

LOWER CHURCHILL HYDROELECTRIC GENERATION PROJECT  
**JOINT REVIEW PANEL**

PROJET DE CENTRALE DE PRODUCTION D'ÉNERGIE HYDROÉLECTRIQUE DANS  
LA PARTIE INFÉRIEURE DU FLEUVE CHURCHILL  
**COMMISSION D'EXAMEN CONJOINT**

CANADIAN ENVIRONMENTAL ASSESSMENT REGISTRY 07-05-26178  
REGISTRE CANADIEN D'ÉVALUATION ENVIRONNEMENTALE 07-05-26178

**HEARING HELD AT**

Hotel North Two  
Conference Room  
382 Hamilton River Rd  
Happy Valley-Goose Bay, NL

**Saturday, March 5, 2011**

**Volume 4**

**JOINT REVIEW PANEL**

Mr. Herbert Clarke  
Ms. Lesley Griffiths  
Ms. Catherine Jong  
Dr. Meinhard Doelle  
Mr. James Igloliorte

International Reporting Inc.  
41-5450 Canotek Road  
Ottawa, Ontario  
K1J 9G2  
[www.irri.net](http://www.irri.net)  
1-800-899-0006

(ii)

TABLE OF CONTENTS / TABLE DES MATIÈRES

	<b>PAGE</b>
Opening Remarks	1
Presentation from Transport Canada by Mr. Randy Decker and Mr. Bill Bennett	6
Questions by the panel	15
Questions by the public	35
Presentation from Fisheries and Oceans Canada by Mr. Tilman Bieger	63
Questions by the panel	73
Questions by the public	96
Presentation by Ms. Paulette Pilgrim	107
Questions by the panel	114
Questions by the public for Fisheries and Oceans Resumed	118
Presentation from the Nunatsiavut Government by Mr. Tom Sheldon	147
Questions by the panel	167
Questions by the public	181
Presentation from Environment Canada by Mr. Jeff Corkum	194
Questions by the panel	208
Questions by the public	217
Presentation by Mr. Terry Lyle	234
Presentation by Dr. Elizabeth Penashue and Mr. Francis Penashue	237
Comments by the proponent	257
Questions by the public	261

1                   CHAIRPERSON CLARKE: Okay. Thank  
2 you.

3                   CHAIRPERSON GRIFFITHS: Sorry. I  
4 just wanted to ask a follow-up to that.

5                   So what you're saying is that the  
6 proposed mitigations that we've seen in the EIS,  
7 DFO has certainly not -- you've not signed off on  
8 those. You've seen them, you've discussed them,  
9 but it's still a matter in process.

10                  MR. BIEGER: Yes. We have,  
11 obviously, seen them, what's in the EIS ---

12                  CHAIRPERSON GRIFFITHS: Yes.

13                  MR. BIEGER: --- because we've  
14 reviewed the EIS, but we've had interactions with  
15 the Proponent well before, you know, and during  
16 their preparation of the EIS and since then to, I  
17 guess, provide advice, as we would with any other  
18 project when someone is proposing to carry out a  
19 development around fish habitat.

20                  From the very start, we interact  
21 with the Proponent to provide advice on how to  
22 avoid harmful impacts to fish habitat, how to  
23 manage them and mitigate them, so -- but we never  
24 -- the decision to actually issue an authorization  
25 and to pronounce on whether an authorization is

1 appropriate and what conditions would be attached  
2 to it is never made until after a review is  
3 completed and, in this case, the Panel is finished.

4 CHAIRPERSON GRIFFITHS: And just  
5 related to that, there is also in the EIS there's  
6 an indication of DFO's determination of the area  
7 that is affected by HADD, or is a HADD, I suppose.

8 MR. BIEGER: Yes.

9 CHAIRPERSON GRIFFITHS: Is that a  
10 preliminary determination by DFO, or was that a  
11 final determination of that area?

12 MR. BIEGER: That would be an  
13 example of the kind of thing that we have  
14 interacted with the Proponent on over a long period  
15 of time.

16 We have formally determined, based  
17 on a methodology for quantifying habitat that the  
18 Proponent developed and we also had involvement  
19 with, we formally determined, based on that  
20 methodology, what the harmful alteration and  
21 destruction of fish habitat that could be caused by  
22 the project would be.

23 So, you know, that's been formally  
24 determined, and, you know, we've had many  
25 communications with the Proponent over the past