

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
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JOINT REVIEW PANEL

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1 your response from the Proponent, I don't think you
2 can get much more than that right now.

3 MS. BENEFIEL: I think I'd just
4 like to make a statement about it.

5 As a matter of fact, this
6 information should have been provided from day one.
7 We've asked for it over and over again. I don't
8 know how you can assess this project without
9 knowing this information. These are alternatives
10 to the project and it should have been right from
11 day one you should have provided them.

12 Thank you.

13 CHAIRPERSON CLARKE: We're going
14 now to have a coffee break and it'll be for --
15 we'll have it for five after 11 and when we come
16 back we'll start right away with the Fisheries and
17 Oceans presentation at five past 11.

18 Thank you.

19 --- Upon recessing at 10:48 a.m.

20 ---Upon resuming at 11:06 a.m.

21 CHAIRPERSON CLARKE: Okay, I'd
22 like for us to start again after our coffee break.
23 And we go right to our presentation by Fisheries
24 and Oceans.

25 --- PRESENTATION FROM THE DEPARTMENT OF FISHERIES

1 AND OCEANS BY MR. TILMAN BIEGER:

2 MR. BIEGER: Thank you. My name
3 is Tilman Bieger with Habitat Management and DFO.
4 I have with me Michelle Roberge on my right from
5 Habitat Management, and Julie Whiteway on my left.

6 We don't have presentation or a
7 PowerPoint today, we just have some brief
8 statements to make in relation to the topics
9 identified; cumulative effects, precautionary
10 principle, sustainability, and significance.

11 And I'll start with cumulative
12 effects. We do acknowledge that the Proponent has,
13 to a certain extent, incorporated the effects of
14 the Upper Churchill development in their assessment
15 of the impacts of this project, the proposed
16 project, in their preparation and in the
17 preparation of mitigations that they propose with
18 respect with fish and fish habitat. It has
19 incorporated to an extent the effects as baseline.

20 But we do believe that by
21 considering only the post-Upper Churchill
22 conditions as baseline the EIS as prepared doesn't
23 really deliver a full assessment of the cumulative
24 effects of the developments in the study area as
25 was described earlier today.

1 And we also believe that the EIS
2 could have been -- described in greater detail the
3 impacts of anticipated future developments even if
4 those have not yet been registered for
5 environmental assessment in some cases, and it
6 could have considered also impacts of climate
7 scenarios to a greater extent.

8 In general regarding cumulative
9 effects, our assessment is that the cumulative
10 effects assessment is not as explicit and detailed
11 in these regards as we might have expected.

12 With respect to the precautionary
13 principle, we do believe that in relation to the
14 responsibility and mandate of the Fisheries and
15 Oceans Canada, we are observing the precautionary
16 principle in our assessment of the project, and
17 that the precautionary principle, in general, is
18 being observed by in the assessment of the project.

19 A notable example of this is our
20 decision, by -- the decision by DFO to identify the
21 impacts of the flooding that would be caused by the
22 project as a harmful alteration of fish habitat
23 that would require authorization under the
24 *Fisheries Act*. DFO has taken this decision despite
25 some earlier suggestions by the Proponent that

1 existing areas that would be flooded by the
2 reservoir would entirely self-compensate in the --
3 as a result of flooding. And our requirement for
4 -- to require the Proponent to obtain an
5 authorization will oblige the Proponent to clearly
6 demonstrate how they'll mitigate and compensate for
7 any possible negative impacts. It'll allow our
8 department to stipulate monitoring requirements
9 including environmental effects monitoring that
10 they'll -- that the Proponent would have to
11 undertake to confirm compliance with provisions of
12 the authorization and to demonstrate the
13 effectiveness of mitigations, and it will allow the
14 department to prescribe remedial actions in the
15 future to address any other unexpected residual
16 negative effects. So it provides for precaution in
17 the assessment of the project and its
18 implementation, should it be approved.

19 With respect to sustainability,
20 other than causing the elevated levels of
21 methylmercury in some fish for periods of time
22 after the project -- and we do recognize that's a
23 significant impact or it's an impact and the fact
24 there that could be the issuance of advisories
25 recommending limits on consumption of fish in

1 relation to that. Besides this, the project is not
2 expected to have negative impacts on aquatic
3 resources that support fisheries in the area that
4 can't be mitigated.

5 If, as we would expect, the
6 impacts on fish and fish habitat are managed under
7 DFO-issued authorizations and through standard
8 fishers management measures after the project were
9 -- is implemented, we expect that the project is
10 unlikely to threaten the long term sustainability
11 of aquatic resources or human activities that
12 depend on those aquatic resources.

13 In relation to significance, we
14 continue to evaluate the mitigations that the
15 Proponent is proposing to implement to avoid or
16 address possible negative effects on fish and fish
17 habitat including those that are proposed during
18 the construction period, during the impoundment,
19 the fish habitat compensation strategy and so on.
20 We are continuing to assess those and we will
21 determine, ultimately, the significance of any
22 residual impacts that the project has on the
23 aquatic environment after the conclusion of the
24 panel hearings. And we'll consider panel
25 recommendations, of course, and other information

1 that is received throughout the hearing process;
2 it's not over yet. So we will make a determination
3 of significance when -- at the right time.

4 In conclusion I would say that
5 before we could -- the Department of Fisheries and
6 Oceans could issue author -- could issue
7 authorizations for the project, the review by this
8 panel and by governments has to have continue and
9 conclude. And there's work remaining by the
10 Proponent that needs to be continued and concluded
11 to satisfy all the DFO requirements that would
12 actually allow the issuance of an authorization for
13 -- or the various authorizations.

14 But I would say that based on the
15 information that we've reviewed and heard to date,
16 and purely from a fish and fish habitat
17 perspective, we believe that if the mitigations and
18 monitorings are implemented as proposed it is
19 possible for this project to be carried out without
20 causing what DFO would consider to be an
21 unacceptable negative impact on fish and fish
22 habitat.

23 And I'll leave it at that and ask
24 for any questions.

25 CHAIRPERSON CLARKE: Thank you,