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March 30, 2021

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, Ontario
K1A 0A2

BY EMAIL: justin.trudeau@canada.ca; justin.trudeau@parl.gc.ca

Dear Prime Minister,

RE: Innu Nation request for designation re: Hydro-Québec TransÉnergie Application for the Appalaches-Maine Interconnection Power Line Project

We write on behalf of the Innu Nation regarding Hydro-Québec's application for a permit from the Canadian Energy Regulator ("CER") to build the Appalaches-Maine Interconnection Power Line Project (the "Project").¹

Innu Nation requests that Cabinet designate this Project as an international power line that is to be constructed and operated in accordance with a certificate issued under section 262.

Counsel for Innu Nation has previously written to the CER, as well as to the Minister for Natural Resources, regarding our concerns with the Project: specifically, that the Project will allow Hydro-Québec to further profit from the Churchill Falls Generating Station ("CFGs") by selling electricity generated at that facility into U.S. markets.

We write to you because the letter received from the Minister for Natural Resources dated March 2, 2021, was unresponsive to our concerns. It is critical that that an appropriate process is put in place to address the concerns of Innu Nation and other First Nations regarding this Project and the related projects in the United States. For this reason, we have also written to President Biden regarding the New England Clean Energy Connect (NECEC).

¹ CER Application No. C01914.

It is clear that this Project should be designated by Cabinet to ensure there is a proper review. Prior breaches of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) with respect to the CFGS must be addressed in order for this project to be in the public interest.

As you are aware, the CFGS was built, without Innu consent, on Innu lands. This territory is a key part of the Innu of Labrador's land claim that was accepted for negotiation by Canada in the 1980s, and the Innu of Labrador have never given up their aboriginal rights and title to it.

The CFGS has caused untold and ongoing damage to the Innu of Labrador's territory and way of life. Hydro-Québec – which played a critical role in the design and construction of the CFGS and takes most of the electricity generated by that facility – has made no effort to compensate the Innu for those damages. The Innu continue to live every day with the legacy of environmental degradation and damage caused by the CFGS. Meanwhile, Hydro-Québec continues to reap extraordinary profits from that project (estimated at up to \$80 billion to date).

Hydro-Québec's breach of UNDRIP

The construction and operation of the CFGS has breached, and continues to breach, a number of the Innu's rights under UNDRIP, which the Project will only facilitate, e.g.:

- The Innu were deprived of lands they traditionally owned by the construction of the CFGS. Hydro-Québec therefore breached the Innu's rights under Article 26 to the lands and resources in their territory;²
- The CFGS destroyed wildlife, plant and fish species, and other resources on which the Innu have historically relied. The Innu were therefore deprived of the productive capacity of lands on which they have traditionally relied, contrary to their rights under Article 29;³
- Innu lands were taken and used for the construction of the CFGS without their input, and certainly without their free, prior, and informed consent. Hydro-Québec therefore breached Innu rights under Article 32;⁴
- The Innu have not received restitution or just, fair, and equitable compensation from Hydro-Québec for the lands taken from them for the construction and operation of the CFGS. The negative effects of these breaches are felt every day by the Innu. The harms persist. By not providing compensation, Hydro-Québec has breached the Innu rights under Article 28.⁵

Allowing the Project to proceed while UNDRIP breaches remain unaddressed is not in the public interest.

² *United Nations Declaration on the Rights of Indigenous Peoples*, Resolution adopted by the General Assembly on 13 September 2007, A/61/L.67 and Add.1), available [here](#), p. 19

³ *United Nations Declaration on the Rights of Indigenous Peoples*, Resolution adopted by the General Assembly on 13 September 2007, A/61/L.67 and Add.1), available [here](#), p. 21

⁴ *United Nations Declaration on the Rights of Indigenous Peoples*, Resolution adopted by the General Assembly on 13 September 2007, A/61/L.67 and Add.1), available [here](#), p. 23

⁵ *United Nations Declaration on the Rights of Indigenous Peoples*, Resolution adopted by the General Assembly on 13 September 2007, A/61/L.67 and Add.1), available [here](#), p. 20

The Governor in Council must designate the Project under s. 258(1) of the *Canada Energy Regulator Act*.

We ask Cabinet to issue an order under s. 258(1)(a) of the *Canada Energy Regulator Act* designating the Project as an international power line that is to be constructed and operated in accordance with a certificate issued under s. 262(a) of that Act. Our view is that this process is more consistent with the requirement of UNDRIP and your government's commitment to reconciliation.

The certificate process, and the requirement for Cabinet approval, will allow for a more robust consideration of the concerns regarding UNDRIP.

Conclusion

Granting Hydro-Québec's permit application will give it new ways to profit from the CFGS, while continuing to shirk its responsibility for the CFGS' impacts on the Innu. The Innu Nation therefore appeals to you and the Governor-in-Council to take reasonable steps to ensure that the matter is fairly considered and addressed.

Nin,



Grand Chief Etienne Rich



Deputy Grand Chief Mary Ann Nui

CC: The Hon. Seamus O'Regan, P.C., M.P., Minister of Natural Resources
Ms. Katie Telford, Chief of Staff to Prime Minister Justin Trudeau, Government of Canada
Nancy Kleer, Partner, Olthuis Kleer Townshend LLP