Response to Applicant - Partial Access Granted
Form 4B

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act. Our File No.: BTCRD/4/2014

On October 21, 2014, the Department of Business, Tourism, Culture and Rural Development, received your request for access to the following records/information:

"Any and all correspondences, of any nature, between the office of Paula Devereaux and the Labrador Tourism Regional Branch, and/or Todd Kent, for the period January 1st, 2010 to December 31st, 2010. Information to include, but shall not be limited to any and all letters, notices, memos, reports, emails, Blackberry messages, etc."

After several modification attempts, the request was ultimately modified to the “the 65 pages following BTCRD/3/2014.” Based on discussions, this was determined to mean the fourth 65 pages of responsive sent emails from Juanita Keel-Ryan in 2010.

I am pleased to inform you that your request for access to these records has been granted in part. Access to some information contained within the records, has been refused in accordance with sections 20 and 30 (see attached), as specified in the Access to Information and Protection of Privacy Act (the Act). As required by subsection 7(2) of the Act, we have severed information that is excepted from disclosure and have provided you with as much information as possible.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this partial refusal of access or you may appeal the refusal to the Supreme Court Trial Division. A request to the Information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

Records that are refused on the basis of section 21 (legal advice) or section 18(2)(a) (official cabinet record), you must appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact
the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL A1B 3V8  

Telephone: (709) 729-6309  
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact Christina Harrington, ATIPP Coordinator, by telephone at 709-729-6137 or by e-mail at ChristinaHarrington@gov.nl.ca.

Sincerely,

Alastair O'Rielly  
Deputy Minister

Enclosure(s)
Policy advice or recommendations

20. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

(b) the contents of a formal research report or audit report that in the opinion of the head of the public body is incomplete unless no progress has been made on it for more than 3 years;

(c) consultations or deliberations involving officers or employees of a public body, a minister or the staff of a minister; or

(d) draft legislation or regulations.

(2) The head of a public body shall not refuse to disclose under subsection (1)

(a) factual material;

(b) a public opinion poll;

(c) a statistical survey;

(d) an appraisal;

(e) an environmental impact statement or similar information;

(f) a final report or final audit on the performance or efficiency of a public body or on any of its programs or policies;

(g) a consumer test report or a report of a test carried out on a product to test equipment of the public body;

(h) a feasibility or technical study, including a cost estimate, relating to a policy or project of the public body;

(i) a report on the results of field research undertaken before a policy proposal is formulated;

(j) a report of an external task force, committee, council or similar body that has been established to consider a matter and make a report or recommendations to a public body;

(k) a plan or proposal to establish a new program or to change a program, if the plan or proposal has been approved or rejected by the head of the public body;

(l) information that the head of the public body has cited publicly as the basis for making a decision or formulating a policy; or

(m) a decision, including reasons, that is made in the exercise of a discretionary power or an adjudicative function and that affects the rights of the applicant.

(3) Subsection (1) does not apply to information in a record that has been in existence for 15 years or more.

2002 cA-1, s20; 2012 c25, s8
Disclosure harmful to personal privacy

30. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party’s personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party’s personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is mailed to the last known address of the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 41;

(f) the information is about a third party’s position, functions or salary range as an officer, employee or member of a public body or as a member of a minister’s staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a licence, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

   (i) personal information that is supplied in support of the application for the benefit, or

   (ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels;

(m) the personal information is about an individual who has been dead for 20 years or more; or

(n) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

   (i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

   (ii) receipt of an honour or award granted by or through a public body.
(3) The disclosure of personal information under paragraph (2)(n) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;

(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant; and

(i) the personal information was originally provided to the applicant.

2012 c25 s15
Stamp, Diane G.

From: Keel-Ryan, Juanita
Sent: Wednesday, December 08, 2010 12:06 PM
To: Kent, Todd
Subject: Re: Audited statements

Yes I had the statements but I needed the letter before I sent it to GS. I've sent it over to GS.

Sent Via BlackBerry

From: Kent, Todd
To: KeelRyan, Juanita
Sent: Wed Dec 08 10:49:44 2010
Subject: Audited statements

Hi Juanita,

Randy says that the audited statements were hand delivered to you on October 29th.

Todd Kent
Tourism Development Officer (Labrador)
Department of Tourism, Culture and Recreation
Government of Newfoundland and Labrador
Ph. (709) 944-5013
From: Marrie, Patrick  
Sent: Wednesday, November 24, 2010 10:33 AM  
To: Carroll, Colin; Carter, Ruby; Cooney Corey; Coulter,Bill [CEAA]; Dale, Stephen ; Davis, Corrie; Deering, Peter; Graham, Jeri; Hearns, Peter; KeelRyan, Juanita; Kelly, Jason; Mandville, Len; McLean, Clyde; Mercer, Delphina; Miller, Kirsten; Randy Decker (Randy.Decker@tc.gc.ca); Troke, Glen  
Cc: Hill, Kaylen; Cleary, Bas  
Subject: FW: L-1 Transmission Link EA: Changes in Project Description

Nalcor Energy has identified refinements to their project development concept and additional design options. Those changes include the use of “shore electrodes” at locations along the Labrador shore of the Strait of Belle Isle area and Conception Bay South. The option of placing sea electrodes in Lake Melville and Holyrood Bay is no longer proposed. In addition, as a result of recent decisions and announcements regarding the sequencing of the various components of the Lower Churchill Hydroelectric Generation Project (i.e. developing Muskrat Falls first), Nalcor Energy is exploring the option of locating the Labrador converter station at or near the Muskrat Falls site. If that was to be the case, the Labrador transmission corridor would potentially extend from Muskrat Falls to the Trans Labrador Highway (Phase 3, TLH3) and then follow along TLH3 to its southernmost point, before picking up the previously identified corridor.

Attached is the letter from Nalcor outlining the details of those proposed options/changes to the project. Also attached is a short "fact sheet" on the proposed electrode elements of the Project, which Nalcor has distributed during their recent Public Open Houses. The Department will be announcing those changes in the EA Bulletin and posting Nalcor’s letter on the Dept. website. CEAA (and NL) have already notified the Aboriginal groups of the recent proposed changes in the Project description.

I met with Nalcor yesterday and they outlined the changes in Project description. Nalcor has indicated that it is actively working to ensure that for the recent proposed changes to the Project, adequate baseline is collected, surveys are completed, ecological land classification updated, historic resources updated etc.

Myself and Bill Coulter will be revising the draft EIS Guidelines/Scoping document to reflect the recent changes in the project description. Following receipt of comments from Aboriginal groups and before the Guidelines/Scoping document goes public, those Project changes will be incorporated.

Please review the proposed changes in the Project description and let me know if you have concerns or questions for Nalcor.

In regards to the proposed Maritime link to Nova Scotia, there are still few details on this project. It appears that the proposed transmission line from Bottom Brook to Cape Ray will be connected to existing transmission lines in the Bottom Brook region (i.e. not directly connected to the L-1 Transmission Link). The Maritime link may be a separate EA. It is possible that if the route follows within 500 meters of the TCH (or other linear development), a provincial EA may not be required.
November 15, 2010

Bill Coulter
Canadian Environmental Assessment Agency
Atlantic Regional Office
1801 Hollis Street, Suite 200
Halifax, NS B3J 3N4

Pat Marrie
Environmental Assessment Division
Department of Environment and Conservation
Government of Newfoundland and Labrador
West Block Confederation Building, P.O. Box 8700
St. John's, NL A1B 4J6

Subject: Labrador - Island Transmission Link Environmental Assessment: Electrodes and Additional Labrador Corridor Option Being Considered by Nalcor Energy

Dear Mr. Coulter and Mr. Marrie:

I am writing further and as follow-up to our previous discussions regarding the on-going environmental assessment (EA) of the proposed Labrador-Island Transmission Link (the Project), and particularly, to keep you up-to-date on our on-going Project design and planning.

As you know, the proposed Project under EA review is comprised of a High Voltage Direct Current (HVdc) transmission system extending from Central Labrador to the Island of Newfoundland's Avalon Peninsula, as described in the Project's Environmental Assessment Registration / Project Description (EAR / PD) (January 2009, revised September 2009). The Project, as described in that document, included the following key elements:

1) An ac-dc converter station at Gull Island on the north side of the lower Churchill River in Central Labrador;

2) An overhead HVdc transmission line from Gull Island to the Strait of Belle Isle (407 km);
3) Submarine cable crossing of the Strait of Belle Isle, including multiple cables extending out to and under the seabed between Labrador and Newfoundland, with associated infrastructure;

4) An overhead HVdc transmission line from the Strait of Belle Isle to Soldiers Pond on the Island of Newfoundland's Avalon Peninsula (688 km);

5) A dc-ac converter station at Soldiers Pond; and

6) Sea electrodes (high capacity grounding systems), with one to be installed in Lake Melville (Labrador) and another at Holyrood Bay (Newfoundland), with connecting wood-pole lines.

The EAR / PD provides an overview description of these Project components and associated construction and operations activities, as well as indicating that other alternatives were continuing to be evaluated. This is, of course, in keeping with the role and principles of EA itself, as a planning tool initiated early so as to be able to inform and influence Project design and decision-making.

I am writing to keep you apprised of new information resulting from our on-going Project planning activities, including further engineering work, environmental analyses and our associated consultation activities. As a result of that work, Nalcor Energy has identified refinements to our development concept and additional Project design options that we plan to bring forward into the EA process, including in the eventual development and submission of the Environmental Impact Statement and Comprehensive Study (EIS / CS). These are outlined briefly below:

1) Electrodes

As indicated in our EAR / PD, electrodes are required for the operation of the HVdc system. Nalcor Energy originally contemplated the use of sea electrodes installed at the north or south side of Lake Melville in Labrador as well as in Holyrood Bay, Newfoundland. As reflected in the EAR / PD, however - and in the Notice of Commencement for the EA (July 19, 2010) - Nalcor Energy has also continued to explore other potential electrode types and locations.

As a result, Nalcor Energy is no longer proposing to place sea electrodes in Lake Melville or Holyrood Bay, nor to develop the associated wood-pole line connections to these sites. Rather, our current Project concept would see the use of "shore electrodes" at locations in the Strait of Belle Isle area (Labrador side) and Conception Bay South (CBS), in which the electrode elements will be placed within an in- or near-water (wharf / breakwater - like) structure installed in a small natural or excavated cove or adjacent to the shoreline.
November 15, 2010

The wood-pole transmission line connecting the Labrador converter station to the Strait of Belle Isle electrode will follow along the same route / right-of-way as the HVdc transmission line itself from the lower Churchill River to the submarine cable landing site at the Strait. From there it will follow the existing Labrador Straits highway and/or power lines northeast to the electrode site, which will be located at some point between the cable landing site and the Pinware area. Similarly, the wood-pole line from the Soldiers Pond converter station to the CBS shore electrode will generally follow along existing transmission lines and/or roadways in that region.

The specific location and detailed design for the shore electrodes will be determined following our on-going engineering and geophysical investigations and presented in the EIS / CS.

2) Labrador Converter Station and Transmission Corridor

The EAR / PD indicates that the Labrador converter station will be located at Gull Island, on the north side of the Churchill River, with the HVdc transmission corridor extending from there and across Southeastern Labrador to the Strait of Belle Isle (for a distance of approximately 407 km, please see the attached Figure – Option 1). A 2 km wide transmission corridor (study area) is identified, from within which a specific route for the transmission line will eventually be selected (for an average 60 m wide cleared right-of-way).

The Gull Island facility location and above described corridor are still under active consideration, and will be brought forward in the EIS / CS and associated studies. As a result of recent decisions and announcements regarding the temporal sequencing of the various components of the Lower Churchill Hydroelectric Generation Project - namely, that the Muskrat Falls facility will be developed first, followed by Gull Island later - Nalcor Energy is also exploring the potential option of locating the Project's Labrador converter station at or near the Muskrat Falls site.

If that were to be the case, the Labrador transmission corridor would potentially extend from Muskrat Falls to the Trans Labrador Highway (Phase 3, TLH3), and then follow generally along the south side of TLH3 to its southernmost point, before picking up the previously identified corridor from that location to the Strait of Belle Isle (please see the attached Figure – Option 2). Again, while no final decision has been made on these options, we would plan to bring both into the EIS / CS and associated studies for detailed assessment, evaluation and potential EA approval.

Further information on the specific design characteristics of these and other components of the Project will become available as Project EA and engineering work continue. The eventual EIS / CS will, of course, provide a detailed description and assessment of the Project being proposed - and, particularly, will be clear as to what the Project is that we are seeking EA approval for. As indicated in the EAR / PD, and as required by the provincial and federal EA legislation, we will also be assessing these and other alternative means of carrying out the Project that are technically and economically feasible (e.g., other potential on-land and marine corridor segments, potential submarine cable landing sites, etc.).
November 15, 2010

Nalcor Energy feels that it is important to keep you apprised of this on-going evolution and definition of these elements of the Project, as you will likely wish to consider and factor it into your planning - including, for example, the development and review of the EIS / CS Guidelines, as well as in your EA consultation processes and activities.

Nalcor Energy trusts that you will recognize and agree that this on-going process of Project planning and evolution based on technical, economic and environmental considerations is typical of any major development, and indeed, is illustrative of the important role and value of EA as a planning tool. Given this, the legislative requirement to evaluate alternatives under the EA process, and the fact that the analysis of such options was referenced in the EAR / PD itself, we trust that the information provided herein will not in any way result in procedural delays or changes to the on-going EA process for this Project.

I hope that this information is helpful. If you have any questions or wish to discuss further, please feel free to contact the undersigned at any time.

Sincerely yours,

Todd Burlingame
Manager, Environment and Aboriginal Affairs

cc. Gilbert Bennett, Nalcor Energy
    Paul Harrington, Nalcor Energy
    Steve Bonnell, Nalcor Energy
    Bas Cleary, NL DEC
    Mike Atkinson, CEAA
    Regent Dickey, MPMO – NRCan

Attachments (2 Figures)
Option 2: Muskrat Falls to the Strait of Belle Isle

Labrador - Island Transmission Link: Labrador Converter Station and Transmission Corridor
Labrador – Island Transmission Link: Electrodes

What are Electrodes?

An electrode is a high-capacity grounding system installed at each end of a High Voltage direct current (HVdc) transmission system. Although there is no direct physical connection between them, the electrodes utilize the earth or ocean as a return path in the event that one of the conductors becomes temporarily unavailable. The HVdc system can therefore continue to function in a reduced capacity during such an event by using the electrode return to temporarily complete the dc circuit.

During normal operation, the electrode lines will regularly provide a return path for small, unbalanced currents within the HVdc system. In emergency situations, such as a broken transmission line conductor, electrodes provide a temporary return path for the required current while repairs are being completed. Normally, it is anticipated that electrode use would amount to a few tens of hours per year, or at most several days per year if major equipment replacement is required.

The Labrador and island electrodes will be connected to their respective HVdc converter stations by an overhead wood pole line carrying two metallic conductors. These lines operate at very low voltages and look similar to the electrical distribution lines in most communities.

As part of ongoing project planning and design, Nalcor Energy is currently evaluating a number of potential concepts and locations for the electrode elements of the HVdc system. The evaluation includes various potential electrode types and possible locations for the required electrodes in Labrador and on the island, as well as their associated overhead woodpole lines. These specifics will be determined during detailed project engineering and will consider technical and environmental issues and requirements.
A shore-line electrode in British Columbia illustrating one of the possible electrode types being explored for the Transmission Link.
Stamp, Diane G.

From: Keel-Ryan, Juanita
Sent: Wednesday, December 08, 2010 12:04 PM
To: Kent, Todd
Subject: Re: Cain's Quest

Yes same as last year. It seemed to have gone mis on the way up so its resent.

Sent Via BlackBerry

From: Kent, Todd
To: KeelRyan, Juanita
Sent: Wed Dec 08 11:57:39 2010
Subject: Cain's Quest

Hi Juanita,

Thanks,

Todd Kent
Tourism Development Officer (Labrador)
Department of Tourism, Culture and Recreation
Government of Newfoundland and Labrador
Ph. (709) 944-5013
From: Taylor-Ash, Mary  
Sent: Wednesday, December 08, 2010 10:25 AM  
To: Keel-Ryan, Juanita  
Subject: FW: draft letter to LWT  
Importance: High

Hi Juanita,
Please read draft letter for LWT. Let me know if you have any changes.
Thanks,
Mary

Mary Taylor-Ash
Assistant Deputy Minister, Tourism
Tourism, Culture and Recreation
P.O. Box 8700
St. John's, NL, Canada A1B 4J6
t 709.729.2821
f 709.729.5293
e mtaylorash@gov.nl.ca
www.gov.nl.ca

From: Kelland, Donna  
Sent: Tuesday, December 07, 2010 2:20 PM  
To: Taylor-Ash, Mary  
Subject: draft letter to LWT  
Importance: High

Hi, Mary. Can you have a read of the attached draft response to LWT regarding their request for fees approval for 2010-11? I checked again and we still don't have a copy of their financial statements. We will need them before we can release the approval. Perhaps your folks can ask them, or let me know and we will follow up ourselves. Thanks DK
December 8, 2010

Mr. Chad Letto, President
Labrador Winter Trails Inc.
P. O. Box 2069, Stn. "B"
Happy Valley-Goose Bay, NL
AOP 1EO

Dear Mr. Larkham:

RE: 2010-2011 SNOWMOBILE TRAIL PASS FEES FOR LABRADOR

Thank you for your recent correspondence regarding Labrador Winter Trails' trail sticker fee structure for 2010-2011. After careful review of all the information available to us, including the financial information submitted by your organization, Government is prepared to authorize the rates you have submitted for this year's snowmobile season, at the same levels as approved for 2009-10.

For clarity, the rates that are approved, effective immediately, are as follows:

**Seasonal Rates**

- $80 plus HST for all snowmobiles in the Labrador Straits & South Coast of Labrador.
- $100 plus HST for all snowmobiles in the remaining areas of Labrador (e.g. Labrador West & central areas), excepting areas which are exempt under the legislation;

Section 7.2 of the Motorized Snow Vehicles and All-Terrain Vehicles Regulations requires that your fee structure be approved by this Department, in consultation with the Department of Tourism, Culture and Recreation, on an annual basis. You are also required to submit an audited financial statement, reconciling the amount of fees collected and how this revenue was invested in the operation and maintenance of groomed managed trails.

It is expected that Labrador Winter Trails Inc. will adhere to a high standard of record-keeping and accounting to ensure that monies collected from snowmobile
users and dispersed for trail maintenance and development are accurately recorded.

Also, in order to protect the privacy of snowmobile owners, the data collected with respect to applications for trail-use stickers should be limited to information such as the date and model of the snowmobiles and the name and address of the snowmobile owners.

I trust that we will continue to maintain a productive relationship with respect to the ongoing development and management of groomed snowmobile trails in Labrador.

Sincerely,

Harry Harding
Minister

C: Honourable Terry French, Minister of Tourism, Culture and Recreation
Honourable John Hickey, Minister of Labrador Affairs
Honourable Patty Pottle, Minister of Aboriginal Affairs
Hi Todd
As per Pats note, lease review and get your comments into me.
Thanks

From: Marrie, Patrick
Sent: Monday, December 06, 2010 2:05 PM
To: Carroll, Collin; Carter, Ruby; Cooney Corey; Coulter,Bill [CEAA]; Dale, Stephen ; Davis, Corrie; Deering, Peter; Graham, Jeri; Hearns, Peter; KeelRyan, Juanita; Kelly, Jason; Mandville, Len; McLean, Clyde; Mercer, Delphina; Miller, Kirsten; Randy Decker (Randy.Decker@tc.gc.ca); Troke, Glen
Cc: Cleary, Bas; Hill, Kaylen
Subject: FW: Innu Nation Comments - EIS Guidelines

Attached are the comments from the Innu Nation on the draft EIS Guidelines/Scoping document. Please review and provide any comments/concerns you may have. You will note that the Innu have asked for a separate Component Study on Land Use. I presume they mean Labrador only? Myself and Bill Coulter will be talking to the Innu representatives to see exactly what land use issues they want studied/discussed that are not already outlined in Section 4.4.4.4, Land and Resource Use.

The Quebec group, Unamen Shipu, have submitted comments which CEAA is presently translating into English. Once translated, I will forward.

We are expecting comments from NunatuKavut.

Pat Marrie
Environmental Scientist
Environmental Assessment Division
Department of Environment and Conservation
P.O. Box 8700
4th Floor West Block, Confederation Bldg.
St. John's NL Canada A1B 4J6
tel. 709-729-2813 / fax. 709-729-5518
pmarrie@gov.nl.ca

From: Paula Reid
Sent: Friday, December 03, 2010 1:44 PM
To: bill.coulter@ceaa-acee.gc.ca; Marrie, Patrick
Subject: Innu Nation Comments - EIS Guidelines

Good afternoon,

Please find attached Innu Nations comments on the EIS Guidelines for the proposed Labrador-Island Transmission Link.

Thank you,
Paula Reid
Paula Reid
Environmental Analyst
Innu Nation
PO Box 119
Sheshatshiu, NL
A0P 1Mo
tel: (709) 497-8398
fax: (709) 497-8396
ENVIRONMENTAL IMPACT STATEMENT
DRAFT GUIDELINES
and
SCOPING DOCUMENT

Labrador-Island Transmission Link

Nalcor Energy

Issued by the Government of Newfoundland and Labrador and the Government of Canada

March 1, 2010
PREFACE

On February 2, 2009, Nalcor Energy (the Proponent) submitted a project registration/project description for the Labrador-Island Transmission Link (the Project). On September 16, 2009, an amendment to the project registration/project description was submitted. The amendment removed any reference to the proposed route through Gros Morne National Park, which is no longer under consideration. On November 29, 2010, a further amendment to the registration/project description was submitted. This amendment removed any reference to "sea electrodes" at locations in Lake Melville and Conception Bay, replacing these with "shore electrodes" at locations along the Labrador shore of the Strait of Belle Isle area and Conception Bay South. The amendment also proposed Muskrat Falls as an alternative location to Gull Island for location of a new converter station in Labrador.

The Project involves the construction and operation of an approximately 1,100 km long transmission line and associated infrastructure within and between Labrador and the Island of Newfoundland. The High Voltage Direct Current (HVDC) overhead transmission line will commence at a new converter station at Gull Island or Muskrat Falls in central Labrador, proceed southeast across Labrador, cross the Strait of Belle Isle via submarine cables, and proceed across Newfoundland to end at a converter station at Soldiers Pond on the Island's Avalon Peninsula. The project will likely include the installation of sea electrodes (with associated transmission lines) at two locations, Lake Melville and Conception Bay. Land based or shoreline based electrodes are also being considered.

On March 23, 2009, the Proponent was advised by the Minister of Environment and Conservation that an Environmental Impact Statement (EIS) is required for the Project under the Newfoundland and Labrador Environmental Protection Act (EPA). The Project is also subject to the Canadian Environmental Assessment Act (CEAA).

Canada and Newfoundland and Labrador intend to harmonize the environmental assessment processes to the extent possible to ensure that the requirements of the EPA and the CEAA that apply to the Project are met in an effective and timely manner. As a first step toward that objective, the two governments have agreed that a single set of EIS guidelines is the most efficient and effective way to guide the Proponent in preparing an environmental assessment that will provide the type and quality of information and conclusions on environmental effects required to satisfy their respective legislative requirements.

These Guidelines are intended to assist the Proponent in its preparation of the EIS. The purpose of the EIS is to identify alternatives to the Project, alternatives methods for carrying it out, the environment that will be affected, the important environmental effects associated with the Project, measures that are required to mitigate against any adverse effects and the significance of residual environmental effects.

The EIS is expected to contain a review and assessment of all available pertinent information as well as any additional new information or data as provided by the Proponent or requested by Canada or Newfoundland and Labrador. Component Studies shall address baseline data.
requirements to support the evaluation of environmental effects and/or the development of mitigation measures as well as monitoring and follow up programs. The Guidelines include the information required under Section 57 of the EPA, and the information necessary to address the factors set out in subsections 16(1) and 16(2) of the CEA. Both of which are included in Appendix A. As more specific information is provided and as additional baseline information is gathered, Canada and/or Newfoundland and Labrador may require other issues, concerns or potential effects to be considered by the Proponent.

The draft Guidelines are subject to a 30 day Aboriginal consultation period and a 40 day public consultation period. After consideration of the comments received from Aboriginal groups and the public, the Guidelines will be finalized and submitted to the federal Minister of the Environment and to the Newfoundland and Labrador Minister of Environment and Conservation for approval.
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SECTION 1 - BACKGROUND

1.1 Purpose of the Guidelines
The purpose of this document is to identify for the Proponent, Nalcor Energy, and interested parties, the nature, scope and extent of the information and analysis required in the preparation of the EIS. The Proponent will prepare and submit an EIS that will identify alternatives to the Project, alternative methods for carrying it out, the environment that will be affected, the important environmental effects associated with the Project, measures that are required to mitigate against any adverse effects and the significance of residual environmental effects.

1.2 Proposed Project
The Project involves the construction and operation of an approximately 1,100 km long transmission line and associated infrastructure within and between Labrador and the Island of Newfoundland. The High Voltage Direct Current (HVDC) overhead transmission line will commence at a converter station at Muskrat Falls or Gull Island in central Labrador, proceed southeast across Labrador, cross the Strait of Belle Isle via submarine cables, and proceed across Newfoundland to end at a converter station at Soldiers Pond on the Island’s Avalon Peninsula. The project will likely include the installation of shore electrodes (with associated transmission electrode lines to be located within the same right of way as the HVDC overhead transmission line) at locations along the Labrador shore of the Strait of Belle Isle area and Conception Bay South, two locations, Lake Melville and Conception Bay. Land-based or shoreline-based electrodes are also being considered. The steel lattice transmission towers will be approximately 43m in height and carry three wires (two conductors and a ground).

[The term “transmission” is normally reserved for power lines above a certain voltage. The use of the term “electrode line” may create less confusion. It is Innu Nation’s understanding that these electrode lines would be located in the same right of way as the HVDC line. In any case, the location of the electrodes should be made clear in the Guidelines.]

1.3 Environmental Assessment Process
In February 2009, in accordance with section 5 of the Federal Coordination Regulations, Health Canada (HC), Indian and Northern Affairs Canada, Fisheries and Oceans Canada (DFO), Environment Canada (EC), Transport Canada (TC), Natural Resources Canada (NRCan), Parks Canada Agency (PCA), Department of National Defence (DND), Royal Canadian Mounted Police (RCMP) and Industry Canada (IC) were consulted to determine whether these departments were likely to exercise any powers in respect of the project.

Under section 5 of the CEAA, an environmental assessment is required for this Project because Fisheries and Oceans Canada may issue a permit or license under subsection 35(2) of the Fisheries Act, Transport Canada may issue an approval under Part 1, Section 5 of the Navigable Waters Protection Act and Environment Canada may issue a permit for the disposal of material at sea under the Canadian Environmental Protection Act. Because of these regulatory roles, Fisheries and Oceans Canada, Transport Canada and Environment Canada are Responsible Authorities (RA’s) for the environmental assessment.
Industry Canada has indicated that additional information regarding the installation of telecommunication towers adjacent the Strait of Belle Isle is required before it can determine if it requires an environmental assessment of the project.

Parks Canada Agency, Department of National Defence, Natural Resources Canada and Health Canada have indicated that they possess expert information that could be useful to the environmental assessment.

Nalcor's project proposal is described in the federal *Comprehensive Study List Regulations* at Part II - Electrical Generating Stations and Transmission Lines - paragraph 7: "The proposed construction of an electrical transmission line with a voltage of 345 kV or more that is 75 km or more in length on a new right of way".

This Project is also being assessed by the Government of Newfoundland and Labrador under Part X of the EPA, pursuant to Section 34(1)(a) and 34(1)(d) of the *Environmental Assessment Regulations*.

The scope of the project for the purposes of both the federal and provincial environmental assessments includes all aspects of the proposal as described in the revised (September 15, 2009) Environmental Assessment Registration/Project Description document.

### 1.4 Federal Regulatory Requirements

In accordance with the Law List Regulations of the CEA Act, the following Responsible Authorities may make a course of action decision consistent with its regulatory responsibilities.

DFO has determined that the following components of the project will likely result in the harmful, alteration, disruption or destruction (HADD) of fish habitat and will require an Authorization from DFO pursuant to subsection 35(2) of the *Fisheries Act*:

- the construction and operation of the sub-sea cable crossing and shoreline approaches across the Strait of Belle Isle;
- the construction and operation of the shore electrodes in Lake Melville and the Strait of Belle Isle and Conception Bay;
- the construction and operation of watercourse crossing structures; and
- all other works, temporary structures or activities related to the construction, operation, maintenance or decommissioning of the above mentioned works and activities impacting fish and fish habitat (e.g. blasting, trenching, armouring etc...)

TC is participating in this environmental assessment as a Responsible Authority because it may potentially be required to issue an approval(s) under Part 1, Section 5 of the *Navigable Waters Protection Act* for the following project components to enable the project to be carried out in whole or in part:

- the construction and installation of the sub-sea cable crossing and shoreline approaches across the Strait of Belle Isle,
- the construction and installation of the shore electrodes in Lake Melville and the Strait of Belle Isle and Conception Bay, and
potentially the installation of aerial transmission and electrode cables and crossing structures over navigable waterways.

EC has determined that the following components of the project may require a permit from EC for the disposal of material at sea pursuant to the section 127(1) of the Canadian Environmental Protection Act:

- the construction of the sub-sea cable crossing and shoreline approaches across the Strait of Belle Isle, and
- the construction of the sub-seashore electrodes in Lake Melville the Strait of Belle Isle and Conception Bay.
SECTION 2 - GUIDING PRINCIPLES

The EIS shall demonstrate adherence to the basic principles of environmental assessment as set out below.

2.1 Environmental Assessment: A Planning Tool

Environmental assessment is a planning tool that enables consideration of the potential effects of a project in a careful and precautionary manner before actions are taken to allow that project to proceed. It is a process for identifying a project's potential interactions with the environment, predicting environmental effects, identifying mitigation measures and evaluating the significance of residual environmental effects in order to promote sustainable development, protect the environment, and facilitate the wise management of natural resources. If the project proceeds, the environmental assessment process also provides the basis for setting out the requirements for monitoring and reporting to verify compliance with the terms and conditions of approval and the accuracy and effectiveness of predictions and mitigation measures.

[The above language is proposed to better reflect the purpose of the CEAA and the NLEPA.]

2.2 Aboriginal and Public Participation

Aboriginal and public participation is a central objective of an environmental assessment process and a means to ensure that a proponent considers and responds to Aboriginal and public concerns. In preparing the EIS, the Proponent shall inform and consult with the affected Aboriginal and local communities, interested regional and national organizations and resource users.

Meaningful public involvement can only take place if Aboriginal groups and the public have a clear understanding of the nature of the proposed Project as early as possible in the environmental assessment process. Therefore, it is recommended that the Proponent:

- continue to provide up-to-date information to Aboriginal groups and the public and especially to the communities likely to be most affected by the Project;
- involve the main interested parties in determining how best to deliver that information, that is, the type of information required, format and presentation methods, interpretation and translation into Aboriginal languages, as well as the need for community meetings; and
- explain the results of the EIS in a clear and direct manner to make the issues comprehensible to the widest possible audience.

2.3 Aboriginal Traditional and Community Knowledge

Populations living in proximity to the Project may have substantial and distinct knowledge, which may be essential to the assessment of the effects of the Project, and their mitigation. Aboriginal traditional and community knowledge of the existing environment shall be an integral part of the EIS, to the extent that it is available to the Proponent.

In environmental assessment, Aboriginal traditional and community knowledge may be regarded as the knowledge, understanding and values that residents of Aboriginal and local communities have in relation to the environment and the potential environmental effects of
the Project and proposed mitigation measures. This knowledge is based on personal observation, collective experience and/or oral transmission.

Aboriginal traditional and community knowledge assists in understanding, including the inter-relations, among such matters as: ecosystem function; resource abundance, distribution and quality; social and economic well-being; and use of the land and resources. It also informs the development of adequate baseline information, identification of key issues, prediction of effects, and assessment of their significance, all of which are essential to the EIS and its review.

2.4 Sustainable Development
Sustainable development seeks to meet the needs of present generations without compromising the ability of future generations to meet their own needs.

The objectives of sustainable development are:
- the preservation of ecosystem integrity, including the capability of natural systems to maintain their structures and functions and to support biological diversity;
- the respect for the right of future generations to the sustainable use of renewable and non-renewable resources; and
- the attainment of durable and equitable social and economic benefits.

Promotion of sustainable development is a fundamental purpose of environmental assessment, and the Proponent shall include in the EIS consideration of:
- the extent to which biological diversity is affected by the Project;
- the capacity of renewable resources that are likely to be significantly affected by the Project to meet the needs of present and future generations; and
- the extent, distribution and duration of social and economic benefits.

The proponent shall strive to integrate these factors into the planning and decision-making process for the Project, including seeking the views of interested parties and shall report on the results in the EIS.

2.5 Precautionary Principle
One of the purposes of environmental assessment is to ensure that projects are considered in a careful and precautionary manner before action is taken in connection with them in order to ensure that such projects do not cause significant adverse environmental effects.

Principle 15 of the 1992 Rio Declaration on Environment and Development states 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.”

In applying the precautionary approach, the Proponent shall:
- demonstrate that the proposed Project is examined in a careful and precautionary manner;
- outline the assumptions made about the effects of the Project and the approaches to prevent and minimize these effects;
- identify where knowledge of scientific uncertainty exists in the predictions of the environmental effects of the Project; and
• identify any follow-up and monitoring activities planned, particularly in areas where knowledge/uncertainty exists in the prediction of the effects of the Project.

[The use of the term “knowledge” would be inclusive of Aboriginal traditional and community knowledge. Alternatively, the phrase “scientific or Aboriginal traditional or community knowledge uncertainty...” could be used but is more cumbersome.]
SECTION 3 – PREPARATION AND PRESENTATION OF THE EIS

3.1 Study Strategy and Methodology
The Proponent shall explain and justify all methods used in the preparation of the EIS. In describing its overall approach, the Proponent shall explain how it used scientific, engineering, Aboriginal traditional and community knowledge. All hypotheses and assumptions shall be clearly identified and justified. All data collection methods, models and studies shall be documented so that the analyses are transparent and reproducible. The degree of uncertainty, reliability and sensitivity of models used to reach conclusions shall be indicated.

All conclusions regarding the receiving environment and predictions as well as the assessment of environmental effects shall be substantiated. The Proponent shall support all analyses, interpretation of results and conclusions with a review of the appropriate literature, providing all references required and indicating the public availability of all works consulted. Any contribution based on Aboriginal traditional and community knowledge shall be specified and the sources identified.

The EIS shall identify all significant gaps in knowledge and explain their relevance to key conclusions drawn. The Proponent shall indicate the measures applied to address these gaps. Where the conclusions drawn from scientific and technical knowledge are inconsistent with the conclusions drawn from Aboriginal traditional or community knowledge, the Proponent shall present the various points of view as well as a statement of the Proponent’s conclusions.

3.2 Presentation of the EIS
The EIS and all associated reports and studies shall use System International (SI) units of measure and terminology throughout. The Proponent shall present the EIS in the clearest language possible. However, where the complexity of the issues addressed requires the use of technical language, a glossary defining technical words and acronyms shall be included. Lines shall be numbered in the margin at appropriate intervals.

The EIS should be presented in the sequence outlined in these Guidelines or the Proponent may decide that the information is better presented following a different sequence. For clarity and ease of reference, the EIS shall include a Table of Concordance that cross-references the EIS Guidelines so that information requirements identified in the Guidelines are easily located in the EIS. The EIS shall refer to rather than repeat information already presented in other sections of the document. However, it is important that underlying limitations, uncertainties, and assumptions of all environmental predictions, especially those that support major statements or conclusions, be described in the body of the EIS rather than simply referencing the component studies. A key subject index is to be provided giving locations in the text by volume, section and sub-section.

The Proponent shall provide charts, diagrams and maps wherever useful to clarify the text, including depictions of what the developed Project sites would look like from both an aerial and terrestrial perspective. Maps shall use a limited number of common scales to allow for comparison and overlay of mapped features. Maps shall indicate common and accepted local place names, including Aboriginal toponyms. The Proponent shall present information, where technically feasible, using a standard Geographic Information System (GIS) mapping (digital) format with maps geo-referenced.
Innu Nation has made considerable use of the “before” and “after” graphic depictions contained in the EIS and supplementary responses filed by Nalcor for the Lower Churchill Hydroelectric Generation Project, including figures 5-1 through 5-9 in Volume 3 of the EIS, and figures contained in Attachment B to Nalcor’s response to IR#JRP.14.

An acceptable alternative to including Innu toponyms in maps is to create maps exclusively with Innu toponyms.

It is essential during the environmental assessment that residents of Aboriginal communities likely to be most affected by the Project have an adequate understanding of the Project and its impacts. The Proponents shall therefore explain in the EIS how this information will be communicated effectively, including provisions for appropriate interpretation and translation.

The Guidelines need to address issues of translation into Innu aimun.

Throughout the preparation of the EIS, the Proponent should freely cite experiences from other environmental assessments, with emphasis on Newfoundland and Labrador and other Canadian examples, to support the methodology and value of the information provided, or as reasons in support of the selection of a preferred alternative.

An initial requirement for fifty (50) paper copies of the EIS and twenty electronic copies may be sufficient. They shall be written in English and printed or copied on two sides of recycled Environmental Choice and/or Forest Stewardship Council-certified paper. The paper choice shall be conspicuously stated. Where possible, maps and other attachments should be scaled to fit on standard size papers to facilitate copying. The electronic version of the EIS shall be submitted in a format so that it may be posted on the internet and in a manner which shall facilitate downloading, copying and printing in part or in whole.

At times during the EA for the Lower Churchill Hydroelectric Generation Project, the Proponent has filed documents that cannot be properly accessed (i.e. “locked” pdf files). This practice should be actively discouraged in the Guidelines.

To facilitate the identification of the documents submitted and their coding in the Canadian Environmental Assessment Registry, the title page of the EIS and its related documents should contain the following information:

- project name and location;
- title of the document, including the term “environmental impact statement”;
- subtitle of the document;
- name of the Proponent;
- names of the consultants, as appropriate;
- date.
SECTION 4 – OUTLINE OF THE ENVIRONMENTAL IMPACT STATEMENT

4.1 EXECUTIVE SUMMARY

The executive summary shall include identification of the Proponent, a brief project description, predicted environmental and socio-economic effects, mitigation measures, residual effects, follow-up and monitoring programs, an outline of the component studies, and a summary of the fundamental conclusions of the EIS. The executive summary shall also include a review of Aboriginal concerns about the Project and the key findings of the Aboriginal consultation activities undertaken by the Proponent.

The executive summary should be written in terms understandable to the general public and in such a manner as to allow reviewers to focus on items of concern.

4.2 INTRODUCTION

4.2.1 Identification of Proponent

This section shall introduce readers to the Proponent by providing pertinent corporate information, including the following:
(a) Name of corporate body and mailing address
(b) Chief Executive Officer
(c) Principal contact person for purposes of environmental assessment
(d) Ownership of rights and interests in the Project and associated natural resources
(e) Corporate accountability for management of environmental and socio-economic effects. Operational arrangements and corporate and management structures, including the linkage of these factors between the Proponent, its parent companies and any other organizations with operational or ownership rights
(f) Environmental and community relations policies
(g) Key elements of the Proponent’s environment, health and safety management system and how the system will be integrated into the Project

In addition the Proponent shall describe its history in Canada’s hydroelectricity industry (generation and transmission), with specific reference to the existing hydroelectric generation/transmission project at Churchill Falls, and the proposed Lower Churchill Hydroelectric Generation Project.

4.2.2 Overview of the Project

The intent of this overview is to provide the key components rather than a detailed description of the Project, which will follow under Section 4.3 (The Proposed Undertaking).
The Proponent shall briefly summarize the Project, by presenting the project components, associated activities, scheduling details, the timing of each phase of the Project and other key features. If the Project is part of a larger sequence of projects, the Proponent shall outline the larger context and present the relevant references, if available.

4.2.3 Purpose of the EIS

The purpose of the EIS shall be described.

4.2.4 Relationship to Legislation, Permitting, Regulatory Agencies & Policies

The EIS shall identify and discuss all relationships between the Project and relevant legislation, regulations and policies (municipal, provincial, and federal). Pertinent government policies, such as land and water resources development and use policies that may influence environmental management in the project area, and the Project’s compliance with respect to these policies are to be addressed. The EIS shall describe how project siting, design and management have been influenced by compliance with these legislation and policies.

The Proponent shall provide a comprehensive list of anticipated permits and regulatory approvals required for the undertaking. The list shall include the following details:

(a) activity requiring regulatory approval
(b) name of permit or regulatory approval
(c) name of legislation applicable in each case
(d) regulatory agency responsible for each permit of approval

4.2.5 Land Claims Agreements and Interim Agreements

The EIS shall identify any publicly available agreements or arrangements, including the Tshash Petapen (New Dawn) Agreement, the Labrador Inuit Land Claims Agreement and any Interim Forestry Agreements that may be in effect, entered into between the Proponent and/or the Government of Canada and/or the Government of Newfoundland and Labrador and/or Aboriginal group(s) in the context of land claims, and address how they may affect or be affected by the Project.

With respect to the Labrador Inuit Land Claims Agreement (the Agreement), the EIS should include a determination of whether the Project may be reasonably expected to have adverse environmental effects on the Labrador Inuit Settlement Area (LISA) for the purpose of determining the applicability of the Agreement.
4.2.6 Other Registrations

The Proponent shall indicate whether any other registrations have previously been submitted in relation to this Project, or are to be submitted for environmental assessment in the future as a result of this Project.

[For example, the 1980 Environmental Assessment did include a transmission line along essentially the same route as the proposed Labrador-Island Transmission Link.]

4.3 THE PROPOSED UNDERTAKING

4.3.1 Need, Purpose and Rationale of the Project

The need for the Project is defined as the problem or opportunity the Project is intending to solve or satisfy. The “need for” will establish the fundamental rationale of the Project.

The “purpose of” the Project defines what the Proponent hopes to accomplish by carrying out the Project.

“Need for” and “Purpose of” the Project should be established from the perspective of the Proponent and provide a context for the consideration of alternatives to the Project.

This section of the EIS shall provide a comprehensive explanation of the need, purpose and rationale for the Project. The statement of the Project’s justification shall be presented in both energy and economic terms, shall provide a clear description of methodologies, assumptions and conclusions used in the analysis, and shall include an evaluation of the following:

- Current and forecasted provincial electricity supply and demand
- Current and forecasted provincial electricity conservation
- Current and future provincial transmission line network
- Current and future interprovincial transmission line network
- Current exports by the Proponent to markets outside the Province
- Export market opportunities, forecasts and expected evolution
- Risks to the Project, market prices and schedule delays, interest rates and other risk factors relevant to the decision to proceed with the Project
- Projected financial benefits and costs of the Project (including their distribution) as measured by standard financial indicators
- Relationship with the Newfoundland and Labrador’s 2007 Energy Plan

[Given the large number of references to the above list during the EA for the Lower Churchill Hydroelectric Generation Project, Innu Nation recommends that the list be lettered as opposed to bulleted. The inclusion of the Interprovincial network places the proposed project in the proper context. The inclusion of “financial...costs” acknowledges that the Project, which will be funded entirely through the province’s]
regulated rates (and therefore paid for by electricity ratepayers) imposes a substantial socio-economic effect that needs to be considered during the EA.

4.3.2 Alternatives

4.3.2.1 Alternatives to the Project

The alternatives to a project are defined as functionally different ways of addressing the need for the project. The EIS shall contain an analysis of alternatives to the Project, including the following:

- Management of electricity demand through utility-based energy efficiency and conservation initiatives;
- Alternative generation sources for the Project (e.g.: hydrocarbons, wind, other hydro projects such as run-of-river projects, or combinations of generation sources);
- The addition by the Proponent of more capacity at existing generation facilities; and
- Status quo (no Project)

Among the alternatives to the Project to be considered, the Proponent shall pay close attention to how they would be integrated within Newfoundland and Labrador’s 2007 Energy Plan.

The analysis of alternatives to the Project is to provide clearly described methods and criteria for comparing alternatives, and sufficient information for the reader to understand the reasons for selecting the preferred alternative and for rejecting others. This shall include a description of the conditions or circumstances that could affect or alter these choices, such as market conditions, regulatory changes and other transmission line developments, either prior to construction or during the life of the Project.

The EIS shall include a comparative analysis of the environmental effects and technical and economic feasibility of alternatives that led to the choice of the selected Project alternative. The comparative analysis shall indicate how the Proponent took into account the sustainable development objectives outlined previously in these Guidelines in determining criteria for selecting the preferred alternative. The Proponent shall include an evaluation of the thresholds for economic viability of the Project and considerations respecting the timing of phases and components of the Project. The Proponent shall also indicate under what circumstances a change in economic conditions may influence its selection of the preferred alternative.

4.3.2.2 Alternative Means of Carrying Out the Project

Alternative means of carrying out the Project, which are technically and economically feasible, and the environmental effects of any such alternative means shall be discussed.
The EIS shall describe design and siting alternatives for the transmission line and ancillary facilities (such as roads, convertor stations, electrodes and temporary infrastructure). The preferred alternatives shall be identified, with the selection based on clearly described methods and criteria. An explanation shall be included of how environmental factors affect the design and consideration of alternatives.

The Proponent shall provide the rationale for selecting Project components and shall discuss the state of the art of the various technologies being proposed. The Proponent shall indicate the known experience with, and the effectiveness and reliability of these techniques, procedures and policies, particularly under arctic or subarctic conditions, in Canada and elsewhere, and their relation to best practice in Canada. This discussion shall also show how design, engineering and proposed procedures are compatible with the environment and the local communities and shall minimize adverse environmental and social effects.

The EIS shall analyze and compare the design alternatives for the Project in relation to their environmental and social costs and benefits, including those alternatives which cost more to build and/or operate but which result in reduced adverse environmental effects or more durable social and economic benefits.

Alternatives for the pace and scale of the operation shall be discussed, and the chosen alternative justified. The Proponent shall also indicate under what circumstances a change in economic conditions may influence its selection of preferred alternative means.

Alternative means of carrying out the Project shall include, but are not limited to, the following discussed below:

(a) Transmission Line Corridor Selection

[Portions of the text below are a bit unclear, and Innu Nation is proposing some clarifying language.]

- Alternative corridors across Labrador, including locating the convertor station at Gull Island or Muskrat Falls, and following the Trans Labrador Highway Phase 2 and 3 along its entirety across southern Labrador, to the Strait of Belle Isle.
- Alternative corridors across the Long Range Mountains, including to the Cat Arm Hydroelectric Project and then following the existing Cat Arm Hydroelectric Project transmission corridor south.
- Alternative corridors across the Strait of Belle Isle, including alternative landing sites and configurations.
- Alternative means of constructing/installing subsea cables (e.g. tunneling entire route) including alternative means/locations for disposal of dredge/side-cast spoils.
• Alternative routes/locations for temporary and permanent access roads, laydown areas, work camps.
• Alternative sites for placement of electrodes (marine, shoreline, land) and associated infrastructure.

(b) Layout, Clearing and Siting

The Proponent shall evaluate layout and locations, including construction access roads, quarries, borrow pits and camps, based on a variety of engineering and environmental considerations. For construction access roads, the EIS shall consider alternative locations of stream crossings, and types of crossing structures, and the use of winter roads. For clearing, the Proponent shall consider alternative clearing methods, including mechanical and manual clearing.

[Where feasible, winter roads could reduce the need for grubbing and facilitate faster regeneration. It may prove to be profitable to clear sections of the right of way manually and this should be investigated given its greater potential for local employment.]

For quarries, access roads, and tower installations, the EIS shall outline the methods for prediction and prevention of acid rock drainage and metal leaching to be used in the site selection process.

Where such facilities are yet to be located, a site selection process and evaluation process shall be described to demonstrate how potential environmental effects will be avoided or mitigated.

(c) Construction Sequence

The EIS shall consider alternative construction sequences.

(d) Construction Labour Force Accommodation

The EIS shall describe alternative labour force accommodation strategies (e.g., number and location of camps, in-community housing). These evaluations are to consider economic, social and worker conditions (including health and hygiene) as well as any other relevant community, including Aboriginal community, considerations and environmental factors.

(e) Operations and Maintenance

• Alternative means of maintaining the right of way free of vegetation, including both mechanical and chemical means
• Alternative locations of permanent access roads

4.3.3 Project Description
The Proponent shall describe the scope of the Project for which the EIS is being conducted.

To facilitate the understanding of the Project by the public, the Proponent shall produce appropriate audiovisual materials describing the Project.

The proposed principal structures and related works to be described include but is not limited to the following:

- The transmission terminal facilities, towers, conductors, converter stations, shoresea electrodes and related infrastructure, cable crossings of the Strait of Belle Isle, cable landing sites and telecommunications services for Project operations (microwave radio system, fibre optic cable system).
- Related works and activities including all temporary facilities required for the construction and operation of the previously mentioned facilities, in particular:
  - Temporary control structures and diversion works
  - Work camps
  - Permanent and temporary access roads
  - Bridges and watercourse crossings (including fording activities)
  - Infrastructure for wastewater treatment & waste management
  - Energy supply for camps and worksites
  - Drinking water supply
  - Borrow pits and quarries
  - Management and disposal of excavated material including marine works
  - Management and disposal of hazardous material and waste
  - Construction worksites and storage areas

4.3.3.1 Spatial and Temporal Boundaries

A precise description of the spatial boundaries of the Project shall be presented accompanied by map(s) of appropriate scale showing the entire project area with the proposed principal structures and related works. Detailed digital GIS based files shall be available showing the locations of any camps, structures, routes, clearings, etc. The Proponent shall provide aerial images that illustrate representative habitats and Aboriginal land use within each study area (see Section 4.4.2 – Study Areas).

The temporal boundaries of the Project shall cover all phases of the project: construction, operation, maintenance, foreseeable modifications and abandonment and decommissioning of works and the rehabilitation of the sites affected by the Project. If the Proponent does not believe the full temporal boundaries should be used for a phase of the Project, the report shall identify the boundaries used and provide a rationale for the boundaries selected.
4.3.4 Construction

The EIS shall show the construction and commissioning schedules for Project elements, based on the most current information available. In addition, the approach, details, materials, methods, locations and security measures of all planned construction activities related to the physical features, including site preparation, permanent and temporary infrastructure and site rehabilitation shall be presented including estimates of magnitude or scale where applicable. This shall include the following:

- Transmission Line
  - Describe the construction methods for the transmission line, including towers, poles, conductors, telecommunications services for Project operations (microwave radio system, fibre optic cable system), crossings of water bodies, access roads and modifications to existing facilities
  - Describe the routing, type of line and interconnection points of the transmission lines
  - Describe the volume of wood (e.g., merchantable and non-merchantable) within the right-of-way, and clearing, salvage and removal methods
  - Describe the communications plan, with respect to aircraft, that is required with the Department of National Defence (5 Wing Goose Bay) to prevent any incidents from occurring
  - Describe any possible restrictions to low level flying activities
  - Describe any possible restrictions to land use, including measures of notifying land users of ongoing construction activities

- Converter stations
  - Describe the construction methods for the buildings, offices, maintenance areas, water and sewage works, electrical equipment and switchgear

- Shore electrodes
  - Describe the construction methods for the onshore junction houses, installation of the bundled individual cables and electrodes

- Cable crossings and landing sites at the Strait of Belle Isle
  - Describe the construction methods for the subsea, tidal and onland preparation, protection techniques for cables, tunnelling, drilling, trenching, backfilling and blasting activities, ocean disposal, cable pull-in and laying, onshore landing stations

- Right-of-Way Clearing
  - Describe the work required and schedule for right-of-way preparation including volume of merchantable and non-merchantable wood, location of cleared areas, harvesting strategy (e.g., roads, labour)
  - Describe methods for wood clearing/harvesting
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- Describe the work required to prepare the seabed for cable laying including sea electrodes and associated infrastructure
- Describe the work required to prepare the cable landing sites including those related to sea electrodes

- Access Infrastructures
  - Describe the permanent and temporary access infrastructures (including road, air and water) to be constructed, as well as existing infrastructures to be utilized
  - Describe new access roads and corridors (including locations, current and anticipated traffic, technical characteristics and general road construction standards such as maintenance, useful life, ditches, bridges and culverts including fording activities, and use of dust-control and de-icers) and any modifications and/or upgrades required to existing access infrastructures
  - Describe the communications plan, with respect to aircraft, that is required with the Department of National Defence (5 Wing Goose Bay) to prevent any incidents from occurring
  - Describe any possible restrictions to low level flying activities
  - Describe any possible restrictions to land use, including measures of notifying land users of ongoing construction activities

- Borrow Pits, Quarries and Spoil Areas
  - Identify the source, quantity and end use of all rock and aggregate materials to be used
  - Identify the source, quantity and proposed disposal location of all excavated materials including marine disposal
  - If quarrying/excavating/using rock with the potential for acid generation, outline the methods for prediction and prevention of metal leaching and acid rock drainage (ML/ARD), and provide an assessment of potential for impacts of metal leaching and acid rock drainage (ML/ARD)

- Personnel Requirements
  - Present the estimated size of projected workforce by month or quarterly (minimally annually) over the construction phase, indicating occupations by National Occupation Classification (NOC) Codes, skills, entry requirements and duration of work

[Provision of only annual projections of the workforce is not conducive to accurate prediction of direct or cumulative socioeconomic effects.]

- The total number of hours required per year by occupation
- Whether the positions are full-time equivalent or actual positions. If they are actual positions, the breakdown of full-time and part-time or full-year and part-year positions
- The skill composition demands for the workforce (i.e., do the positions require the experience of a journeyman or apprentice)
- Percentage of the hired workforce from Newfoundland and Labrador
- Percentage of the hired workforce from Labrador
- Describe the anticipated working schedule for Project construction activities

- Protected Areas
  - Where the proposed or alternate corridors or construction infrastructure come within one kilometre or less of an existing or proposed provincial protected area, the EIS shall describe exactly the placement of towers and associated access and construction infrastructure (i.e. roads, trails, bridges, quarries etc.)

- Temporary Structures and Infrastructure
  - Describe camp locations, drinking water supply source, method of managing wastewater and discharge areas, location and capacity and operating conditions of solid waste disposal sites, power supply, and management of any other installations (including fuel storage depots) required for the camps to function properly and safely
  - Provide the scope and location of any communication and telecommunications systems required by the Project (e.g., transmission towers, access roads, energy sources)
  - Identify and quantify the use, management and production of dangerous products and hazardous waste generated by the Project during the construction phase
  - Identify the location, capacity and access to material and fuel receiving, handling and storage areas
  - Describe the location, capacity and access to disposal and recycling sites for domestic and construction waste, including those developed during construction and existing sites to be used for the Project
  - Identify and describe potential landing areas for wood piles or wood storage sites
  - Provide an inventory of equipment and materials required for the Project, including hazardous materials
  - [Workers at camp site can create a significant fishing potential. Any restrictions on worker’s fishing activities should be included.]

- Innu Nation recommends moving the above point to a more appropriate location, such as mitigation and compensation works below.
  - Describe any storage or use of explosives
  - Describe the communications plan, with respect to aircraft, that is required with the Department of National Defence (5 Wing Goose Bay) to prevent any incidents from occurring
  - Describe any possible restrictions to low level flying activities

- Mitigation and Compensation Works
- Describe any physical works proposed as mitigation or compensation measures (for e.g.: sedimentation control)
- Describe the communications plan, with respect to aircraft, that is required with the Department of National Defence (5 Wing Goose Bay) to prevent any incidents from occurring
- Describe the communications plan to notify land users of ongoing construction activities to address potential incidents and conflicts
- Describe any restrictions on worker’s fishing, hunting or other land use activities to prevent adverse effects on local fish and wildlife populations

Demobilization
- Describe the approach and conceptual plans for demobilizing all structures used or created during construction that are of a temporary nature.
- Identify, within the limits of the Proponent’s knowledge and control, how the operation, use, development, possible rebuilding and eventual dismantling and demobilization of certain installations shall be handled in consideration of other uses.
- Specifically note, to the extent possible, whether some installations, including all of the access infrastructures, may be used as they are, or may be converted or salvaged for other purposes by other proponents or communities, or if they must be dismantled and demobilized at the end of their useful life. The proposed means of rehabilitation of any areas to be abandoned shall be described.

4.3.5 Operation and Maintenance

All aspects of the operation and maintenance of the undertaking shall be detailed in this section of the EIS. This shall include:

(a) Transmission Lines and Access Roads
- Maintenance (e.g., vegetation management, dust control, de-icing) of roads and transmission facilities shall be described.
- Electromagnetic fields shall be indicated.
- Maintenance of underwater cables and sea electrodes
- Describe the communications plan, with respect to aircraft, that is required with the Department of National Defence (5 Wing Goose Bay) to prevent any incidents from occurring
- Describe any possible restrictions to low level flying activities
- Describe the communications plan to notify land users of ongoing operations and maintenance activities to address potential incidents and conflicts

(b) Convertor stations
- Electromagnetic fields shall be indicated
(c) Shorea Electrodes
   - Electromagnetic fields shall be indicated

(d) Cable crossings and landing sites at Strait of Belle Isle
   - Electromagnetic fields shall be indicated

(e) Personnel Requirements
   - A profile of the estimated work force (including occupations by National Occupation Classification (NOC) Codes, skills, entry requirements and duration of work) shall be provided
   - The actual number of workers required by occupation by month
   - The total number of hours required per year by occupation
   - Whether the positions are full-time equivalent or actual positions. If they are actual positions, the breakdown of full-time and part-time or full-year and part-year positions
   - The skill composition demands for the workforce (i.e., do the positions require the experience of a journeyman or apprentice)
   - Working schedules for Project operation and maintenance activities shall be included.

(f) Fuel and Dangerous and Hazardous Products and Waste
   - Identify and quantify the use, management and production of dangerous and hazardous products and waste generated by the Project during the operation and maintenance phase
   - Describe material and fuel receiving, handling and storage areas and provision for management and disposal of waste and discarded equipment

(g) Operating Requirements
   - The Proponent shall describe, in addition to permits and authorizations, all other requirements to operate the Project, including leases and insurance

4.3.6 Decommissioning

The EIS will present an approach for the decommissioning phase of the Project, which sets out a commitment to address:
   a) environmental planning and mitigation measures;
   b) socio-economic mitigation measures; and
   c) public health and safety procedures.

4.4 ENVIRONMENT

4.4.1 Identification of Issues and Selection of Valued Environmental Components (VECs)
To better focus the EIS, the Proponent shall identify the key issues related to the Project. To help focus the environmental assessment, the Proponent shall identify and justify, based on a clearly defined set of criteria, those components of the biophysical and socio-economic environment that are most valued and/or sensitive, and which have a meaningful potential to be affected by the Project (the “Valued Environmental Components” or VECs).

It is understood that the process for defining VECs is iterative and that the list of VECs can be modified during the environmental effects analysis phase. The VECs can be revised and adjusted in relation to the information acquired during the environmental assessment process.

For information purposes, the following are factors that could prove relevant in the choice of VECs:
- Aboriginal and public concerns related to the component;
- economic significance;
- protected status of the component;
- regulatory requirements;
- rarity or special status of the component;
- preservation of biodiversity;
- sensitivity of the component to disturbances or pollution;
- human health;
- importance of the component’s ecological role;
- cultural heritage\(^1\) or social significance of the component.

In considering VECs, the Proponent shall recognize: that the value of a component not only relates to its role in the ecosystem, but also to the value placed on it by humans; that culture and way of life of those using the area affected by the Project may also be considered as VECs; and that functional relationships within the environment may also be considered as VECs.

### 4.4.2 Study Areas

For the purpose of describing the existing environment and assessing the Project’s anticipated effects on the biophysical and socio-economic environments, the Proponent shall determine study areas specific to each VEC. Each study area should be inclusive of the landscape necessary to predict the environmental effects of the Project on each VEC. For the

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\(^1\) For the purpose of this environmental assessment, “cultural heritage” includes but is not limited to a human work or a place that
(a) either
(i) gives evidence of human activity;
(ii) has spiritual and/or cultural meaning; or
(iii) gives evidence of human activity and has spiritual and/or cultural meaning;
and
(b) that has heritage value.
purposes of assessing the Project’s effects on the socio-economic environment, the study areas shall take into consideration the landscape used to support contemporary and historic Aboriginal and non-Aboriginal land use.

The delineation of the study areas is crucial to scope the extent of the environmental assessment. The rationale used to delineate the boundaries of the study areas shall be provided.

The mapping and description of the study areas for each VEC may include the following information:
- main ecological constraints of the environment
- land use
- local communities
- habitat types
- survey locations

4.4.3 Previous Development

Transmission line construction has been ongoing in the province. As such, understanding how the effects of past transmission line projects have been mitigated and/or managed is of interest where those environmental effects have the potential to overlap with those of the Project or would provide lessons that could be applied to the environmental assessment of the Project. The EIS should include a concise discussion of past large scale transmission line projects, the environmental effects that have occurred as a result, where overlapping environmental effect are anticipated, and the measures that have been taken to mitigate or manage these overlapping environmental effects. Discussion of overlapping environmental effects should include consideration of the degree to which these mitigation measures have been successful. Any long-term monitoring or follow-up programs of relevance to these overlapping environmental effects and the key results should also be described. This information will help interested parties to understand the potential environmental effects of the Project and how they may be addressed.

4.4.4 Description of the Existing Environment

The EIS shall identify the study area for each VEC and include a description of the existing biophysical and socio-economic environment and the resources within it that will be affected or that might reasonably be expected to be affected, directly or indirectly, by the Project.

The EIS shall describe relevant aspects of the existing environment in the study area for each VEC prior to development of the Project, which constitutes the reference state of the environment. This description of the environment must reflect Aboriginal traditional and community knowledge, as well as social, cultural and economic activities and values related to the
described components. The description, depending on the study area, would also include physical/chemical characterization of seabed sediments that may be disturbed and of any proposed marine disposal site.

Where appropriate and possible to do so, the Proponent shall present a time series of data and sufficient information to establish the averages, trends and extremes of the data that are necessary for the evaluation of potential environmental and cumulative effects of the Project. For each VEC, the Proponent should consider and justify how far back in time and how far into the future the environmental assessment should be conducted. The Proponent will identify any deficiencies in information, and how these deficiencies will be addressed.

Using qualitative and quantitative surveys, the EIS shall describe the components of the biophysical and human environments likely to be affected by the Project. If the information available from government or other agencies is insufficient or no longer representative, the Proponent shall complete the description of the environment with current surveys.

Components of the environment must be described and shall include the necessary data and the required information to understand, interpret and address the confidence levels of these data (methods, survey dates and times, weather conditions, location of sampling stations, etc. as appropriate) and shall employ appropriate methods to identify, understand, analyze and assess the environmental effects of the Project.

In addition, the EIS shall describe environmental interrelationships and sensitivity to disturbance. If the study results or data have been extrapolated or otherwise manipulated to depict environmental conditions in the study area modeling methods and equations shall be described with calculations of margins of error and/or confidence limits.

A description of the existing environment shall be developed for each alternative drawing specific reference to the VECs. References are attached at the end of these Guidelines to provide direction to the Proponent.

Detailed discussions shall be developed and VECs described for the following:

4.4.4.1 Atmospheric Environment

The Proponent shall describe the relevant components of the atmospheric environment within the study area of the VECs, including the following:

- Climate and meteorology
- Indication of recent climate change observations
- Emissions of greenhouse gases (e.g., CO₂, CH₄) in the context of provincial and regional emissions and targets and federal objectives
• Existing ambient air quality, including current substantive sources of emissions of conventional air contaminants (PM, SO₂, NOₓ, VOCs)
• Existing ambient noise level

4.4.4.2 Aquatic Environment (Freshwater and Marine)

The Proponent shall describe the relevant components of the aquatic environment within the study area of the VECs, including the following:

• Biological diversity, composition, abundance, distribution, population dynamics, sensitivity to disturbance and habitat utilization (including identification of sensitive/critical habitats) of aquatic species, including fish, semi-aquatic species, seabirds and marine mammals.
• Hydrological features such as lakes and streams/streams, river hydrology and hydraulics, bathymetry, surface water flow, flood zones, lake and river ice formation, dynamics and melt patterns, salinity, and tides.

[No hydrological information appears to be required by the Guidelines, which Innu Nation presumes is an oversight. Construction and operation of access and winter roads, construction planning and scheduling (due to break up and freeze up), water taking for drilling or ice making, extent of tides, etc., are all types of information relevant to understanding the effects of this Project.]

• Species of special interest or conservation concern (including their habitat), with an emphasis on rare, vulnerable or threatened species (e.g.,; species listed in the Endangered Species Act, Species at Risk Act as well as COSEWIC listed species, or those being considered for listing by COSEWIC)
• Areas of special interest (Strait of Belle Isle is considered an ecologically and biologically significant area (EBSA) characterized by it’s significance of marine mammals.)
• Description of physical oceanography in the Strait of Belle Isle and characterization of the ice regime, including iceberg movement and distribution, groundings, and scour depth.
• Details re fish habitat classification and quantification
• Fish mortality from construction and operation
• Human-environment interactions

4.4.4.3 Terrestrial Environment

The Proponent shall describe the relevant components of the terrestrial environment within the study area of the VECs, including the following:

• Bedrock and surficial geology, terrain and soil conditions
• Permafrost conditions, including areas of discontinuous permafrost
• Species of special interest or conservation concern (including their habitat), with an emphasis on rare, vulnerable or threatened species
(e.g.: species listed in the *Endangered Species Act, Species at Risk Act* as well as COSEWIC listed species

- Composition, abundance, distribution, population dynamics and habitat utilization of terrestrial fauna, including mammals, avifauna (e.g., raptors and migratory birds including landbirds, waterfowl and shorebirds). Fauna (including migratory species), *rare fauna*, fauna species at risk, and potential habitat for fauna species at risk. Available data, survey results and detailed monitoring and mitigation measures that demonstrate a special emphasis on avoidance of environmental effects is to be included in the EIS

- Composition, distribution and abundance of terrestrial flora, including forest inventories and ecological land classifications. Flora (include lichens), including typical species, rare species, species at risk, non-native species and potential habitat for flora species at risk. Available data, survey results and detailed monitoring and mitigation measures that demonstrate a special emphasis on avoidance of environmental effects is to be included in the EIS

- Existing patterns of habitat and ecotype alteration, disruption and destruction

- Composition, distribution and abundance of medicinal herbs and plants harvested by affected Aboriginal communities

- Composition, distribution and abundance of wetlands as classified using the Canada Wetland Classification System. Further characterization, in terms of a functional analysis (e.g., habitat, water flow regulation, groundwater recharge) be conducted only for those wetlands that are expected to be directly affected.

- Migratory patterns/river crossings

- Human-wildlife interaction (e.g., bear management plans)

For the Terrestrial Environment some key indicator species/species assemblages were selected to focus the environmental assessment. The species selected are reflective of different phyla, orders, families or guilds of species that represent key components of the Terrestrial Environment. These species were selected as being representative of species groups, importance in the food web (e.g., top predator), and their importance from socio-cultural and economic perspectives. The following is the list of these key indicators:

(a) Caribou
(b) Harlequin duck
(c) Waterfowl (including early and late breeding, molting and staging)
(d) Shorebirds
(e) Upland game birds
(f) Osprey/Eagles
(g) Landbirds (including passerine and song birds)
(h) Black Bear
(i) Moose
(j) Marten
(k) Beaver
(l) Porcupine
(m) Lynx/Coyote
(n) Flora species (Plants and Lichens)

4.4.4.4 Land and Resource Use

The Proponent shall describe relevant land and resource use within the study area of the VECs, including the following:

- Present and potential timber resource logging/harvesting and utilization (commercial and domestic)
- Current use of land and resources (including freshwater and marine aquatic resources) by Aboriginal persons for traditional purposes, including location of camps, harvested species and transportation routes
- Current use of land and resources (including freshwater and marine aquatic resources) by other users (including agricultural, petroleum and mineral exploration, quarries, structural development such as cabins, outfitting camps, trapper’s camps, etc)
- Other rural land and resource use including existing and potential recreational and commercial fishing (freshwater and marine) and the fishing gear used, hunting, gathering of country food and collection of plant propagules
- Current use of land and water resources for supply of domestic potable water for individuals and communities.
- Current navigational use (e.g., vessel/boat traffic) and winter travel in areas of shorelines, subsea cables, temporary/permanent water crossings, and any other works than are placed in, on, over, through, or across any navigable water.
- Location and description of unique sites or special features, including any candidate sites for ecological or cultural heritage preservation and conservation, Environmentally Sensitive Areas, reserves or protected areas, conservation agreement lands and habitat enhancement projects.
- Landscapes, landscape integrity, aesthetics, wilderness values

4.4.4.5 Cultural Heritage Resources

The Proponent shall describe relevant cultural heritage resources in the study areas of the VECs, including:

- Burial, cultural, spiritual and heritage sites
- Historic and archaeological resources, including those underwater
- Palaeontological resources
- Architectural resources

4.4.4.6 Communities
The Proponent shall describe relevant community elements in the study areas of the VECs, including:

- Demographics
- Community services and infrastructure  
  - Health services and social programs (e.g., drug addiction, delinquency)
- Human health  
  - Occurrence and trends in chronic diseases (e.g., diabetes, cardiovascular disease, chronic pulmonary disease and cancer), infectious disease, mental illness, addictions and quality of life  
  - Drinking water sources and quality
- Community health
- Family life
- Safety
- Culture
- Education and Training
- Housing and accommodation
- Property value and land use

4.4.4.7 Economy, Employment and Business

The Proponent shall describe relevant economy, employment and business elements in the study areas of the VEC, including:

- Economy of Upper Lake Melville, Labrador and the Province  
  - Taxes and royalties  
  - Effects on gross domestic product
- Employment in Upper Lake Melville, Labrador and the Province
- Skilled and unskilled labour supply in Upper Lake Melville, Labrador and the Province
- Expenditures in Upper Lake Melville, Labrador and the Province
- Availability of skilled and unskilled labour
- Employment equity and diversity including under-represented groups (e.g., women, persons with disabilities, aboriginal groups)
- Business capacity  
  - Goods and services
- Agriculture
- Outfitting
- Tourism
- Trapping
- Forest Resources Harvesting
- Mining and Mineral Exploration

4.4.5 Component Studies
Component Studies shall be prepared for at least the following VECs, including:

- Caribou (and predators)
- Furbearers
- Avifauna
- Species at risk (flora, including lichens and fauna)
- Marine and Freshwater fish and fish habitat (including plankton, benthos, and marine mammals and any existing or potential aboriginal, commercial and recreational fisheries)
- Water (quality and quantity)
- Land use
- Historic resources
- Timber resources
- Socio-economics (including tourism, outfitting, outdoor recreation)
- Viewscapes

Where new information becomes available as a result of baseline studies, additional component studies may be required.

Component studies generally have the following format.

(a) Rationale/Objectives

In general terms, the rationale for a component study is based on the need to obtain additional data to determine the potential for significant effects on a VEC due to the proposed undertaking, and to provide the necessary baseline information for monitoring programs.

(b) Study Area

The boundaries of the study area shall be defined depending on the characteristics of the VEC being investigated.

(c) Methodology

Methodology shall be proposed by the Proponent, in consultation with resource agencies, as appropriate. The methodologies for each component study shall be summarized in the EIS.

(d) Study Outputs

Study outputs shall be proposed by the Proponent. Information and data generated shall be sufficient to adequately predict the effects on the VEC and determine monitoring and follow-up requirements.

4.4.6 Data Gaps
Information gaps from a lack of previous research or practice shall be described indicating baseline/information which is not available or existing data which cannot accurately represent environmental conditions in the study area over four seasons. If background data have been extrapolated or otherwise manipulated to depict environmental conditions in the study area, modeling methods and equations shall be described and shall include calculations of margins of error and/or confidence limits.

4.4.7 Future Environment without the Project

The EIS shall describe the predicted future condition of the environment within the expected life span of the Project, if the Project were not to proceed. The predicted future condition of the environment shall help to distinguish project related effects from environmental change due to natural processes and shall include a discussion of climate change.

The socio-economic environment to be described is undergoing substantial change regardless of the Project. The analysis shall consider the likely trends in the area in the absence of the Project given available information about other planned major projects or social, economic, or institutional changes in the zone of influence within the time frame of the Project.

4.5 Environmental Effects

4.5.1 General

The EIS shall contain a comprehensive analysis of the predicted environmental effects on the VECs of each project alternative. If the effects are attributable to a particular phase of the Project (construction, operation and/or maintenance) then they should be designated as such.

Predicted environmental effects (positive and negative, direct and indirect, short and long-term) shall be defined quantitatively and qualitatively for each project alternative and for each VEC. Environmental effects predictions shall be explicitly stated and the theory or rationale upon which they are based shall be presented in terms of the following parameters, as appropriate.

(a) nature
(b) magnitude (qualitative and quantitative)
(c) geographic (spatial) extent
(d) timing, duration and frequency
(e) degree to which effects are reversible or mitigable
(f) ecological context

- Document the use of existing linear corridors by Newfoundland and Labrador caribou and their predators to provide baseline data on the effects of linear corridors on the landscape.
- Identify the potential effects on remaining pristine areas and important habitat on the Northern Peninsula: the Highlands of St John and the Soufflets-Main River areas.
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- Development of extensive botanical and wildlife surveys throughout the footprint of the proposed transmission line, as well as literature research detailing the effects of linear corridors on wildlife, and increased access and use by humans/predators.

  (g) Cultural heritage and social context
  (h) level and degree of uncertainty of knowledge
  (i) the capacity of renewable resources that are likely to be significantly affected by the Project, to meet the needs of present and future generations
  (j) the extent to which biological diversity is affected by the Project
  (k) environmental protection goals and objectives as set out in applicable legislation, regulations, policies, plans and programs

The Proponent shall prepare a table of the proposed Project’s anticipated effects, which shall enable the reader to review and consider those effects.

Among the effects of the Project on the biophysical environment to be assessed, effects on fish and fish habitat, greenhouse gases emissions and navigation and navigability should be considered. Climate change implications should also be considered.

With respect to the fish and fish habitat VEC, the proponent shall conduct a comprehensive analysis of the impacts to fish and fish habitat, including marine mammals, associated with but not limited to:
- installation and operation of the Strait of Belle Isle cable crossing, including blasting activities;
- acoustic outputs into the water, particularly for the Strait of Belle Isle, and its impact on marine mammals and their migration;
- installation and operation of shore electrodes, including but not limited to electromagnetic and thermal fields, generated and induced electric fields and electrolysis products;
- long term effects of electrode functioning;
- electromagnetic disturbances and their effects on fish and benthic invertebrates;
- fate and effects of chlorine generated by electrodes;
- interference or disruptions to fisheries in the marine and freshwater environments, including the creation of access to remote lakes and rivers;
- construction, operation and decommissioning of access roads and multiple watercourse crossings
- Effects on fisheries and use of fishing gear in the Strait of Belle Isle as a result of the submarine cable; and in Lake Melville and Conception Bay as a result of the sea electrodes.

With respect to greenhouse gases, the Proponent shall describe and analyze greenhouse gas emissions from the Project (including methane). This shall include provision of a greenhouse gas budget for emissions from all phases of the Project, a description of specific greenhouse gas emissions that the Project will or could offset, the necessary conditions for that offset occurring, and a quantitative net estimate of potential greenhouse gas reductions or increases.
With respect to effects of the Project on navigation and navigable waters, the Proponent shall describe effects on the navigability and the navigation patterns of all waters existing, altered or created by all phases (construction, installation, operation) of the Project. Impacts on traditional (e.g., hunting, fishing) and current recreational and commercial waterway use should be identified and assessed.

The assessment of the beneficial and adverse effects of the Project on the socio-economic environment shall consider how the Project may affect various segments of the local populations (e.g., youth, elders, men, women, Aboriginal groups, harvesters, existing workforce including professionals). The following should be taken into account when assessing effects of the Project:

(a) demographics  
(b) human health  
(c) social and cultural patterns (particular attention shall be given to the comparative adverse and beneficial effects of a major base of employment away from the communities, rotational work schedules, and the presence of large, temporary work forces and contractors in the region)  
(d) services and infrastructure (including road transportation of workers and materials)  
(e) cultural heritage sites  
(f) land and resource use  
(g) local, regional and provincial economy  
(h) employment, education and training  
(i) governments  
(j) Aboriginal issues  
(k) experience gained from previous large developments

In considering the local social and economic effects of the Project, the Proponent shall have due regard for the attitudes, beliefs and perceptions of local residents, and how these are grounded in their culture, social organizations and historical experience.

4.5.2 Accidents and Malfunctions

The Proponent will identify and describe the potential accidents and malfunctions related to the Project, including an explanation of how those events were identified, potential consequences (including the potential environmental effects), the worst case scenarios and the effects of these scenarios. The Proponent will explain the potential quantity, mechanism, rate, form and characteristics of the contaminants and other materials likely to be released into the environment during the malfunction and accident events.

Potential accidents and malfunctions may include those associated with the following occurrences:
- fires
- waste management and disposal;
• use, handling or spills of chemicals and hazardous materials on land or in the marine and freshwater environments, including vessel operations; and
• any other project components or systems that have the potential, through accident or malfunction, to adversely affect the natural environment.

The Proponent shall pay special attention to the sensitive elements of the environment (e.g., communities, homes, natural sites of interest, areas of major use) that may be affected in the event of an accident or a major malfunction.

The Proponent shall assess the likelihood of occurrence of the accidents and malfunctions.

Detailed plans, measures and systems to reduce the potential occurrence of an accident or malfunction shall be provided by the Proponent. They shall indicate how they will reduce the effects or consequences of an accident or malfunction, should it occur.

4.5.3 Cumulative Effects

The Proponent shall identify and assess the Project’s cumulative environmental effects. Cumulative effects are defined as changes to the environment due to the Project where those overlap, combine or interact with the environmental effects of other existing, past or reasonably foreseeable projects or activities.

In the cumulative effects assessment, the Proponent shall consider guidance provided by the Canadian Environmental Assessment Agency in its Cumulative Effects Assessment Practitioners Guide (1999) and other literature and experience with environmental assessment in Canada or elsewhere that it finds helpful in framing the cumulative environmental effects analysis.

The Proponent shall:
• identify and justify the VECs that will constitute the focus of the cumulative effects assessment. The Proponent’s assessment should examine the likelihood, nature and extent of the predicted cumulative effects of each Project alternative for each VEC. It may be appropriate, during the course of the environmental assessment, to refine the definition of VECs selected for cumulative effects assessment.
• present a justification for the spatial and temporal boundaries of the cumulative effects assessment. The boundaries for the cumulative effects assessments will again depend on the effects being considered (e.g., will generally be different for different effects). These cumulative effects boundaries will also generally be different from (larger than) the boundaries for the corresponding Project effects;
• describe and justify the choice of projects and selected activities for the cumulative effects assessment. These shall include past activities and projects, those being carried out and future projects or activities likely to be carried out; and
• describe the mitigation measures that are technically and economically feasible;
• determine the significance of the residual cumulative effects; and—The Proponent shall
• assess the effectiveness of the measures applied to mitigate the cumulative effects. In cases where measures exist that are beyond the scope of the Proponent’s responsibility that could be effectively applied to mitigate these effects, the Proponent shall identify these effects and the parties that have the authority to act. In such cases, the Proponent shall summarize the discussions that took place with the other parties in order to implement the necessary measures over the long term.

4.5.4 Renewable Resources

The Proponent shall determine, based on the results of their assessment, whether the Project is likely to cause significant environmental effects on renewable resources and therefore compromise their capacity to meet present and future needs.

Renewable resources are defined as resources that can be renewed on a regular basis, either naturally or by human action. While the emphasis is placed on living renewable resources such as fish, wildlife and forest, the analysis of the effects on renewable resources should also consider non-living renewable resources such as water.

The Proponent shall briefly describe the renewable resources that may be affected by the Project. The Proponent shall clearly establish, taking into account the result of their impact assessment, whether these renewable resources are likely to be significantly affected following the implementation of proposed mitigation measures (residual significant environmental effects). Should this be the case, the following points shall be addressed:

• a brief description of the Project’s environmental effects on the renewable resource;
• an indication as to the way in which the capacity of this resource was measured or evaluated;
• an indication of the temporal and geographic boundaries used to assess the capacity of the affected resource;
• a determination of the capacity of the resource to meet current needs;
• a determination of the capacity of the resource to meet future needs;
• a description of any other appropriate mitigation measures;
• a determination of the significance of the residual effects on the renewable resource and its capacity to meet the need of current and future generations;
• an identification of the risks and uncertainties that remain and the description of the next steps, if any, that will be required to address this effect.

4.5.5 Effects of the Environment on the Project

The environmental effects that may occur as a result of the environment acting on the Project shall be assessed.

Environmental changes and hazards that may occur and may affect the Project shall be described (e.g., wind, currents, waves, storm surges, severe precipitation events,
flooding, ice, sea ice, icebergs, earthquakes). The EIS shall take into account the potential influence of climate change scenarios (e.g., sea level rise, iceberg frequency, increased severity and frequency of storms and flooding). The influence that these environmental changes and hazards may have on the Project shall be predicted and described.

4.6 **ENVIRONMENTAL PROTECTION**

4.6.1 **Mitigation**

The EIS shall identify and discuss the proposed mitigation measures that are technically and economically feasible and that would mitigate the significant adverse effects of the Project and enhance beneficial effects, including the interaction of these measures with existing environmental management plans. Under the CEAA, mitigation is defined as the elimination, reduction or control of the adverse environmental effects of the Project, and includes restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means. The rationale for and effectiveness of the proposed mitigation and enhancement measures should be discussed and evaluated. The Proponent, where possible, should refer to similar situations where the proposed mitigation has proven to be successful. Mitigation failure should be discussed with respect to risk and severity of consequence.

The Proponent shall identify who is responsible for the implementation of these measures and the system of accountability, including the obligations of all its contractors and subcontractors.

Mitigation measures shall be described for the construction, operation and maintenance phases and shall include:

(a) Procedures that would be used to avoid environmentally sensitive areas or periods of the year
(b) Contingency plans and procedures to respond to accidents, malfunctions & emergencies
(c) Description of fish habitat compensation measures to offset adverse effects on fish and fish habitat
(d) Mitigation measures to reduce, eliminate or control impacts of project components and activities, identified in sections 4.3.4 Construction, 4.3.5 Operation and Maintenance and 4.3.6 Decommissioning, on fish and fish habitat (including marine mammals)
(e) Measures to ensure continued unrestricted and safe access and passage on land and sea for harvesting and travel by Aboriginal and non-Aboriginal local residents, and what alternatives shall be provided in the event of disruption
(f) Measures to reduce or eliminate impacts on safe navigation during the construction, installation, and operation of the sub sea cable crossing, shorece electrode sites, temporary and permanent stream crossings, and all aerial transmission lines over navigable waters
Mitigation measures which would be taken to reduce or offset adverse effects on communities affected by the Project.

Mitigation measures which would be taken to reduce or offset adverse effects on local businesses most directly affected by the Project.

Describe measures to enhance any beneficial environmental effects, such as economic benefits to businesses affected by the Project.

Measures to maximize labour market opportunities, including Aboriginal labour, and address labour challenges with an emphasis on strategies to enhance recruitment and retention and increase employment and participation. To this end, the Proponent must minimally describe a human resources plan that includes a description of objectives and strategies to address labour force availability, skilled trades recruitment, diversity in recruitment, training and employment equity. This plan should also minimally identify employment objectives and targets for women and other labour force groups if applicable.

Contingency plans and procedures to follow in the event cultural heritage resources are accidentally discovered during any phases of the project.

Development and methods for implementing wildlife (fauna and flora) monitoring programs and mitigation protocols. Issues surrounding increased access and potential effects on wildlife must be considered.

Other mitigation measures that were considered, if any, that were considered shall be identified, and the rationale for rejecting these measures shall be explained. Trade-offs between costs and predicted effectiveness of the mitigation measures shall be justified.

The Proponent shall discuss the application of the Precautionary Principle in the identification of mitigation measures. The Precautionary Principle is defined in Section 2.5. The best available technology and best management practices shall be considered. Consideration shall be given for avoidance of environmental effects through implementation of scheduling and siting constraints and pollution prevention opportunities.

### 4.6.1.1 Compensation

The Proponent shall describe, in general terms, compensation programs and arrangements as follows:

(a) Any compensation programs for damage caused by the Proponent’s activities to the environment, to property, business operations, or to the land and resources used or owned by others. The Proponent shall describe any existing or proposed compensation programs for losses relating to property, use, access, harvests, added harvesting effort and costs that may be incurred by users of the land and its resource (e.g., tourism operators, outfitters, trappers, subsistence hunters). A comparison with compensation programs for other projects and other resource development activities shall be provided.
(b) Any compensation arrangements for local, public or private providers whose burdens and costs are increased or who incur losses as a result of the Project.

4.6.2 Emergency Response / Contingency Plans

The Proponent shall describe its environmental management plans and Safety, Health and Environmental Emergency Response Plans (SHERP) to provide an overall perspective on how potentially adverse environmental effects shall be managed over time. The Environmental Management System (EMS) shall include various plans (e.g., emergency response plans, contingency plans, environmental protection plans, waste management plans (shall consider issues with bears near camps, use of bear proof waste material containers, etc.), hazardous spill plans, monitoring plans) and developed in a manner consistent with the International Organization for Standardization (ISO) 14001 program. It shall show how the Project is consistent with sustainable development efforts in the region. Appropriate government agencies, Aboriginal groups and local communities shall be involved in the development of the plans.

4.6.3 Rehabilitation

A plan of proposed rehabilitation measures is required to address areas disturbed by temporary activities such as access roads, off-loading facilities, construction camp(s), land clearing etc. The plan shall discuss the rationale, objectives and procedures for proposed rehabilitation measures. A schedule for carrying out the work (e.g., seasonal requirements) shall be included in the plan. Appropriate materials (e.g., plant species, soils) shall be indicated.

4.6.4 Monitoring and Follow-up Programs

The EIS shall describe the environmental and socio-economic monitoring and follow-up programs to be incorporated into construction, operation and modification activities.

The Proponent shall consider guidance provided by the Canadian Environmental Assessment Agency in its follow-up programs under the Canadian Environmental Assessment Act.

Monitoring programs will ensure that the Project is implemented as proposed, that the mitigation or compensation measures proposed to minimize the Project’s environmental effects are effectively implemented, and that the conditions set at the time of the Project’s authorization and the requirements pertaining to the relevant laws and regulations are met. The monitoring program will also make it possible to check the proper operation of works, equipment and facilities. If necessary, the program will help reorient the work and possibly make improvements at the time of construction and implementation of the various elements of the Project.
The purpose of the follow-up program is to verify the accuracy of the predictions made in the assessment of the effects as well as the effectiveness of the mitigation measures. The duration of the follow-up program shall be as long as is needed to evaluate the effectiveness of the mitigation measures.

The proponent shall report on hiring and employment objectives and targets on a quarterly basis.

If either of these programs identify unforeseen adverse environmental effects, the Proponent shall commit to adjusting existing mitigation measures, or, if necessary, develop new mitigation or compensation measures. The Proponent shall describe how the results of monitoring and follow-up programs will be used to refine or modify the design and implementation of management plans, mitigation measures and Project operations. This section shall also discuss the ways in which holders of Aboriginal traditional and community knowledge, including elders, women and youth, shall be involved in any monitoring and follow-up programs. The Proponent shall distinguish as appropriate between monitoring (compliance) and effects follow-up programs.

The proposed approach for monitoring shall be described and shall include:

(a) The objectives of the monitoring program and a schedule for collection of the monitoring data required to meet these objectives;
(b) The sampling design, methodology, selection of the subjects and indicators to be monitored, and their selection criteria;
(c) The frequency, duration and geographic extent of monitoring, and justification for the extent;
(d) The application of the principles of Adaptive Environmental Management
(e) Reporting and response mechanisms, including criteria for initiating a response and procedures;
(f) The approaches and methods for monitoring the cumulative effects of the Project with existing and future developments in the Project area;
(g) Integration of monitoring results with other aspects of the Project including adjustments to operating procedures and refinement of mitigation measures;
(h) Experience gained from previous and existing monitoring programs;
(i) The advisory roles of independent experts, government agencies, communities, holders of Aboriginal traditional and community knowledge and renewable resource users;
(j) Procedures to assess the effectiveness of monitoring and follow-up programs, mitigation measures and recovery programs for areas disturbed by the Project; and
(k) A communications plan to describe the results of monitoring to interested parties.

The Proponent shall explain how the public, including Aboriginal groups, shall continue to be involved, including participation in the design and
implementation of environmental management and monitoring and follow-up programs.

The Proponent shall describe plans to maintain communications and working relationships with the affected communities, Aboriginal organizations, municipalities and government agencies throughout the life of the Project. The intent of these plans is to involve those groups in monitoring and follow-up programs, and in identifying and working toward the reduction of adverse physical, biological or socio-economic effects, and the enhancement of beneficial effects.

To design complete and comprehensive program proposals, the Proponent shall prepare and submit these documents subsequent to the completion of the environmental assessment, but before the initiation of the Project itself.

4.7 RESIDUAL EFFECTS AND DETERMINATION OF SIGNIFICANCE

Residual effects are those adverse environmental effects which cannot or will not be avoided or mitigated through the application of environmental control technologies, best management practices or other acceptable means.

The EIS shall list and contain a detailed discussion and evaluation of residual effects, including residual cumulative effects, which shall be defined in terms of the parameters outlined in sections 4.5.1 and 4.5.3.

The EIS shall contain a concise statement and rationale for the overall conclusion relating to the significance of the residual adverse environmental effects. The EIS will, for ease of review, include a summary table of the environmental effects, proposed mitigation and residual adverse effects.

4.8 CONSULTATION WITH ABORIGINAL GROUPS AND COMMUNITIES

The EIS shall demonstrate the Proponent’s understanding of the interests, values, concerns, contemporary and historic activities, Aboriginal traditional knowledge and important issues facing Aboriginal groups, and indicate how these will be considered in planning and carrying out the Project. The Aboriginal groups and communities to be considered include, in Newfoundland and Labrador, the Innu Nation, the Labrador Métis Nation and the Nunatsiavut Government and, in Quebec, the Innu communities of Uashat Mak Mani-Utenam, Ekuainitisht, Nutasquan, Unamen Shipu, Pakuashipi, Matimekush-Lac John, and the Naskapi Nation of Kawawachikamach.

The Proponent should hold consultation/information meetings with each of the above-mentioned Aboriginal groups.

To assist in ensuring that the EIS provides the necessary information to address issues of potential concern to these groups, the Proponent shall consult with each group for the purpose of:
1. familiarizing the group with the Project and its potential environmental effects;
2. identifying any issues of concern regarding potential environmental effects of the Project; and
3. identifying what actions the Proponent is proposing to take to address each issue identified, as appropriate.

If the Proponent is not able or should not address any particular issue(s), the EIS should include supporting reasons.

The results of those consultations are to be presented in a separate chapter of the EIS with an individual section for each of the affected Aboriginal groups. The Proponent must refer readers to the relevant sections of the EIS, as appropriate.

4.9 Public Participation

Public consultation meetings are required of the Proponent to present the proposal and to record interests and concerns, including those received in response to the Registration. These concerns shall be addressed in a separate chapter of the EIS.

The Proponent shall describe the activities and information sessions that they will hold or that they have already held within the context of the Project at the local, regional and national levels, where applicable. The Proponent shall indicate the methods used and their relevance, the locations where information sessions were held, the persons and organizations attending, the concerns voiced and the extent to which this information was incorporated in the design of the Project as well as in the EIS. Moreover, the Proponent shall describe how issues were recorded and addressed through the use of tables of concordance. Any outstanding issues shall be clearly identified.

Protocol for this meeting shall comply with the legislation and with the Newfoundland and Labrador Department of Environment and Conservation's Environmental Assessment Division’s policy on advertisement requirements for public meetings/information sessions included in Appendix B.

As a minimum, public meetings must be held in the communities of Happy Valley-Goose Bay, Northwest River, Sheshatshiu, Mud Lake, Forteau, Flower’s Cove, Portland Creek, Deer Lake, Grand Falls, Clarenville, Holyrood and St. John’s.

4.10 Environmental Protection Plan

The Proponent shall prepare an Environmental Protection Plan (EPP) for each main construction site and have them approved by the regulatory authorities before starting construction. They shall be stand-alone documents that shall target the site foreperson, the Proponent’s occupational health, safety and environmental compliance staff, as well as government environmental surveillance staff. The EPPs shall address construction, operation and modification phases of the Project. A proposed Table of Contents and an annotated outline for the EPPs is to be presented in the EIS which shall address the major construction and operational activities, permit requirements, mitigation measures and contingency planning as follows:
4.11 REFERENCES CITED

All references used during the preparation of the EIS shall be cited in the text and listed in this section.

4.12 PERSONNEL

The names and qualifications of all key professionals responsible for preparing the EIS and supporting documentation shall be included.

4.13 COPIES OF REPORTS

The Proponent shall prepare a complete and detailed bibliography of all studies used to prepare the EIS. Supporting documentation shall be referenced in the EIS and submitted in separate volumes or attached as an Appendix to the EIS.

BIBLIOGRAPHY

- Department of Fisheries and Oceans. 2002. Practitioners Guide to Habitat Compensation.
- Department of Fisheries and Oceans. 1998b. Decision Framework for the Determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish Habitat. 23 pages. Internet: http://www.dfo-mpo.gc.ca/canwaters-eauxcan/inforcentres/guidelines-1/counsilguides/hadd/index_e.asp

APPENDIX A – Requirements of an Environmental Impact Statement under the Environmental Protection Act, Section 57 and Assessment by a Review Panel under the Canadian Environmental Assessment Act, Section 16

APPENDIX B – Requirements for Public Meetings
APPENDIX A

Environmental Protection Act

Section 57 - Environmental Impact Statement

57. An environmental impact statement shall be prepared in accordance with the guidelines, and shall include,

(a) a description of the undertaking;

(b) the rationale for the undertaking;

(c) the alternative methods of carrying out the undertaking, and the alternatives to the undertaking;

(d) a description of the

(i) present environment that shall be affected or that might reasonably be expected to be affected, directly or indirectly, by the undertaking, and

(ii) predicted future condition of the environment that might reasonably be expected to occur within the expected life span of the undertaking, if the undertaking was not approved;

(e) a description of

(i) the effects that would be caused, or that might reasonably be expected to be caused, to the environment by the undertaking with respect to the descriptions provided under paragraph (d), and

(ii) the actions necessary, or that may reasonably be expected to be necessary, to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment by the undertaking;

(f) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking;

(g) a proposed set of control or remedial measures designed to minimize any or all significant harmful effects identified under paragraph (c);

(h) a proposed program of study designed to monitor all substances and harmful effects that would be produced by the undertaking; and

(i) a proposed program of public information as required under section 58.
Canadian Environmental Assessment Act

Section 16 - Factors to be considered

16. (1) Every screening or comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:

(a) the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;

(b) the significance of the effects referred to in paragraph (a);

(c) comments from the public that are received in accordance with this Act and the regulations;

(d) measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and

(e) any other matter relevant to the screening, comprehensive study, mediation or assessment by a review panel, such as the need for the project and alternatives to the project, that the responsible authority or, except in the case of a screening, the Minister after consulting with the responsible authority, may require to be considered.

Additional factors

(2) In addition to the factors set out in subsection (1), every comprehensive study of a project and every mediation or assessment by a review panel shall include a consideration of the following factors:

(a) the purpose of the project;

(b) alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;

(c) the need for, and the requirements of, any follow-up program in respect of the project; and

(d) the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future.
APPENDIX B

Department of Environment & Conservation
Environmental Assessment Division

ADVERTISEMENT REQUIREMENTS FOR PUBLIC MEETINGS /
INFORMATION SESSIONS

Purpose: To clarify for staff, proponents, public interest groups, etc. the types, timing, number, notification requirements, etc. for public consultations in relation to undertakings required under the *Environmental Protection Act, SNL, 2002 cE-14.2*, (Section 58) to prepare an Environmental Impact Statement (EIS) or required under the *Environmental Assessment Regulations, 2003* (Section 10) to prepare an Environmental Preview Report (EPR).

1. The Proponent is not required to conduct public meeting(s) (information sessions) under an EPR process unless specifically required to do so in the project Guidelines. This requirement shall be at the Minister's discretion, based upon advice from the Assessment Committee (AC) as provided by the Chairperson, taking into account the level of expressed public interest.

2. The Proponent is always required to conduct public meeting(s) (information sessions) under an EIS process as specified in the Legislation. This requirement shall be specified in the project Guidelines.

3. When required, a public meeting shall normally be held in the largest local population centre within the project area. This shall be the minimum requirement. In addition, when demonstrated public interest or concern warrants, additional meetings may be required. This may take the form of additional meetings to be held in major regional or provincial population centres, or possibly additional meetings within the original community. Such requirements are at the discretion of the Minister based on consensus advice from the AC Chairperson, and based upon public interest as evidenced by public submissions received.

4. The requirements for the location of public meetings may be modified for projects proposed within areas where there is an assertion of potential aboriginal or treaty rights, excluding projects located entirely within municipal boundaries. In such cases, a public meeting may specifically be required in an appropriate aboriginal community which has a direct interest in the land claim. Such a meeting may be required in addition to others required under #3 (above). The Proponent may be required to provide appropriate translation services for such meetings. This provision is subject to alternate direction relating to dealings with aboriginal groups which may be imposed by government under special circumstances.

5. The format of the public meeting may be flexible, and the Proponent is free to propose a suitable format for approval by the AC. The format may
range from formal public meetings chaired by the Proponent or representative with presentations followed by questions and answers, to a less formal open house forum where the public may discuss the proposal with the Proponent or representatives. Other formats may be considered by the AC. The purpose of the public information session is to 1) provide information concerning the proposed undertaking to those who may be affected, and 2) to record the concerns of the local community regarding the undertaking. Any format must meet these objectives.

6. The Proponent must ensure that each public meeting is advertised in accordance with the following specified public notification requirements, which shall form part of the project Guidelines when appropriate:

- Minimum information content of public advertisement - (Proponent to substitute appropriate information for italicised items):

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PUBLIC NOTICE

Public Information Session on the Proposed

Name of undertaking
Location of undertaking

shall be held at
Date and Time
Location

This session shall be conducted by the Proponent,
Proponent name and contact phone number,
as part of the environmental assessment for this Project.
The purpose of this session is to describe all aspects of the proposed Project,
to describe the activities associated with it, and to provide an opportunity for all interested
persons to request information or state their concerns.

ALL ARE WELCOME
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- If translation services are to be provided as per #4 (above), then the ad should specify this fact and the languages to be used for the session.

- Minimum newspaper ad size: 2 columns wide.

- Minimum posted ad size: 10 cm x 12 cm.

- Minimum newspaper ad frequency (to be run in newspaper(s) locally distributed within each meeting area or newspaper(s) with the closest local distribution area):
  - For dailies, the weekend between 2 and 3 weeks prior to each session and the two consecutive days prior to each session, OR
For weeklies, in each of the two weeks prior to the week in which the session is to be held.

- Minimum posted ad coverage: In the local Town or City Hall or office, and the local post office, within the Town or City where the meeting is to be held, to be posted continually for not less than 15 days prior to each session.

- Any deviation from these requirements for any reason must receive the prior written approval of the Minister.

- The Proponent must provide the Chairperson of the AC with copies of advertisements and public notices.
December 3, 2010

Mr. Bill Coulter, Project Manager  
CEAA – Atlantic Regional Office  
1801 Hollis Street, Suite 200  
Halifax, NS B3J 3N4  
Fax: 902-426-6550  
Email: bill.coulter@ceeaa-acee.gc.ca

Mr. Pat Marrie  
Chair, EA Committee  
Labrador-Island Transmission Link  
Dept. of Environment and Conservation  
Fax: 709-729-5518  
Email: pmarrie@gov.nl.ca

Re: Labrador-Island Transmission Link Preliminary EIS Guidelines

Dear Mr. Coulter and Mr. Marrie,

Thank you for your letter of November 5, 2010 to the Innu Nation Grand Chief inviting Innu Nation to provide comments on the preliminary EIS Guidelines for the proposed Labrador-Island Transmission Link.

Our comments concerning the preliminary EIS Guidelines are included as mark-ups and attached to this letter. In some instances, where the reason for our suggested changes is not obvious, we have provided additional explanation in square brackets below the revisions.

In addition to marking up the preliminary EIS Guidelines, Innu Nation is providing the following comments concerning the Guidelines and the consultation process to date between Innu Nation and the Governments.

Consultation Funding, Translation, and Interpretation

At a teleconference on September 8, 2010, representatives of CEAA and Innu Nation discussed the list of activities proposed in Appendix A of the draft Consultation Plan tabled by Innu Nation. At that discussion, the parties present agreed on those activities as the basis for Innu Nation’s submission for funding to the Participant Funding Program.

In consideration of those agreed-upon activities, Innu Nation submitted its proposal for funding to the Participant Funding Program – Aboriginal Funding Envelope in the amount of approximately $150,000. On November 4, 2010 we received a letter from CEAA indicating that Innu Nation had would be provided only $50,000 in funding, and requesting that Innu Nation submit a revised budget.

Innu Nation submitted that revised budget to CEAA on November 12, noting that the considerable shortfall in available funding would mean that Innu Nation would not be able to
translate documents or provide language interpretation services into Innu aimun during the environmental assessment. Innu Nation requested assurance that CEAA would pay for the translation outlined in our original proposal. No response has been received by Innu Nation to date.

As CEAA is aware, during the environmental assessment of the Lower Churchill Hydroelectric Generation Project, translation into Aboriginal languages has been undertaken by the Proponent, without prior consultation or cooperation with Innu Nation. The result is translated documents that contain errors and incomplete or incorrect information.

In our draft of the Consultation Plan, Innu Nation requested a consultative process for summarization and translation of information into Innu aimun. The recent draft of the Consultation Plan tabled by CEAA on November 30 makes no mention of translation or interpretation into Innu aimun, and the preliminary EIS Guidelines also contain no direction to the Proponent on these matters.

In summary, adequate consultation with Innu Nation cannot occur without translation of important information during the environmental assessment into Innu aimun. We are again requesting an indication from Canada and the Province as to how this translation will occur.

In closing, I am requesting to meet with you by teleconference as soon as can be arranged in order to discuss our proposed changes to the preliminary EIS Guidelines. Please contact Paula Reid (709-497-8398, [redacted]) to arrange this discussion.

s.30(1)

Richard Nuna
Manager – Operational Programs

cc: Grand Chief Joseph Riche
Paula Reid, Environmental Analyst

Attachments: 101203-LITL-DraftGuidelines-IN-Comments.pdf
Got it. Thanks

Sent Via BlackBerry

Randy says the letter was sent to Minister Harding on November 18th.

Hi
I have the statements and was waiting on the letter before I forwarded them to Donna. Randy gave them to me some time ago, but without the fee letter.
I'll forward to Donna.
Juanita

Hi Juanita and Todd,
I received a call from Donna Kelland at GS regarding the request for rate approval for LWT stickers. They have not received the audited statements from LWT. Do we have the statements? The audited statements are needed before GS can approve the rates for this year. Please let me know.
Thanks,
Mary

Mary Taylor-Ash
Assistant Deputy Minister, Tourism
Tourism, Culture and Recreation
P.O. Box 8700
St. John's, NL, Canada A1B 4J6
t 709.729.2821
t 709.729.5293
e mtaylorash@gov.nl.ca
www.gov.nl.ca
Stamp, Diane G.

From: Keel-Ryan, Juanita
Sent: Thursday, December 09, 2010 10:29 AM
To: Kent, Todd
Subject: RE: draft letter to LWT

Todd, was Marilyn doing a report on the meetings and outcomes? Were there recommendations? Thanks

From: Kent, Todd
Sent: Thursday, December 09, 2010 9:58 AM
To: KeelRyan, Juanita
Subject: RE: draft letter to LWT

Looks good to me Juanita. Although the rate should actually be uniform across Labrador. But anyway, those are the rates they agreed on.

Later, todd

From: KeelRyan, Juanita
Sent: Wednesday, December 08, 2010 1:04 PM
To: Kent, Todd
Subject: FW: draft letter to LWT
Importance: High

What do you think of this?

From: Taylor-Ash, Mary
Sent: Wednesday, December 08, 2010 10:25 AM
To: KeelRyan, Juanita
Subject: FW: draft letter to LWT
Importance: High

Hi Juanita,
Please read draft letter for LWT. Let me know if you have any changes.
Thanks,
Mary

Mary Taylor-Ash
Assistant Deputy Minister, Tourism
Tourism, Culture and Recreation
P.O. Box 8700
St. John's, NL, Canada A1B 4J6
t 709.729.2821
f 709.729.5293
e mtaylorash@gov.nl.ca
www.gov.nl.ca
From: Kelland, Donna
Sent: Tuesday, December 07, 2010 2:20 PM
To: Taylor-Ash, Mary
Subject: draft letter to LWT
Importance: High

Hi, Mary. Can you have a read of the attached draft response to LWT regarding their request for fees approval for 2010-11? I checked again and we still don't have a copy of their financial statements. We will need them before we can release the approval. Perhaps your folks can ask them, or let me know and we will follow up ourselves. Thanks DK
From: Marrie, Patrick  
Sent: Thursday, December 09, 2010 2:43 PM  
To: Carroll, Colin; Carter, Ruby; Cooney Corey; Coulter,Bill [CEAA]; Dale, Stephen ; Davis, Corrie; Deering, Peter; Graham, Jeri; Hearn, Peter; KeelRyan, Juanita; Kelly, Jason; Mandville, Len; McLean, Clyde; Mercer, Delphina; Miller, Kirsten; Randy Decker (Randy.Decker@tc.gc.ca); Troke, Glen  
Cc: Gover, Aubrey; Cleary, Bas; Mellor, Justin S. C.; Hill, Kaylen  
Subject: FW: L-ITL - Uashat - Translated Comments on Guidelines

Good afternoon all:

Attached is a translated version of comments received from Uashat.

If you have any comments please provide them to me as soon as possible.
By email and fax 902-426-6550

William A. Coulter
Project Manager
Canadian Environmental Assessment Agency
1801 Hollis Street, Suite 200
Halifax NS  B3J 3N4

Montreal, December 6, 2010

Subject: Lower Churchill Hydroelectric Generation and Labrador-Island and Nova Scotia Transmission Link Project (the Project)

Dear Sir,

The following is in response to your letter of November 5, 2010 to Chief Georges-Ernest Grégoire. The following is also in response to the letter from Lyne Morissette dated August 18, 2010. We reiterate the content of the August 18, 2010 letter.

As you know, we represent the Innu de Uashat mak Mani-Utenam, the Conseil de Bande Innu Takuaijan Uashat mak Mani-Utenam (ITUM) and certain traditional families of Uashat mak Mani-Utenam in the above-mentioned file.

As you also know, our clients claim Aboriginal title, Aboriginal rights and treaty rights to a substantial portion of Labrador. Their strong position is that any use or occupation of their traditional land without their consent is unconstitutional and illegal, and all development, past, present or future, on or concerning this land, including the natural resources, cannot be undertaken without their consent.

The Government of Newfoundland and Labrador and the Government of Canada are aware of our clients’ land claims in Labrador. Moreover, our clients never assigned their Aboriginal rights or title of their traditional lands in Quebec and Labrador.

Our clients’ consent is required for the Project, which was not obtained by the Government of Canada, the Government of Newfoundland and Labrador or Nalcor Energy. Also, all decisions and authorizations that were issued or could be issued by the governments of Newfoundland and Labrador and Canada regarding the Project are or will be without consideration for our clients’ titles, rights, activities and interests.
Furthermore, our clients must be specifically consulted and accommodated with regard to the Project, which was not done by the Government of Newfoundland and Labrador, the Government of Canada or Nalcor Energy.

**Scope of the Project**

We reiterate that the Project is a single project comprising several inseparable components, including the hydroelectric generating stations, reservoirs, transformer substations and transmission lines, including the transmission lines linking Labrador to the Island of Newfoundland and Nova Scotia, as well as related works, such as roads, access roads and work camps.

In fact, the hydroelectric generating stations and transmission lines are two inseparable components of a single project; they are two closely related and interdependent activities that form a single project. Also, the operation of the hydroelectric stations requires that the transmission lines link the hydroelectric generation stations to the transmission system. In other words, the power generated by hydroelectric generation stations is useful only if these stations are linked by transmission lines to the transmission system.

The Government of Newfoundland and Labrador, the Government of Nova Scotia, Nalcor Energy and Emera Inc. acknowledged these facts in their November 18, 2010 press release (a copy is included below):

Signalling the commencement of the long-awaited Lower Churchill River hydroelectric development, the Government of Newfoundland and Labrador today announced a partnership between Nalcor Energy and Emera Inc. This arrangement complements the partnership already in place between Nalcor and the Innu Nation. The Nalcor/Emera deal will result in the development of Muskrat Falls, with power being transmitted from Labrador across the Strait of Belle Isle for use on the Island of Newfoundland. Power will be available for recall use for industrial development in Labrador. Nalcor will then transmit surplus power from the Island to Nova Scotia Power, a subsidiary of Emera, across the Cabot Strait into Lingan, Nova Scotia.

[...]

Newfoundland and Labrador Hydro, a subsidiary of Nalcor Energy, is mandated to forecast electricity requirements in the province and bring forward the least cost, long-term option for meeting these requirements. As a result of growing provincial demand for electricity, Hydro evaluated alternatives to develop new generation sources. Hydro assessed alternatives and found the Muskrat Falls project with a transmission link to the Island to be the least cost alternative. The Muskrat Falls option is also more environmentally acceptable than maintaining an “isolated” island power system, which would retain Holyrood in operation as a major source of greenhouse gas emissions. Once the Muskrat Falls development is operational, the energy price structure in the province will be stable and lower cost for consumers over the long term and the province will avoid the volatility associated with the price of oil. (our underlining)
Moreover, the Government of Newfoundland and Labrador’s Web site states the following regarding the agreement recently reached between Nalcor Energy and Emera Inc.:

Backgrounder—Nalcor Energy and Emera Inc. Term Sheet

Project Details

- Thirty-five year deal which includes construction of Muskrat Falls Generating Station, Labrador Transmission, Labrador-Island Transmission Link, and the Maritime Link. (our underlining)

[...]

http://www.gov.nl.ca/lowerchurchillproject/backgrounder_2.htm

In addition, in May 2009 and April 2010 Nalcor Energy sent two proposed “Community Consultation Agreements” to our clients for comments with the purpose of possibly establishing a “consultation” process for the hydroelectric generation stations and the transmission lines linking Labrador to the Island of Newfoundland. While our clients were and are available to work in collaboration with Nalcor Energy regarding this matter and particularly regarding an overall “consultation” of all the project components, Nalcor Energy’s project agreements were unfortunately inadequate to ensure a comprehensive consultation of the Project with our clients. Our clients shared their concerns with Nalcor Energy, but without any success. Nalcor Energy refused to meet with our clients in order to discuss establishing a “consultation” process with regard to the Project.

Furthermore, on July 19, 2010 Simon Laverdière of the Canadian Environmental Assessment Agency sent our clients a “proposed meeting agenda” for a “consultation and information meeting” regarding the hydroelectric generation stations and the transmission lines linking Labrador to the Island of Newfoundland. A copy of this agenda is attached.

In view of the foregoing, Nalcor Energy, the Government of Newfoundland and Labrador, and the Government of Canada are obviously aware that the Project is a unique and inseparable project that is subject to one environmental assessment process and government authorization, including an overall “consultation” with our clients regarding all the project components.

It follows that the scope of the proposed project as described in the draft guidelines of March 1, 2010 is inconsistent, incomplete and is not in accordance with the requirements of the Newfoundland and Labrador Environmental Protection Act and the Canadian Environmental Assessment Act.

In other words, the artificial and arbitrary division of the Project into two, i.e., the generating stations and reservoirs, on the one hand, and the transmission lines linking Labrador to the Island of Newfoundland and Nova Scotia, on the other hand, particularly
for the purposes of environmental assessment and government authorizations and decisions, is illegal.

Under the circumstances, all the project components are subject to one environmental assessment process and government authorization. Moreover, given the significant negative effects of the Project on the environment, the environmental assessment of the Project should be referred to a review panel.

The following is filed without prejudice to the rights and remedies of our clients, specifically with regard to the illegal division of the Project and the absence of consultation and accommodation of our clients with respect to the Project.

O’REILLY & ASSOCIÉS

Gary Carot

c.c. Mike Atkinson, CEAA