce these projects and what we can sell it to the United States for. The United States won't pay more than four or five cents rights now. Every single hydro-producing province in this country, including Ontario Hydro, Hydro-Quebec, B.C. Hydro, Manitoba Hydro and now Newfoundland and Labrador Hydro, if they get to sell anything to the U.S., is loading – offloading the difference in the cost of these huge projects that are being built onto their citizens and ratepayers. That is not fair.

When I went to North Carolina this summer, and I made that statement to our waterkeeper group, they were appalled. They said, "No, the United States is not being subsidized." I said, "Oh yes, you are, and you're being subsidized by people in Canada. If you buy hydro from Hydro-Quebec or from any of those other hydro producers, you're being subsidized."

So I just wanted to bring that up because it's – it puts it in a context. I mean they won't even build a project like this down there. Their EPA says no way, and yet here we are, our Prime Minister is talking to Obama and the Mexican Prime Minister and saying, "No problem. We've got the green energy. We'll produce it." So what do you think is going to happen? Where is the so-called green energy going to come from? The only place it can come from in Canada, and that's so-called green energy from hydro projects.

I have a slide – I just want to go to slide number 8 because it's – I know that everyone here knows what these statements are, and you've heard them many times before, but they're so important, I just wanted them to be repeated.



“Sustainable development is about meeting the need of today without compromising the needs of future generations.” And of course that’s from the Brundtland report, *Our Common Future*.

And also from Canada’s federal Sustainable Development Act, which I was quite surprised to see: “The precautionary principle means the principle that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

So I say developing sustainably is about improving the lives of people in communities without taking so much that the future generations have no access to the natural resources they need to live. It’s not rocket science. If every river in a region is dammed, fish downstream are affected, people are affected by methyl mercury, and future generations are left with less.

Sustainable development can be achieved and is achieved in some countries. Social well-being isn't necessarily a house with 24 rooms or a Ford F250 in every driveway. Those things are temporary, and in my personal view, a lot overrated. Social well-being, is being able to house your family comfortably, feed your family, enjoy time with your family, have the time to commit to your community and live without undue stress. This can be widely accomplished, but it’s our government’s responsibility to put in place policies and programs that ensure the best outcome.

Making Nalcor Energy a monopoly in this province and preventing small companies from selling power from solar or wind is not, in our view, a policy that benefits social well-being in the long run.

Again, the Joint Panel of the Lower Churchill project makes a statement about sustainability in the final section of their report. They said: “Overall, the project should deliver net progress towards meeting the requirements for sustainability. It should seek mutually reinforcing, cumulative and lasting contributions and should favour achievement of the most positive feasible overall result without avoiding significant – while avoiding, sorry, significant adverse effects.”

And then under a section called the Principles of Fairness, they said: “No current or future generation should bear an unreasonable share of the adverse effects, risks, or costs, or be denied a reasonable share of the benefits of the project. No geographic region affected by the project should bear an unreasonable share of the adverse effects, risks or costs, or be denied a reasonable share of the benefits. And the project should make a net positive contribution to sustainability in each of the three main areas: the environment, the economy, and social conditions.”

I would – I would – cannot imagine how the Lower Churchill Project and the Labrador Island Transmission link is going to do any of these. These costs are out of sight. We

will pay for it for the next 50 or 60 years. The environment across this river is completely devastated, and the social conditions, if you have lived here three years ago, you would have watched our grocery bills go up by 40 percent. You would have seen apartments that rented for 500 and 600 dollars a month hit the 1,200 to 2,000-dollar mark. Those are the social conditions we have to deal with because of that project.

The Lower Churchill met none of these three principles of fairness, and certainly with the issues – I went through all that, so never mind.

There's another concern called the North Spur which is a neck of land that Nalcor intends to us as a natural dam. Our group has been involved with the Public Utilities Board now for about two years and throughout those two years, we've been trying to get Nalcor Energy and Hydro, which is what this PUB process is about, it's about an outage that happened in St. John's, but we've been asking them for information that would help us with our expert show that there is or isn't a risk to the availability of power for the island of Newfoundland if the North Spur should fail.

Our expert is in Sweden. He's 90 – no, 89 years old. He did his PhD on this new information. I think Eldred actually mentioned his name, Dr. Stig Bernander. He's doing this at this point for free. He's giving of his time. He's done two or three reports on this project, and yet we have not been able to get any documents. Like the data, the raw data is what he needs to see have they actually done the proper – used the proper methods to determine whether or not the risk is minimal.

We all know that there's always a risk. Any dam can go. Anytime there's an earthquake or any other kind of situation, something can happen. Nothing is guaranteed, but why won't the Government of Newfoundland and Nalcor Energy give us at least the hope that, you know, one more scientist has looked at it and said, "Yeah, maybe you're okay." That hasn't happened.

So according to our federal Sustainable Development Act again, under the section The Basic Principles of Sustainable Development: "The Government of Canada accepts the basic principle that sustainable development is based on an ecologically efficient use of natural, social and economic resources and acknowledges the need to integrate environmental, economic and social factors into the making of all decisions by government."

Our question is what happened here? None of these things have happened here. We've said from day one the price was too low. They have now over top double. Everyone – everyone who had any idea of how these projects go, if you look back at all the old projects across the country and across the world, so many of them have been double the cost because proponents tend, always have and always will because they're proponents, they have tended to undercut what they think it might cost because they don't want to be shut out. They don't want to be told no.

So recommendation number six: serious consideration must be made to promote

sustainability-based criteria for evaluations and decision-making. And again, the Minister must be accountable.

To quote some of my friends and colleagues on the Environmental Assessment Caucus, Meinhard Doelle, who is a professor at Dal University, Robert B. Gibson and John Sinclair, both of those are professors. I think Dr. Gibson is in Ontario, and I'm pretty sure John Sinclair is in Saskatchewan. They said: "Entrenchment of these purposes in next generation assessment law would begin with an explicit overall legislated objective tied to seeking progress towards sustainability." That needs to happen. That must happen.

Recommendation number seven is about funding. We did get some funding, and we are very – very appreciative of the funding, but funding to participate in environmental assessments should be provided always to interested individuals and groups, and it should be adequate for the job at hand. We did not feel that it was adequate for the job at hand, considering the amount of funding and the amount of money the proponent—and remember in this case this is a Crown corporation. The proponent's spending was really our spending in the end. We will end up spending the money for this. We will end up paying for this. So that should be included in the proponent's cost of doing business, just like the clearing of the reservoir should have been included upfront, and all of that should be stated upfront, so that you can make a really honest decision about whether the economics are right.

So I'll stop because I think I've gone too long. We realize there's many other issues that we haven't touched on. I'm sure lots of other people will touch on there. There's the harmonization with the province. We want to say something about the NEB and the Nuclear Safety Commission. They promote these projects. They promote these industries. How can they possibly assess an environmental assessment for these – for these projects? That's beyond belief. We cannot understand how that can be possible.

And if this government is going to put some trust back into the public view, that has to stop. They cannot be. It's like asking Nalcor to assess their own project; it's not much different.

We're hopeful that this Expert Panel, Minister McKenna and the new government will take this opportunity to make their own legacy or their own legacy project, sorry, by paving the way for a new, forward-looking EA regime that requires robust sustainability assessments, rather than proponents' self-serving evaluations of the significance, likelihood, or mitigation of adverse environmental effects.

And with that, I thank you very much. I'm sorry I went so long. I didn't have time to cut.

**Johanne Gélinas:** Thank you very much. I think I want to start to ask one question about SEAs. I would like you to – to take an example, let's say that way, to take an example, maybe with the Lower Churchill Falls project. How an

SEA would have looked like if it would have been done?

Can we close that? Thank you.

**Roberta Frampton-Benefiel:** (Off microphone.) I'm sorry, you're using an acronym I didn't hear.

**Johanne Gélinas:** SEA, Strategic Environmental Assessment.

**Roberta Frampton-Benefiel:** (Off microphone.) Oh, strategic.

**Johanne Gélinas:** Yeah.

**Roberta Frampton-Benefiel:** (Off microphone.) SEA, sorry. I saw the – I heard the EA.

**Johanne Gélinas:** You referred to that. Let me just go back to your presentation. I don't remember exactly where it was, but —

**Doug Horswill:** Recommendation six or seven.

**Johanne Gélinas:** Anyway, the idea is —

**Roberta Frampton-Benefiel:** That would be recommendation number six.

**Johanne Gélinas:** I think it's recommendation number six.

**Roberta Frampton-Benefiel:** Yes.

**Johanne Gélinas:** Exactly. You have two six, though.

**Roberta Frampton-Benefiel:** Oh, sorry. I'm not surprised.

**Johanne Gélinas:** That's the first six. There's another one. I would like you – you say we should do SEAs more often, right?

**Roberta Frampton-Benefiel:** Mm-hm.

**Johanne Gélinas:** I would like you to share with me how you envision an SEA, especially in this part of the country with a specific project, so if an SEA was done before the assessment of a project, what it should cover and how it should look like.

**Roberta Frampton-Benefiel:** I think that would be the decision of the communities. I think if an SEA had been started, that probably the northern communities visited, the first thing they would have said was – would probably have been something about energy. Our northern communities are on diesel and right now no – no other proponent other than Nalcor Energy could go in there and set up a windmill or a small hydro project or whatever. So it's possible that the communities on the north might have said, no, there's no sense in you building a project down in the Grand River, the Churchill River because that's not going to do us any good unless you send power up here to us.

I do understand SEA to some extent. I'm not totally in tune with it. I think that it also covers policy, government policy and government programs that have to have an SEA, and that I'm a bit confused about. To me, it's – an SEA would be, you know, talk about all of the different types of development that might happen around here.

**Johanne Gélinas:** Okay.

**Roberta Frampton-Benefiel:** For instance, offshore oil. There's all kinds of different companies that want to go out off the shores of Labrador and drill for offshore. It could include fracking. It could include other energy projects, other types of energy projects. All of these things could be brought up in an SEA and people could – if there was – and I would assume that CEAA or the government would propose an SEA and probably conduct it and have, you know, lots of information that people could take a look at during consultations. And then people could decide for themselves what they really would want.

**Johanne Gélinas:** I was asking you the question because depending on where you are and who you are, people have a different definition of an SEA.

**Roberta Frampton-Benefiel:** Yes.

**Johanne Gélinas:** In your case, what I understand—and correct me if I'm wrong—it's a little bit more of the regional planning, land use planning, define what you want to have in your territory and don't have.

**Roberta Frampton-Benefiel:** Yes.

**Johanne Gélinas:** And then based on that, proponent can go ahead with a project or just the community may say this won't happen here because we have decided otherwise, right?

**Roberta Frampton-Benefiel:** Yeah. For example, in Newfoundland, no – no nuclear plant can be built. Somewhere along the way, someone made that decision, not in a Strategic Environmental Assessment, but some government made the decision that there would be no nuclear plants in Newfoundland. But just above us, a hundred miles

from here, in Labrador, uranium mines are kicking up. We don't want – we don't want the nuclear plants, but we're okay with kicking up dust from uranium mines. Maybe the people in the north and the rest of us needed to have a look at that. We needed to understand what that was from day one.

**Johanne Gélinas:** I have two more quick questions for you. Based on your experience, if you were to identify two things that are crucial that need to change, beyond your recommendation, you know, very concrete things through the EA process, what would it be?

**Roberta Frampton-Benefiel:** Oh, my. The Minister's discretion is so, so not – I have a real mistrust of what goes on behind closed doors after – after consultations with people, and I think probably everyone in this room would feel the same way. So once – once the panel has taken, you know, months, and thousands and thousands of dollars to write this report, and they can – the Minister can take it behind closed doors, and you know, this project probably went ahead, it could be for many reasons.

I think Harper was really upset with Danny Williams. I think that's a really frail excuse, but it could be that he really wanted to get back at him, and he said, okay, we'll saddle – we'll saddle you with \$5 billion. We'll sign the agreement. Who knows? That's out there, okay?

The other thing, though, is at the time Peter MacKay was the Environment Minister for – no, what was he? He was —

**Johanne Gélinas:** He has been Foreign Affairs.

**Roberta Frampton-Benefiel:** Yes, with – and he was from Nova Scotia, and Nova Scotia needs to get rid of coal. So maybe in the backroom this was discussed. You know, if we make this a pan-Canada type project, we can go ahead and sign off on the \$5 billion loan and give them our best interest rate, and Nova Scotia will look good and you'll look good to Nova Scotia. This is the kind of things that people stop and think about when things like this are discussed behind closed doors and a report like this is half ignored.

**Johanne Gélinas:** My second question was the following. This book that – this report that you carry with you, were you happy with what you read? Do you have trust in the work that is done by a panel?

**Roberta Frampton-Benefiel:** In this case, I think they didn't go quite far enough. I think that they could have said like the Whites Point Quarry Panel said, "Don't do it." They said that, actually. They said if Muskrat Falls – I need to find that section and read it to you because they actually said that, "Don't do it if."

**Johanne Gélinas:** We will get back to it, our research,

don't worry.

**Roberta Frampton-Benefiel:** Yeah, yeah. I can show you later. And but still the Minister, the federal Minister took that and said we're going to go ahead with it. We can't figure out why.

**Johanne Gélinas:** So should the decision, from your view, should be taken by the agency who does the assessment or it's still the prerogative of the cabinet?

**Roberta Frampton-Benefiel:** The thoughts that I'm having are about setting up criteria that we all agree on, that – you know, no – but you never all agree, but —

**Johanne Gélinas:** Makes sense.

**Roberta Frampton-Benefiel:** — that people can live with that gives the Minister this, this, this, and this. If it doesn't do this, you can't approve it.

**Johanne Gélinas:** Okay. Colleagues?

**Renée Pelletier:** You just – Madam Chair, you just took my question, so.

**Johanne Gélinas:** Sorry.

**Renée Pelletier:** Okay. It was a good one.

**Doug Horswill:** Yeah, I have – I'll amplify on some of those and maybe pick up some other ones. The – you've given us lots of recommendations that are quite specific and what I want to do is understand a little bit more of the – of the issue that's behind – behind a couple of them. And what I mean by that is that your recommendations are part of a solution, and obviously, they're solving one – a specific problem. And you've outlined it in the – to some degree in your words, but I'd like to go a little bit further if we could.

In terms of the decision-making, which I think we've just covered most of what I wanted to know, you're not necessarily adverse to the political decision, but you want to know why it was made. So if there were reasons for decision against this set of criteria you're talking about, that might go at least some say to satisfying that issue, is that correct?

**Roberta Frampton-Benefiel:** If the criteria is set up in the beginning —

**Doug Horswill:** Right.

**Roberta Frampton-Benefiel:** — we know – we’ve heard why. The government a decision and then gave the reasons why —

**Doug Horswill:** I see.

**Roberta Frampton-Benefiel:** — at the end of it all. We didn’t necessarily think that those reasons were good reasons.

**Doug Horswill:** Okay. So a negotiated set of criteria at the beginning might have helped that —

**Roberta Frampton-Benefiel:** I think so.

**Doug Horswill:** — if you could ever find —

**Roberta Frampton-Benefiel:** I think so.

**Doug Horswill:** — a set of things that people could all agree on.

**Roberta Frampton-Benefiel:** Yes.

**Doug Horswill:** That would be an interesting exercise.

**Roberta Frampton-Benefiel:** Exactly.

**Doug Horswill:** You – you mentioned in one of the recommendations sustainability-based criteria. Do you – or you don’t have to answer this right now, but if you could come to us, again, with anything in writing, what do you specifically mean when you say sustainability-based criteria? There’s so many different ways of interpreting that concept. So you can answer it now if you’d like or you could come back to us with something more if you chose to.

**Roberta Frampton-Benefiel:** Well, when you talk about sustainable criteria, I – you know, I think it all depends on what you’re looking at and what project you’re looking at, and to me, for instance, forestry’s an easy one. We – Eldred and I both belong to The Third Signatory, a small forestry monitoring group here in town. We understand what sustainability is because we worked through for two years a forestry plan that allows a cut every year, an annual allowable cut that only takes what can grow back, and it had to be based on the number of years it takes trees to grow here in Labrador.

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** So I – that’s a sustainability type criteria.



**Doug Horswill:** Okay. Okay. So they would be then specific to the region, the project —

**Roberta Frampton-Benefiel:** Absolutely.

**Doug Horswill:** — the situation.

**Roberta Frampton-Benefiel:** Absolutely.

**Doug Horswill:** Okay. That – that clarifies a little bit that one. On your public – on your notion of a specific group inside an agency that would help public interest entities and communities, were you thinking there – was the issue you're trying to deal with there the process or the content of an environmental assessment?

**Roberta Frampton-Benefiel:** Oh, I think the process.

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** I think the process and then maybe even the content because it would need to be people who have been involved in environmental assessment for many years, I think, or at least had a good grasp of it, knew the – we knew the process. We were told the process. For instance, when the project started, somebody said, oh, you can have input on the criteria for picking the panel, and you can have input on what the proponent has to have in his EIS. Well, we did, but we were so green at the time, which is why I say if we could go back and do it again —

**Johanne Gélinas:** Yeah.

**Roberta Frampton-Benefiel:** — oh, my God, would we ever do it differently.

**Doug Horswill:** So that – this entity that you're talking about would be helping the public interest group—yourselves in this case or others in others—to interpret. The process is laid out there, but to interpret what that means and how to execute your position within in, is that correct?

**Roberta Frampton-Benefiel:** Yes. I even said in one place in here that I don't think I spoke about that there should be probably a scientific group, a science group that could – that maybe is the same, that could be not connected with government, not connected with the proponent, but a scientific group that would review what the government – what the government or the proponent's documents were that was arm's-length from the government and even that scientific group might be available to —

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** — small groups and individuals who had questions about the science.

**Doug Horswill:** Okay. So that's more the content and the process. You make a very specific reference to the notion that government scientists shouldn't be engaged. In many cases, when government isn't a proponent—and that was different, maybe, in Muskrat Falls—you might find the best scientific knowledge that you could get on, say, an aspect of fisheries, for example, in DFO.

**Roberta Frampton-Benefiel:** Right.

**Doug Horswill:** Would you be averse to that individual being engaged by either a panel or a public interest group?

**Roberta Frampton-Benefiel:** I don't think so. I think that my issue and our issue here specifically with this project is about Crown corporations.

**Doug Horswill:** So in the case where they're – when they – when they're the —

**Roberta Frampton-Benefiel:** When they're the proponents.

**Doug Horswill:** Okay. You didn't talk about monitoring, but I guess in Muskrat Falls you're not yet there because you're – the project isn't finished yet, but —

**Roberta Frampton-Benefiel:** The monitor – there is a monitoring group, I think, and Nalcor got to pick them.

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** I have to tell you that no one from the Grand Riverkeeper was picked.

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** Not likely.

**Doug Horswill:** So that, obviously, is not something you support.

**Roberta Frampton-Benefiel:** No.

**Doug Horswill:** Okay.

**Roberta Frampton-Benefiel:** Maybe – maybe support it if it was – you know, if somehow or another it was a little bit more arm’s-length from the proponent.

**Doug Horswill:** I don’t know if I – I think I’ll ask you this. It’s very speculative in a way, and it’s sort of small p political, but you mentioned the impact on the local community, and you mentioned the notion that somehow the say an entity has depends on its impact, so the closer, the higher the say – or the larger. Obviously, some projects have interests that are – that are what we’ll call the national interest, I guess, or a regional interest or provincial interest. Have you given any thought to how those are balanced? You know, the impacts are local, and obviously, you feel the negatives more than anybody – you know, more than somebody who’s a hundred kilometres away or a thousand kilometres away, but the benefits may accrue differently. Have you thought about how that balance occurs within a kind of country like ours?

**Roberta Frampton-Benefiel:** I have and —

**Doug Horswill:** What would you tell us about that now or —

**Roberta Frampton-Benefiel:** Well, I think it would depend on the project as well. I think that there are cases – I mean as I believe sustainability is global, we have to look at global – globally. We have to look at rivers and dams globally. I also think that there are issues and projects that would affect regions and would affect countries. I believe in our case, in this particular case that this one affects our country negatively. So – and I – and I say that because I have studied what the Royal Commission or the – not the Royal Commission, the Commission – the UN – no, the World Bank Commission, sorry. I’m all confused today; too many things in my head, and I’m old. The World Commission on Dams, you know, talked about some of the good things that happen with dams across the world, and yes, you have to look at each and every specific project, and I – and I – you know, how you legislate that is going to be difficult. I don’t know.

**Doug Horswill:** Yeah, okay. My last – my last just suggestion, if we could get this electronically, that would be helpful. If one of our staff could get —

**Roberta Frampton-Benefiel:** She has it. Yeah, I did send it to her.

**Doug Horswill:** Okay, great. Thank you.

**Roberta Frampton-Benefiel:** Yes.

**Johanne Gélinas:** I have one more question. You – in the particular case of the project that you referred to, you talked a lot, and Mr. Davis too, about the cost of this project. Through the EA process, do you think this is where we should ask for more economic studies with respect to the project? Question number one.

Question number two: do you think that the panel should command studies?

**Roberta Frampton-Benefiel:** Do I think the panel should come and study?

**Johanne Gélinas:** Yeah.

**Roberta Frampton-Benefiel:** And how – how do you mean that?

**Johanne Gélinas:** Ask for very specific studies. Let's take the example again —

**Roberta Frampton-Benefiel:** Oh, yes. Yes.

**Johanne Gélinas:** — of the economic analysis of the project.

**Roberta Frampton-Benefiel:** Absolutely.

**Johanne Gélinas:** It could have been initiative of the panel to ask for its own study to compare with what the proponent was saying.

**Roberta Frampton-Benefiel:** Absolutely. I – you know, the panel was struck. Plenty of time, I would say to ask for economic studies before the process started, before the actual hearings started. And I think they did ask for some studies. The economic studies, it's very difficult for the lay person in a hearing and in a community to determine how many billions of dollars are going to be spent on something that's this complex. I don't know how – I don't know how we could have looked at it, you know. I guess it's too – it's too complex for the average person to understand whether the proponent is coming forward with the right figures or not, so yes, absolutely, the panel should ask for – for economic arm's-length economic studies. You know, they actually mentioned that so many other projects had, you know, come over their budget by huge amounts. And but Nalcor was quite convinced that they could do it for the amount that they – I think they had a 10 percent overage or something like that. That's way beyond.

**Johanne Gélinas:** So unless my colleagues have other questions —

**Renée Pelletier:** Thank you.

**Johanne Gélinas:** — we will thank you very much.

**Roberta Frampton-Benefiel:** Thank you.

**Johanne Gélinas:** And also thank you for the offer to have a visit. If we would have known before, probably we would have managed to do so, and I hope we will have a chance to come back and present our report at some point. Thank you so much.

**Roberta Frampton-Benefiel:** (Off microphone.) Give me a call. I'll see what I can do about that —

**Johanne Gélinas:** Thank you.

**Roberta Frampton-Benefiel:** — (off microphone) that covered boat. Don't come in January.

**Johanne Gélinas:** No. So let me just tell you that at 6:30 we will resume in this room, this time to have an open dialogue discussion. It's something which is very friendly. It's a circle and you must know this approach very well where we exchange for a while. For those of you who may come and were here this afternoon, the idea is not to repeat what you have said, but more to have a dialogue. We don't know how much people may show up and we will adapt and adjust depending on the number of participant. And I know that some people prefer to speak in – in smaller group than just to be recorded and make a written or a formal presentation, so you are more than welcome to – to join us tonight.

Thank you very much.