

INNU NATION



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May 15, 2014

SENT VIA E-MAIL AND MAIL

Proposed Howse Property Iron Mine
Canadian Environmental Assessment Agency
200-1801 Hollis Street
Halifax, NS B3J 3N4
howse@ceaa-acee-gc.ca

Attn: Shannan Murphy

Dear Ms. Murphy:

Re: Determination of the Requirement for an Environmental Assessment for Proposed Howse Property Iron Mine Consultation and Accommodation

We thank the Agency for its letter to Innu Nation inviting us to provide comments regarding the need for an Environmental Assessment of Howse Minerals Limited (“HML”) proposed Iron Mine near Schefferville, Quebec (the “Proposed Project”).

Given that we have not yet been provided funding to properly assess the potential adverse effects of the Proposed Project on the Innu of Labrador and to consider mitigation measures, our comments in this letter are only our preliminary concerns about the Proposed Project. We submit that the preliminary concerns and the potential impacts on our Aboriginal rights, culture, and heritage merit a decision by the Agency that a federal Environmental Assessment is required for the Proposed Project.

NEED TO LOOK AT THE EFFECTS OF ALL CHANGES TO THE ENVIRONMENT ON THE INNU OF LABRADOR

As is required under s. 5(1)(c) of the *Canadian Environmental Assessment Act, 2012* (“*CEAA 2012*”), in order to assess the effects of environmental changes caused by the Proposed Project on Aboriginal peoples, the Agency must first assess any changes that may be caused to the “environment” as that term is defined in *CEAA 2012*. Changes in the environment are broader than the more narrowly defined “environmental effects” in ss. 5(1)(a) and (b), and encompass all changes to the components of the earth and natural systems, not just those aspects of the environment that fall under federal jurisdiction. Therefore, the Agency must assess the effects of the Proposed Project on the environment, without limitation, before you can assess the environment effects of the Proposed Project under s. 5(1)(c), being the effects of the Proposed Project on the Innu of Labrador.

Innu Nation submits that an Environmental Assessment is required in order to ensure that a comprehensive assessment of the possible changes to the environment caused by the Proposed

Project is done, the impact of those environmental changes on the Innu of Labrador is adequately assessed by the Agency, and mitigation measures imposed.

INNU NATION'S CONCERNS ABOUT THE PROPOSED PROJECT

Based on our preliminary review of HML's March/April 2014 Description of the Proposed Project, Innu Nation is concerned about the environmental changes the Proposed Project may cause and the effect of those changes on the Innu of Labrador's health and socio-economic conditions, heritage, exercise of our rights, and archaeological sites. Innu Nation is also concerned about several potential environmental effects that are within federal jurisdiction and fall under s. 5(1)(a) of the *CEAA 2012*, including impacts on fish and fish habitat and migratory birds.

Below we have summarized our preliminary concerns about the Proposed Project that found our submission that a federal Environmental Assessment ought to be required for the Proposed Project:

- (a) As the March/April 2014 Description of the Proposed Project notes at 4.3.1.1, the Project would fall within the migratory corridor of the George River Caribou herd (GRCH) between calving and wintering grounds. Also noted is the decline in the GRCH – 440,000 (2001), 74,000 (2010), 27,600 (2012). Given the dramatic declines in the caribou herd and the location of the project the Innu Nation is deeply concerned that this project could have serious negative effects on the GRCH. An Environmental Assessment is crucial to protect the caribou. The proposed mitigation measures do not adequately address the gravity of the situation.
- (b) The Proposed Project is one of numerous mining projects concentrated in western Labrador that the Innu of Labrador believe have affected caribou migration throughout all of Labrador. The cumulative impact of one more such mining-related project on the cultural heritage of the Innu of Labrador, which is intimately tied to the hunting of caribou, must be properly assessed in an Environmental Assessment.
- (c) HML has documented 41 species of migratory birds in the area of the Proposed Project and Innu Nation is concerned about the adverse impact of the Proposed Project on those species, particularly given how few natural areas there are left in the vicinity for those birds.
- (d) Unfortunately, Innu Nation has not had the resources to complete a comprehensive study of Innu burial sites and land use in Western Labrador. An up to date and comprehensive assessment of the Innu of Labrador's historic use in the area should be investigated further as part of an Environmental Assessment of the Proposed Project. An Environmental Assessment is required to ensure that proper archaeological assessments are done with the involvement of the Innu Nation and that proper mitigation measures are in place to protect our archaeological sites.
- (e) It is a definite possibility that some Innu of Labrador will move to the vicinity in order to secure employment with the Proposed Project. Therefore, the potential for impacts on health and socio-economic conditions of the Innu of Labrador is clear and this needs to be fully understood, particularly given the abundance of projects that are being proposed in the geographic area of the Proposed Project.

- (f) Innu Nation is concerned about the watershed impacts the dewatering will have on the watersheds and ecosystems in which the Innu of Labrador exercise Aboriginal rights. The cumulative impact of the numerous mining projects in Western Labrador on water quality in the region and with reference to areas where the Innu Nation exercises rights needs to be examined thoroughly.

Given the potential adverse impacts of the Proposed Project on fish and fish habitat, migratory birds, and the Innu of Labrador's health and socio-economic conditions, heritage, exercise of our rights, and archaeological sites, our opinion is that there is a need for the Agency to conduct an Environmental Assessment of the Project.

NEED TO CONSIDER CUMULATIVE IMPACTS

The cumulative effects of changes to the environment associated with the Proposed Project on the Innu of Labrador must be assessed. As HML states in its March/April 2014 Description of the Proposed Project, the Proposed Project is being undertaken in an area with existing industrial development in which prior projects did not undergo an environmental effects assessment. The Agency must consider how additional environmental changes in the area will have cumulative effects on the Innu of Labrador's Aboriginal rights, health, socio-economic conditions, heritage, and archaeological sites.

Recent court rulings suggest that cumulative impacts are essential to seeing the whole picture of impacts. For example, in *West Moberly*,¹ the court held that the historical context is essential to understanding the seriousness of the impacts from a current decision, thereby affirming the core principles of cumulative effects assessment of the impacts of a Crown decision on Aboriginal rights.

We submit that an Environmental Assessment of the Project is required to adequately assess potential cumulative effects on the Innu of Labrador and required mitigation measures.

DUTY TO CONSULT AND FUNDING

Canada owes the Innu of Labrador a duty to consult with us and accommodate our rights with respect to the potential impacts of the Proposed Project on our rights. In the past, Canada has used the Environmental Assessment process to meet its duty to consult and accommodate us. If there is no Environmental Assessment of the Proposed Project, then there will be no clear process through which Canada will carry out the duty to consult and accommodate Innu Nation. Also, if there is no Environmental Assessment, how will Canada properly be able to assess the impacts of the Proposed Project on our asserted Aboriginal rights?

Innu Nation insists on a fully funded consultation plan with Canada to assess the impacts of the Proposed Project on our asserted Aboriginal rights, regardless of whether or not Canada decides that an Environmental Assessment of the Proposed Project is required. In order to properly understand the adverse effects of the Proposed Project on Innu Aboriginal rights and to consider mitigation measures, funding is required.

¹ *West Moberly First Nations v. British Columbia (Chief Inspector of Mines)*, 2011 BCCA 247, leave to appeal denied, 2012 CanLII 8361 (SCC)

Should you have any questions or require clarification or any further information, please contact me or Richard Nuna at the Innu Nation's office ((709) 497-8398, rjnuna@innu.ca and preid@innu.ca).

Yours truly,

<Original signed by>

Paula Reid

Innu Nation

cc: Vanessa Rodrigues, CEAA Project Manager, vanessa.rodrigues@ceaa-acee.gc.ca

cc: Richard Nuna, Innu Nation, rjnuna@innu.ca

Encl.