



Environmental Transparency Committee

Port au Port Peninsula

c/o P.O. Box 187 * Cape St. George, NL. * A0N 1E0

April 18, 2023

Hon. Steven Guilbeault
 Minister of Environment and Climate Change
 200 Sacre-Coeur Boulevard
 Gatineau, QC,
 K1A 0H3

Re: Request for Designation of the Port au Port Wind Power and Hydrogen Generation Project. (Nujio'qonik GH2) World Energy GH2, Newfoundland and Labrador, under s. 19(a) of the Schedule to the Physical Activities Regulations and s. 9(1) of the *Impact Assessment Act*. Currently registered with the Newfoundland and Labrador environmental assessment process, Environment and Climate Change, Registration number 2202.

Dear Minister Guilbeault:

We write to you as citizens, both Indigenous and non-Indigenous of the Port au Port Peninsula in Western Newfoundland (the Island portion of the province) where the proponent, World Energy GH2 plans to construct a wind/hydrogen/ammonia project which has three phases. Phase 1 has already been submitted for Provincial Assessment and will include 164 Wind Turbines on our peninsula and a hydrogen/ammonia plant in Stephenville on the former site of the Abitibi Pulp and Paper operation. Phases 2 and 3 are planned but will be constructed later as extensions.¹

As outlined below, our concerns about this proposed mega-project on our fragile Peninsula are many, and they are very serious. That is why **we are asking you to immediately designate the Nujio'qonik GH2 project as requiring a full Federal Impact Assessment under the *Impact Assessment Act* (IAA.)**

¹ <https://www.gov.nl.ca/ecc/files/2022-Registration-Document.pdf> (see Table 1.2 page 1.7)

Executive Summary

The Port au Port peninsula juts into the Gulf of St Lawrence on the western coast of Newfoundland. The peninsula encompasses a land area of 260 square kilometres and is home to over 4,000 people, distributed in 13 communities, with many other people living in coves around the coastline. The communities themselves are governed through three Town Councils and nine Local Service Districts. The WE GH2 project proposes to seek the use of Crown lands on a full one-half of this peninsula (135 sq. km.) for roads, transmission lines, switch yards and wind turbine sites.

The people of the peninsula were hearing innuendo and rumours of a proposed wind farm in the late winter and spring of 2022. In July, our people were invited to a presentation by the proponent in two of our communities at Lourdes and Cape St George. At the meeting in Cape St. George, we learned that this project was well under-way and we had not yet had any say whatsoever in what was about to take place. Three days after that meeting, a group of our concerned people got together and formed our environmental group, the Environmental Transparency Committee (ETC). The ETC was formed for the sole purpose of participating in, and commenting on, the ongoing Provincial assessment. That assessment has not nearly met our needs.

During the fall of 2022, we polled 11 of the 13 communities on our peninsula to get their views on this proposal from WE GH2. Eighty four percent of those polled signed petitions not to allow this project to go ahead. As outlined in the remainder of this letter we feel swamped by the very size and complexity of this project, especially the effects on our people, wildlife and environment.² It also appears that the Provincial government are champions for the project and are promoting it at every turn.

A month or so ago, our group learned that there was a Federal mechanism which may prove to get a wider, and hopefully, a more in-depth assessment done on this Mega-project on our doorsteps and over our heads. Consequently, we began to learn from people who had been through these processes before how to go about writing this appeal to you.

We are concerned that if you delay your decision to designate the project under the IAA, the proponent and the government may succeed in pushing it forward to a point where it may be considered “substantially begun” and thus by then, no longer eligible for designation.

We are therefore now on record, before anything substantial has taken place, asking that you immediately designate this project and advise the Provincial Government that it requires a full impact assessment under the IAA.

² See Appendix A

RATIONALE FOR DESIGNATION

1. Adverse Impacts in Areas of Federal Jurisdiction

In our review of the Impact Assessment Act we learned (and we quote here) that:

The Minister can require an impact assessment of a physical activity that is not listed in the *Physical Activities Regulations* if:

- (a) in the Minister's opinion, carrying out that physical activity may cause adverse effects within federal jurisdiction;
- (b) in the Minister's opinion, carrying out that physical activity may cause adverse direct or incidental effects; or,
- (c) in the Minister's opinion, public concerns related to either adverse effects within federal jurisdiction or adverse direct or incidental effects warrant the designation.

Within the areas of federal jurisdiction where this project would have adverse effects, we want to highlight five in particular: Species at Risk ("SARA"); the Migratory Birds Convention (MBCA); the Navigable Water's Act; The Fisheries Act and Climate Change.

These reasons, in our opinion and outlined in detail below, mean that the project merits designation.

Further, the record so far, and the proposed project itself, are in direct contradiction with your government's stated commitment to reconciliation with Indigenous peoples, and to its obligation under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) to obtain *full, prior and informed consent* from Indigenous people affected before proceeding. This is one of the "Factors to be taken into account" in your decision to designate (Section 9(2)). As well, under the Purposes of the act, section 6 (f) *-to promote communication and cooperation with Indigenous peoples of Canada with respect to impact assessments* and 6 (g) *to ensure respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982* , in the course of impact assessments and decision-making under this Act;"

Unfortunately, based on the provincial process up to now, we do not believe that current provincial processes are adequate as they have no authority to respond to our concerns about adverse effects within federal jurisdiction nor adverse direct or incidental effects to our land and livelihoods; nor are they adequate to respond to the challenges posed by this unique project that stands to set a negative precedent for all wind/hydrogen/ammonia projects currently being proposed across Canada if it is not assessed under the absolute highest bar.

As we will also note below, there are a number of exceptional elements of this project and of the process so far, which are of significance to all Canadians and which require federal involvement of the highest order. These include:

- a) the unique and untried nature, scale, and complexity of this project
- This project represents a new and unique type of project, whose combination of multiple factors and impacts was likely not contemplated when the Project List was developed for the IAA. We note that a number of these types of projects are being proposed from coast to coast, as well as all over the Island of Newfoundland. Thus, in our opinion, the project should receive the most rigorous assessment possible so that a clear precedent for all future wind/hydrogen/ammonia projects is set, especially those within proximity to coastal waters and which will impact upon Federal areas of jurisdiction. We do not yet know all the risks and impacts of these projects, and the learning curve will take time. Fast-tracking a unique project of this nature could prove disastrous for future generations and for the climate.
- b) the blatant project-splitting that has been used in seeking approval
- See the expanded section below in the letter on **PROJECT SPLITTING**
- c) the compromised and un-transparent process (by both the provincial and federal government) that has blindsided us and imposed this situation on us against our will.
- See our section below titled: **COMPROMISED AND UN-TRANSPARENT PROCESS**. As well as other areas within this letter showing that our provincial government has been slow to “leak” information and has hidden information from us.

2. Species at Risk

If constructed, the project will impact an extremely rare ecosystem of limestone barrens where rare plants exist that do not exist anywhere else on the Island.³ We note that on July 22, 2022, Dr. LuiseHermanutz⁴ and the Provincial Government of Newfoundland and Labrador announced a Species at Risk Recovery Plan that is meant to protect the rare plants in limestone barrens on the Great Northern Peninsula where some of those plants do not occur anywhere else in the world...and includes measures to protect 10 endangered plant species found there and on the Port au Port Peninsula.⁵

³[https://www.limestonebarrens.ca/EndemcsMain.html#:~:text=Three%20vascular%20plant%20species%20are,Barrens%20Willow%20\(Salix%20jejunum\).](https://www.limestonebarrens.ca/EndemcsMain.html#:~:text=Three%20vascular%20plant%20species%20are,Barrens%20Willow%20(Salix%20jejunum).)

⁴<https://m.youtube.com/watch>

⁵<https://www.gov.nl.ca/releases/2022/ffa/0707nO4>

Your department is responsible for the Species at Risk Act, and for the overall coordination of the federal species at risk strategy with other departments and agencies such as the Department of Fisheries and Oceans, Parks Canada, the Canadian Endangered Species Conservation Council, The Committee on the Status of Endangered Wildlife in Canada and the National Aboriginal Council on Species at Risk which also have relevant roles and responsibilities. In addition, your Ministry is responsible for the initiation and facilitation of multi-jurisdictional recovery teams, and for coordinating the development of recovery strategies for species requiring the involvement of more than one jurisdiction, which is the case in the World GH2 project. We understand that only aquatic species, fish and fish habitat and migratory birds seem to be important in the IAA as outlined in (section 2 (a)). However, your responsibility for overall coordination of the federal species at risk strategy should give you ample ability to intervene in any process that will undoubtedly risk massive damage to those on the limestone barrens as mentioned already.

Our fragile peninsula is identified as an "ecological hot spot" by the [Nature Conservancy of Canada \(NCC: Where We Work - Newfoundland and Labrador - Port au Port Peninsula \(natureconservancy.ca\)\)](http://www.natureconservancy.ca).⁶ It is "rich in biodiversity, the habitat is critical for the survival of several rare and endangered plants native to only Newfoundland and Labrador."⁷ This is the only place in the world where some of these plants grow, and their narrow distributions make them especially vulnerable to human disturbances such as road building, land development and off-road vehicle traffic.

We note with much interest your statement on species at risk from an article in the Narwhal this week:⁸ Just under a photo of you taken by Selena Phillips-Boyle, it is reported that you "would not hesitate to stop any development that may have a profound impact on species at risk in Canada." This was in relation to the Federal Government's apparent willingness to stop Ontario from developing former Greenbelt lands with new housing. You asked the Impact Assessment Agency to report back on the "cumulative effects" of past, present, and future construction projects "on the integrity" of the Rouge Urban National Park. Certainly you will understand that our Homeland and the species at risk that are found there are every bit as important to us as the park in Ontario is to Ontarians.

It is not lost on us either that the main proponent of this project, Mr. John Risley, as a member of the Nature Conservancy of Canada⁹ (NCC), states in his "Nature Stories", about Nova Scotia, the place he calls home:

⁶<https://www.natureconservancy.ca/en/where-we-work/newfoundland-and-labrador/featured-projects/portpeninsula.html>

⁷<https://www.gov.nl.ca/ecc/files/publications-parks-ecoregions-island-1c-port-au-port.pdf>

⁸<https://thenarwhal.ca/ontario-greenbelt-federal-assessment/>

⁹<https://www.natureconservancy.ca/en/where-we-work/atlantic/john-risley.html>

“We as humans have a better understanding of our impact on the environment, and it’s important that we work to leave it in a good state for our children and grandchildren. We used to assume that we would always have wild places. Now we know that’s not the case.” (underlining added)

We feel somewhat perplexed that Mr. Risley could belong to an organization that describes our fragile peninsula as an “ecological hot spot” yet plans to move 164 monster turbines and all the necessary heavy equipment and workers needed to erect them onto our fragile homeland. We sincerely hope the Nature Conservancy of Canada will get involved in our battle to save our “ecological hot spot” and our HOME.

3. Migratory Birds Convention Act: (MBCA)

The most easterly path of the Atlantic Flyway goes right over our small peninsula, and uncounted thousands of birds fly that route every year, including numbers of species at risk.¹⁰ According to Nature Canada, wind turbines kill approximately 8.2 birds per turbine per year, and the concentration of turbines on our peninsula would represent a major hazard for these birds. As well, many of these birds are the food sources for several populations of Indigenous peoples; Mi’kmaq, Innu, Cree, Naskapi, Inuit, living on the shores of Quebec, in Labrador and on into Iqaluit. Those of us living on the Peninsula also supplement our food source with wild birds and meat from the land. Our northern neighbors are particularly impacted when these birds don’t arrive because food prices at grocery stores are outrageously high and are only sparsely used as a supplement when wild food is not available. Indigenous people in the north depend heavily on wild sources as their main supply of food for cultural and subsistence purposes, and the hazards to these birds represent additional harm to Indigenous people.

In a personal contact with Dr. W.A. Montevicchi, John Lewis Paton Distinguished University professor and Research Professor in Psychology, Biology, Ocean Sciences at Memorial University, he speaks about these impacts. We have attached his comments on various bird species that likely use this most easterly of the Atlantic Flyway¹¹ Below is an excerpt from his comments.

“Not much is known about the migration of birds on the Port au Port Peninsula. Yet, as the peninsula provides an extensive straight shoreline in the strait of Bell Isle/Gulf of St. Lawrence and elevated coastal cliffs, it has the potential as a prime migratory corridor. The evidence required includes year-round systematic survey with emphasis during the autumn and spring migration Periods. For evidence-based decision-making, it is essential that the federal government initiate a comprehensive environmental assessment under the IAA. It would be inappropriate to ignore a precautionary environmental approach here and to not invoke such an assessment on a proposal of this magnitude would undoubtedly set a wrong precedent for further wind initiatives in Newfoundland and Labrador and in all of Canada.”

¹⁰ See Appendix A

¹¹ *Ibid.*

With respect to the flyway birds and species at risk within the flyway, the proposed project presents issues that certainly fall under the jurisdiction of the federal government as stated in the Act under subsection 2. Below is a list of species on the MBCA protected list that likely use habitat on or may migrate along the Port au Port Peninsula:¹²

- Barrow's Goldeneye
- Bobolink
- Chimney Swift
- Common Nighthawk
- Eskimo Curlew
- Harlequin Duck
- Ivory Gull
- Newfoundland Gray-cheeked Thrush
- Olive-sided Flycatcher
- Peregrine Falcon
- Piping Plover
- Red Crossbill
- Red Knot
- Rusty Blackbird
- Short-Eared Owl

We are concerned that, like other work that has already been rushed along to erect MET towers on the peninsula, this issue will not receive the attention necessary to protect these species, or any species at risk for that matter. It appears the government of NL and the proponent, WE GH2 are on the path of, DAMN THE TORPEDOES! FULL SPEED AHEAD!, on this, the first-of-its-kind project, that should be carefully, scrupulously, studied for all possible impacts both positive and negative. So they intend to proceed with this project heedless of risk and danger; they're just going to do it!

4. The Fisheries Act: Adverse Impactson Marine Species, Fish and Fish Habitat, Aquatic Speciesat Risk.

Most of our residents have lived, fished, and hunted on the Peninsula their whole lives. Their parents and grandparents lived here and our children too will likely live here. We are the "public" and we are mostly Indigenous, and we should be at the forefront of strengthening the quality of project assessment and decision-making as stated in the Act. Because of stories passed on by our elders and relations over many decades, we are aware of many environmental issues that have happened on our peninsula and in close-by communities where our people worked and lived. Over the years we have heard reports that workers knew of incidences back in the late 1970's where Abitibi Paper Mill often dumped effluent from the production of paper into the harbour.¹³ We are seriously concerned that the effluent, long settled on the bottom, could be disturbed by construction works in or around the docking area or as any large ships arrive and

¹²<https://www.canada.ca/en/environment-climate-change/services/migratory-bird>

¹³<https://waves-vagueds.dfo-mpo.gc.ca/library-bibliotheque/65536.pdf>

drop anchor to load ammonia. We fear that this effluent could further damage the fisheries. We are deeply concerned that because of the shoddy way the provincial government departments have already neglected to properly consult with us, ignored our concerns about our water and appear totally unconcerned about the damage to so many species at risk on the land and in the rivers and oceans, and in the air, especially fish and fish habitat, aquatic species at risk and migratory birds, that past pollution will not be considered along with the possibility of ammonia spills from loading and unloading these massive ships and we are convinced that only an assessment using the Impact Assessment Act will properly consider the cumulative impacts within the Stephenville docking area that includes Little Port Harmon, the Bay St. George area, and the harbour where fishing is so important.

We base our statements on the descriptions within subsection 2 (a) of the IAA:

“effects within federal jurisdiction means, with respect to a physical activity or a designated project, “

- (a) a change to the following components of the environment that are within the legislative authority:
 - (i) *fish and fish habitat*, as defined in subsection 2(1) of the *Fisheries Act*,
 - (ii) *aquatic species*, as defined in subsection 2 (1) of the *Species at Risk Act*,
 - (iii) *migratory birds*, as defined in subsection 2 (1) of the *Migratory Birds Convention Act, 1994*.

The Port au Port Peninsula stretches its fragile arm out into the Gulf of St. Lawrence, which, according to marine ecologist Irene Novaczek, has been recognized since the 1970s as the “most productive marine ecosystem in all of Canada. It is also “one of the top estuary ecosystems globally, as spawning and nursing and feeding grounds for many of the over 2000 species, including a fairly lengthy list of species that are at risk or endangered”.¹⁴ Dr. Novaczek, in 2015, speaking about the plans to extract oil on the Port au Port by fracking, stated that it is “already under serious threat from an array of manmade forces, including pollution, previous overfishing, excess nutrients in the water and climate change, which make the Gulf a totally dangerous and inappropriate place to be putting oil and gas development” and later she stated, “beyond the obvious devastating impacts to the fisheries and tourism industries of all five provinces bordering the Gulf, an oil spill or even the standard impacts of fossil fuel development offshore or along the shores of the Gulf could accelerate “profound and disturbing changes going on out there” that are leading the Gulf toward joining a list of 450 other marine ecosystems around the world as a “dead zone”. She also noted that “in the very depths of the Gulf, the deepest portion, the oxygen levels are so low that areas that used to be the spawning grounds for the Northern cod can no longer sustain living codfish”...and that “There’s not enough oxygen in the water and scientists are still grappling with what that means and why it’s happening—and it has to do with climate change, and it has to do with inputs from land.” Dr. Novaczek goes on to say ...”but the acidity in the Gulf is increasing much, much more rapidly than in the main Atlantic Ocean, because it is a semi-enclosed body of water; it flushes only once a year, and the water tends to circulate around and around in circles.” Novaczek also stated, after a 2001 incident where a

¹⁴<https://theindependent.ca/news/oil-leaks-a-sign-of-bigger-problems-for-n-l/>

licence to drill near the Cape Breton Highlands National Park was issued, that the Department of Fisheries and Oceans “identified the gulf, once again, as a globally significant and highly productive and diverse ecosystem—and further went on to describe it as extraordinarily sensitive and vulnerable to oil pollution and related industrial activities.”

Large ships will now be loading ammonia at this very port which could decimate the fishery should a spill occur. The risk of ammonia spills into the gulf and beyond into the oceans is certainly one of the major areas of impact and pollution damage to spawning areas along our coasts.

There are many potential effects of the WE GH2 project on fish habitat, both freshwater and marine. There are already serious impacts from leaking oil wells near Shoal Point, that have destroyed the mussels and it seems nothing gets done about it. Siltation from just the re-building of a tote road at Mainland has been flushing into the harbour at the mouth of the creek we use for our secondary water source which has already been impacted to the point that we have been advised not to start our pumps due to erosion from the sediment. How then can we trust that the provincial process will protect the fishery that we depend on?

Adding the impacts of siltation and possible ammonia spills during loading or shipping to this already seriously impacted, “globally significant and highly productive and diverse ecosystem” as Dr. Novaczak and the DFO have already stated, could have the potential to significantly harm the coastal areas around the peninsula and out into the gulf of St. Lawrence or beyond. Clearly something the Federal Government is responsible for. These potential impacts would surely be adverse and must be reviewed and studied by the federal authorities under the Navigable Water’s Act and The Fisheries Act.

5. Oceans

While we understand that oceans are not specifically listed among the components of the environment that are recognized within the definition of “effects within federal jurisdiction”, we are aware that marine areas below provincial low-water marks fall under federal jurisdiction, that OCEANS are primarily the federal government’s responsibility and any adverse effects on marine spaces is analogous to the effects described in subsection 2 (b) of the IAA which recognizes these additional “effects within federal jurisdiction”.

effects within federal jurisdiction means, with respect to a physical activity or a designated project, (...) (b) a change to the environment that would occur

- (i) on federal lands,
- (ii) in a province other than the one where the physical activity or the designated project is being carried out, or
- (iii) outside Canada.

Very obviously, not if but when a ship goes down and spills thousands of gallons of ammonia into the ocean, this could impact the Gulf of St. Lawrence (already severely impacted as we have stated previously), the Gulf of Maine, and the Atlantic Ocean at any juncture along a route to the

delivery site. As well, any impacts on fish and fish habitat within the port or harbour of Stephenville could impact fishing in all the Maritime Provinces, in the Gulf of Maine as well as in Quebec.

The Oceans Act (S.C. 1996, c.31) Assented to 1996-12-18 is an act respecting the oceans of Canada. Is yet another law Parliament has passed which, include in the Preamble, some of the following statements:

- *WHEREAS Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and **responsibilities (bolding added)** in the exclusive economic zone of Canada;*
- *WHEREAS Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;*
- *WHEREAS Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment;*
- *WHEREAS Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for **coastal communities (bolding added)**.*

to name a few of the statements in the Preamble to the Oceans Act.

Under the **Interpretation** section describing items within Canada's pervue- **marine installation or structure** includes

- (a) *Any ship and any anchor, anchor cable or rig pad used in connection therewith,*
- (b) *Any offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipelaying or other barge or pipeline and any anchor, anchor cable or rig pad used in connection therewith, and*
- (c) *Any other work or work within a class of works prescribed pursuant to paragraph 26(1) (a) (ouvragesenmer)*

Certainly, the maritime impacts mentioned above could extend beyond the jurisdiction of the province of Newfoundland and Labrador and into the territorial sea of Canada and would be impacts on marine spaces under federal jurisdiction or could even extend outside of Canada.

6. Health Concerns

As communities of mostly Indigenous Peoples, we have huge concerns of both direct effects, like those mentioned above on the marine environment where our communities harvest fish and lobster and the "incidental" effects of the destruction of our culture, our way of life, our livelihoods, and the health and welfare of our families. We believe that if this project proceeds on our lands, we will not be able to live in our communities anymore.

We understand that health conditions of Indigenous peoples of Canada (subsection 2(d) of the IAA) or any changes to those health conditions occurring as a result of a project are a direct responsibility of the federal government under IAA. The health and safety implications of wind turbines are still undecided in the scientific community, constituting an arena of controversy that is still in its early stages. The potential health impacts on our communities of the noise and electromagnetic fields generated by the proposed 164 turbines along with the chance of major ice throws from the buildup on the blades of salt water spray and the constant flickering shadows are yet to be properly explored and should be an aspect of the studies we are asking for and which we do not believe would be properly assessed by a provincial “rushed” process.

7. Canadian Navigable Waters Act

Quote from the Act: “navigable water means a body of water, including a canal or any other body of water created or altered as a result of the construction of any work, that is used or where there is a reasonable likelihood that it will be used by vessels, in full or in part, for any part of the year as a means of transport or travel for commercial or recreational purposes, or as a means of transport or travel for Indigenous peoples of Canada exercising rights recognized and affirmed by section 35 of the Constitution Act, 1982”.

We contend that massive ships entering and leaving the port of Stephenville, plus any maintenance or works on or near the dock can and likely will, at some point, disturb the bottom contaminants that were built up there from the old mill for years. Plus, the very real risk of an ammonia leak could devastate the entire harbour. Any incidents like these could conceivably close the harbour to traffic, including our fishing boats, while poisoning the fish, lobster and mussels, etc. that we gather for subsistence and economic income.

Most of our residents have lived on the Peninsula their whole lives. Their parents lived here and our children too will likely live here. We are the “public” and we are mostly Indigenous, and we should be at the forefront of strengthening the quality of project assessment and decision-making. We are aware of many issues that have happened on our peninsula and in close-by communities where our residents worked and lived. Over the years we have heard reports that workers knew of incidences back in the late 1970’s where the Paper Mill often dumped effluent from the production of paper into the harbour.¹⁵ We are seriously concerned that the effluent, long settled on the bottom, could be disturbed by construction works in or around the docking area or as any large ships arrive to load ammonia. We fear that this effluent could further damage the fishery, especially the lobster fishery. We feel that because of the shoddy way the provincial government departments have already neglected to properly consult with us, ignored our concerns about our water and appear totally unconcerned about the damage to so many species at risk, that past pollution will not be considered along with the possibility of ammonia spills from loading and unloading these massive ships and we are convinced that only an assessment using the Impact Assessment Act will properly consider the cumulative impacts within the

¹⁵ <https://waves-vagueds.dfo-mpo.gc.ca/library-bibliotheque/65536.pdf>

Stephenville docking area that includes Little Port Harmon, the Bay St. George area, and the harbour where fishing is so important.

8. Public Participation

In the Framework: under the Guidelines section Public Participation Under the *Impact Assessment Act*, this Ministerial Statement appears.

“Public participation is an essential part of open, informed and meaningful impact assessment and regional and strategic assessment processes. ----*“The Government recognizes that engaging members of the public will strengthen the quality of project assessment and decision-making. To achieve this, the Government of Canada is committed to providing Canadians with the opportunity to participate meaningfully (emphasis added) in the process and to providing them with the information needed to participate in an informed way”.*

On July 6th, 2022, shortly following the Provincial registration for the project, World Energy held the first public meeting at Cape St George on the Port au Port Peninsula. The spokesperson for WE GH2, John Risley, informed the residents in attendance that WE GH2 had been working ‘behind the scenes’ on their project for seven, or eight, months! That they had hired an environmental consulting agency who had been doing biophysical work on the project and wind engineers to scope the project; all without informing the public. Residents claimed that they were ‘blind-sided’ by the WEGH2 proposal.

In the following November, without the proper permits in place, a company hired to build infrastructure for meteorological towers began grubbing topsoil to push in a road access to one of the sites, without any public consultation whatsoever. After a complaint was made by the governing body for the area, the Local Service District, a work stoppage was put in place by the Province. Following this incident, permits were issued by the Province to the proponent without consultation with the Local Service District or the affected community, in general. This is not ‘meaningful consultation’, as considered in the IAA framework. It is much more like the company saying, “we will do as we please until someone stops us”.

During the construction of these roads, complaining of absolutely zero consultation, the residents protested and set up a picket line. Following which, eight individuals were dragged off to court in Corner Brook, one of these defendants has since been elected to the Local Service District of Mainland, our municipal representative body. These are not trouble-makers, they are concerned and responsible citizens.

From September 6th, 2022 to November 19th, 2022, members of our local environment group, the Environmental Transparency Committee and representatives of several Local Service District conducted a poll of as many of the 4,000 plus residents on the Port au Port Peninsula as could be reached. The results showed that 84% of the residents living on the peninsula did not want these large ‘offshore’ turbines constructed on their doorsteps. The poll was sent to World Energy

GH2, the provincial Premier and many government departments, including the Environment Minister's Office.

Under section 63(1) of the Provincial Environmental Protection Act the Minister may appoint a Public Review Board,"**63. (1) Where the minister believes there is a strong public interest in an undertaking for which an environmental impact statement is required, the Lieutenant-Governor in Council may, on the advice of the minister, order public hearings and appoint an environmental assessment board for the purpose of conducting public hearings relating to the environmental assessment of the undertaking.**"

Even though Minister Davis has had the results of our poll for many months, showing "*a strong public interest*", he has not acted on this information with a Board appointment. We cannot rely on the Provincial Environmental Protection Act to serve the public to 'participate meaningfully in the process' as contemplated in the Federal IAA. In this respect, we cannot appeal strongly enough for this designation because the Provincial process is just not working for us.

On the whole, the public have been 'blind-sided', with no attention paid to their concerns and since those two public meetings on the same day out here, some nine months ago, no public meetings, or information sessions have taken place. None of which is consistent with building relationships with the company, or *meaningful participation*, as considered by the IAA. How can one consider dragging concerned citizens off to court to constitute public participation? Or, authorities completely ignoring volunteer efforts to get involved and poll their citizens?

9. Climate Change

Based on various agreements signed by Canada. From the Auditor general's review it is clear that climate change must be the jurisdiction of the federal government.¹⁶

Hydrogen, when emitted into the atmosphere, contributes to climate change by increasing the amounts of other greenhouse gases such as methane, ozone and water vapor, resulting in indirect warming. So, for hydrogen to be a climate solution there must be cautious and constant oversight by an independent body. This is clearly necessary to ensure that leaks from the production are contained. Since hydrogen is a tiny molecule it appears it is very difficult to prevent leaks and based on past experience and the financial situation of the province at this time, we do not feel confident that oversight will be provided.

Also, hydrogen production has a very high energy consumption, and green hydrogen in particular requires more energy than other fuels. Plus, the overall efficiency of hydrogen production, compression, and use is very low. We have found several sites that claim 75% of the initial energy used to create the product is lost. So, the efficiency is around 25%. Those are projects that are produced and used close to the market. This project is intended to be changed into ammonia, yet another added energy use; shipped by massive ships using dirty diesel across the ocean to another country where it appears it will then be re-converted from ammonia to hydrogen and trucked to the final site; likely using even more fossil fuels. One expert states that

¹⁶https://www.oag-bvg.gc.ca/internet/English/att_e_43947.html

for WE GH2, the end result could actually be a negative carbon savings.¹⁷ (Note that we are certainly not in favor of the alternative mentioned in this video of nuclear energy, but, the cradle-to-grave accounting of the net GHGs from the production and shipping of hydrogen/ammonia by this very brilliant young electrical engineer certainly should be thoroughly investigated before Canada and Newfoundland and Labrador dive headlong into an industry that might be a false solution for our climate woes.)

10. Additional Areas/Departments of Federal Jurisdiction that may be impacted

These include Transport Canada, NAV Canada, Parks Canada, the Canadian Endangered Species Conservation Council, The Committee on the Status of Endangered Wildlife in Canada and the National Aboriginal Council on Species at Risk which also have certain roles and responsibilities. Pollution and damage to the land and water from machinery and materials, the impact on the moose hunting area, rare and endangered species.

Residents also depend on much of the other flora and fauna on the peninsula for subsistence. In terms of rare wildlife, for example, even though the Canadian Lynx, *Lynx canadensis*, has been very rarely seen in the past, recent road building for the MET Towers on the mountains, have resulted in three or four sightings of these animals on the roadways of the peninsula in the past month, or so. Some people say they have lived on the peninsula all their lives and have not seen one. A number of pictures and videos of these Lynx have even been shared on social media in recent days. We fear to think what will happen to these creatures if there is a full-scale industrial wind farm developed on our peninsula.



Figure # 1. Image taken near Sheaves Cove, Port au Port Peninsula this past winter by Louis Wheeler.

¹⁷<https://www.youtube.com/watch?v=LoacE4YyYls>

All these aspects of the assessment will need to be examined in the context of this project. We are extremely concerned that the provincial process will not, and cannot possibly, properly examine under this “rushed” process.

11. Project Splitting

Minister Guilbeault, as an environmentalist, you know how important it is to ensure that all the *cumulative impacts* of past and proposed drilling, mining, milling, oil spills, oil leaks, effluent releases, etc. in all phases of a project should be taken into account and should certainly be considered in the context of this new and very large project. Under the new IAA a Regional Assessment, (RA) which you have just announced for the OFF-SHORE Newfoundland and Labrador Wind energy industry,¹⁸ the “effects of existing or future physical activities carried out in a region” must be included.¹⁹ Also, that “Regional assessments are studies conducted in areas of existing projects or anticipated development to inform planning and management of cumulative effects and inform project impact assessments.”, and that “Regional assessments allow the Government of Canada to go beyond project-focused impact assessments to understand the regional context and provide more comprehensive analysis to help inform future impact assessment decisions.” “Regional assessments are one component of a broader Government of Canada effort to address the issue of cumulative effects nationally.”

We find it extremely distressing that the WE GH2 project, which was originally slated as an off-shore wind project (with added hydrogen/ammonia plant), was moved to on-shore on our fragile peninsula around the same time that the RA of off-shore wind was in the planning stage and we wonder how it came to be that this information may have, likely was, leaked to the proponents of WE GH2 and the NL government?

Taking such a massive project out of the fray appears to have been a tactic to avoid the timeline of the RA and also to avoid the more stringent/robust assessments of the IAA.

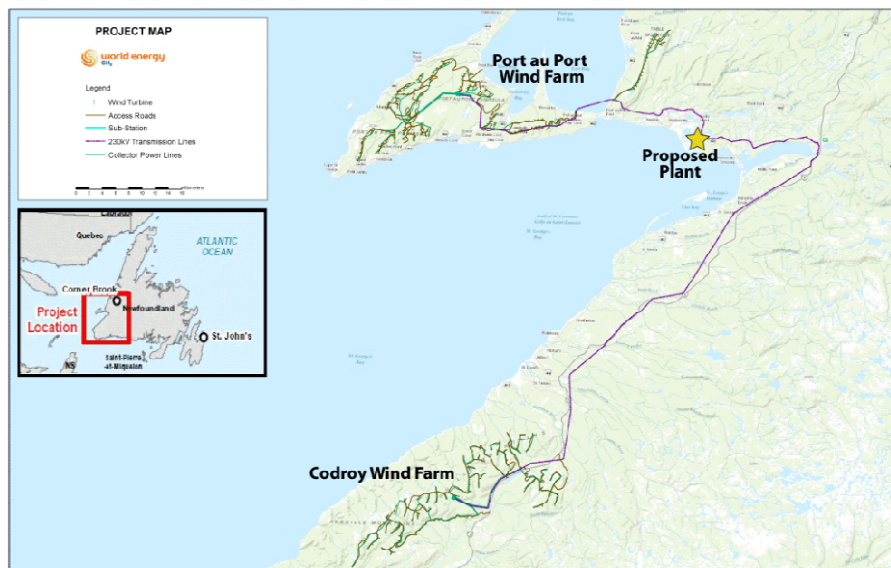
We understand that project splitting is forbidden under the federal Impact Assessment Act and that project splitting under IAA has precedent-setting cases in other provinces. In the case of the Vista Coal Mine project it was stated that if the Ministry had not required an assessment in this context, “*it could create incentives for proponents to break large projects into smaller components that fell just below the legislated thresholds, a practice known as “Project Splitting”* (emphases added). In the words of the Alberta Law Review,²⁰ “This early example in the IAA implementation signals that project splitting will not be tolerated in the new regime.”

¹⁸<https://iaac-aeic.gc.ca/050/evaluations/document/147037?&culture=en-CA>

¹⁹<https://www.canada.ca/en/impact-assess.emt-agency/services/policy-guidance/regional-assessments/regional-assessment-impact-assessment-act.html>

²⁰https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.cbc.ca/listen/live-radio/1-210-cbc-newfoundland-morning/clip/15924460-hear-part-tw0-conversation-john-risley-world-energy&ved=2ahUKewiD64iuxsj8AhVsiWofHZ4HB KoQFnoECAsQAQ&usq=AOvVaw0p86vDBC9-fhH_xqHpz7Dj

The Newfoundland and Labrador environmental process has scoped only Phase 1 of this massive project and it is imperative that all three phases be assessed. The entire project presently exists with three proposed wind farms, (1) Port au Port, (2) Pine Tree, near Stephenville and (3) the Anguille Mountains, near Codroy. The only wind farm presently being assessed by the Environmental Protection Act is the one at Port au Port. Although the other two wind farms are absent for the Provincial Assessment, an on-line survey is asking residents about their traditional uses in the areas of the other two wind farms (Pine Tree and Codroy). This is blatant project splitting.



Project-splitting is also not to be tolerated under Newfoundland and Labrador's provincial environmental assessment process. In the case of the provincial Act, this has been proven in at least two precedent-setting cases which we have linked below.

Case # 1: SAEN and partners vs NL Dept of Environment, company name Northern Harvest (Indian Heat Hatchery).²¹

Case # 2: Atlantic Salmon Federation vs NL Dept of Environment.²²

Since the Atlantic Salmon Federation and SAEN both won their cases in the NL Supreme Court, the province knows, or should know, that project splitting is illegal under their own legislation. They were treading on very thin ice if they indeed asked WE GH2 to split the 3 phases of this project and only register Phase 1 as is stated in a document by the Wind Watch group below.

The Wind Watch group linked below²³ reports that John Risley stated he wanted to register all three projects, but the Province asked them to do it in phases. As well, Mr. Risley specifically

²¹<https://www.canlii.org/en/nl/nisctd/doc/2020nlsc34/2020nlsc34.html>

²²<https://www.canlii.org/en/nl/nisctd/doc/2017/2017canlii46863/2017canlii46863.html?autocompleteStr=Atlantic%20Salmon&autocompletePos=1>

stated on CBC that there was no way the project could be economically viable unless all three phases were built. In our view, there is absolute proof that this is a FLAGRANT and unconcealed splitting of a project and has the result of avoiding the assessment of cumulative effects,²⁴ and it is clear to us that this splitting was a deliberate strategy to enable the project to proceed “full speed ahead”, and that no private corporation would entertain a project that is not profitable and therefore, all three phases must be assessed together. This also shows that the Provincial Government is complicit in the blatant process of project splitting, making it practically certain that cumulative impacts will not be adequately reviewed under the current provincial process.

12. Compromised and Un-transparent Process

We find it completely unacceptable that without proper consultation of impacted communities the proponent has already started construction /upgrading/resurfacing of an access road (former trail) that runs through the essential secondary drinking water source of the community of Mainland, to install wind monitors (MET tower) on a remote site. In the process, it has already degraded that water source with runoff to a point where Provincial authorities have advised the Local Service District not to use that source due to extensive turbidity. This contaminated water also flows directly into the ocean where lobster, mussel and fisheries habitat may be affected.

We asked the Provincial Environment Department to protect this secondary water source months ago, and everything seemed to be a ‘go’ until WE GH2 registered this project. At that time, the folks in the Provincial government that we had been conversing with suddenly were unavailable for comments. Then just as suddenly, the Local Service District of Mainland received a notice from Environment Minister Bernard Davis that the secondary water supply is protected but with confusing map boundaries that we have yet had a GIS expert review.²⁵ We believe the reason our secondary water supply was suddenly protected is because the Provincial Government was shamed in the media when in actuality, the brook should have been protected as soon as it was known by the Water Resources Department that the community had requested it and certainly as soon as it was reported that the proponent was degrading the brook with sediment from the construction/upgrading of a former trail in order to erect one of their MET towers. This is just one example of how the Provincial government is fast-tracking the project and neglecting to take the measures needed to protect the environment.

On the 19th of October, 2022, a research/media outlet in St John’s, NL, *allnewfoundlandlabrador*, published an article indicating that in July of 2021, the Premier, Andrew Furey, his father, Senator George Furey and Gudie Hutchings, the Federal Member of

²³<https://www.wind-watch-.org/news/2022/07/17/wind-energy-developer-says-port-au-port-proposal-is-just-the-start/>

²⁴https://www.google.com/url?sa=t&source=web&rct=j&url=https://www.cbc.ca/listen/live-radio/1-210-cbc-newfoundland-morning/clip/15924460-hear-part-two-conversation-john-risley-world-energy&ved=2ahUKEwiD64iuxsj8AhVslWofHZ4HB KoQFnoECAsQAQ&usg=AOvVawOp86vDBC9-fhH_xqHpz7Dj

²⁵ See Appendix B.

Parliament for the riding (includes Port au Port), spent a few days at the Rifflin' Hitch Lodge, owned by the proponent of WEGH 2, John Risley. Following this report, a controversy arose around the Premier's actions and questions were asked in the media and elsewhere about whether the cozy fishing trip was linked in any way to the lifting of a ban on onshore wind energy only nine months later, on April 5th, 2022.

On June 21st, seventy-seven days following the Provincial lifting of the ban, WE GH2 registered their project under the Provincial Environmental Protection Act. In a public meeting at Cape St George on July 6th, 2022, John Risley of WE GH2 informed residents that his company had been working on this project for eight months. In other words, WE GH2 were in 'full steam ahead mode' by December of 2021, a full six months before the Government of Newfoundland and Labrador lifted the ban in April and only four months following the, now famous, fishing trip in Labrador between the developer, the Premier, the area MP and a Federal Senator.

Was there, in fact, a discussion about wind energy at the cozy fishing lodge owned by Mr Risley between himself and Government Officials, Provincial and Federal, about Mr Risley's upcoming 10-Billion dollar wind proposal? Was there also a discussion about future Federal Tax Credits for 'green' energy (recently announced) at that time?²⁶ If it walks like a duck, if it quacks like a duck.....

From the outset, the entire process around the WE GH2 project proposal has been fatally flawed and compromised. We find it appalling that our Prime Minister would circumvent the Canadian impact assessment process so blatantly with his August 22nd 2022 announcement at a hydrogen trade show in Stephenville that he and German Chancellor Scholz would sign a "green" hydrogen deal. As well, the town's mayor, Tom Rose, said in an interview, "the area is poised to be "the green energy hub of North America." This was before most area residents or the public even knew such a project was in the works, and no one except a select few, chosen by the proponent and the government, had had an opportunity to review the proposal. The effect was to make citizens in the affected communities on the Port au Port Peninsula feel the decision was already made, and that our voices would not be considered.

The Prime Minister's apparent enthusiasm for the project, demonstrated by his high-profile meeting in Stephenville with the German Chancellor and the Mayor was shockingly premature. He chose to visit our area and throw his unwavering support behind this untried, unknown project, touting the benefits of the project for Germany, the town of Stephenville, the Province, and Canada and with no regard whatsoever for the damage that would be done to our Homeland on the Port au Port peninsula.

We regard that as interference in the process of information sharing and proper consultation and it demonstrates a top-down colonial attitude that disregards our rights as mostly Indigenous communities under the United Nations Declaration on the Rights of Indigenous Peoples.

²⁶<https://atlanticbusinessmagazine.ca/web-exclusives/its-raining-tax-credits-in-boost-for-hydrogen/>

13.Subsidies (Provision of Federal Financial Assistance)

One of the least obvious but highly significant impacts of this project for the federal government will be the issue of finances.

The phrase “*direct or incidental effects*” is defined specifically as meaning; “*effects that are directly linked or necessarily incidental to a federal authority’s exercise of a power or performance of a duty or function that would permit the carrying out, in whole or in part, of a physical activity or designated project, or to a federal authority’s provision of financial assistance to a person for the purpose of enabling that activity or project to be carried out, in whole or in part*”. (Section 2)

Our view is that given Mr. Risley’s past use of taxpayer funds that have been acquired by his various business ventures, it is inconceivable that he would not accept, or would not already be applying for any and all possible finances offered through the announcements listed below.²⁷

We are not yet privy to the various studies and financial facts which could verify the justification (in dollars) for the project. However, this document²⁸ from an article reported by the CBC contains a statement by the Canadian Environment Commissioner Jerry DeMarco: “*Green hydrogen is also prohibitively expensive. A gigajoule of natural gas costs about \$3.79 to produce, while a gigajoule of green hydrogen costs over \$60.00 if it’s produced using electricity from renewable sources such as wind and solar...*”

This tells us that World Energy GH2, as a private company looking to maximize profits, will not be building this project unless there are substantial subsidies and will most certainly look to the Federal government for funds from the clean energy and renewable energy sources announced by Seamus O’Regan²⁹ in June of 2021, of \$964-million to support smart renewable energy and grid modernization, and/or funds from the \$800-million in Clean Fuels Fund³⁰ announced by Minister Wilkinson of Natural Resources Canada also in June of 2021 which contains the Hydrogen Strategy for Canada. These funds will be available until 2026 and it is inconceivable that World GH2 would not apply for subsidies under one or both, of these funding initiatives.

In the recent Federal Budget, subsidies were announced as Tax Credits for ‘green energy’ projects, including wind powered Hydrogen projects. These tax credits could run as high as 40%, creating a huge Federal incentive to develop these projects.

This then, would clearly put the project under federal jurisdiction as stated in the IAA under “direct or incidental effects” as stated above, “*where a federal authority will exercise a power or performance of a duty or function that will permit the carrying out, in whole or in part, of a physical activity or designated project, or to the federal authority’s provision of financial*

²⁷<https://www.halifaxexaminer.ca/morning-file/petulant-self-entitled-brats-morning-file-thursday-april-16-2015/>

²⁸<https://www.cbc.ca/news/politics/trudeau-scjp;z-canadian-natural-gas-europe-1.6558542>

²⁹<https://www.canada.ca> Canada Invests over \$960-million in Renewable Energy and Grid Modernization Projects.(news release)

³⁰<https://www.natural-resources.canada.ca>

assistance to a person for the purpose of enabling that activity or project to be carried out, in whole or in part”.

There are already serious questions being raised about the economics of wind-to-hydrogen businesses, and these doubts are even more applicable to the WE GH2 project given the Mr. Risley's claim that its economic viability is dependent on approval of all three Phases (see section 11. Project Splitting above.)³¹ It seems highly likely then, that the proponents will receive some form of government subsidy in order to construct and operate this project. In fact, they have already received promises of royalty exemptions based on the new wind energy policies promised by the province in their recent announcement of the provincial wind/hydrogen project fiscal framework,³² which constitute subsidies in the form of foregone government revenues.

Moreover, if markets fail to perform as is being optimistically predicted, or if costs of production or transport rise or other unexpected circumstances develop in the coming years, our beautiful home by the sea may be left with a landscape of stranded turbine and infrastructure assets, a jobless population with its land and culture of self-reliance destroyed, and a need for the federal government to allocate money for attempts to solve the problems. Given the existing and increasing uncertainties involved in the global economic and energy arenas, this project could be a poor bet, and one whose risks and implications the federal government should explore in depth through a robust assessment under the IAA.

14. Public Concern

Public concern is increasing daily as more and more people become aware of the many grave problems with this proposal.³³ As a result, the proponent and it appears, also the Provincial Government, is pushing very hard to have the project in progress before any in-depth review or proper consultation can take place. Such haste on the part of the proponent and others involved is unacceptable. Moreover, we are aware that subsection 9(7) of the IAA does not permit such designation if a project has "substantially begun." *We therefore urge you in the strongest terms to review our letter and make your decision very soon to designate the project for a full federal Impact assessment.*

Public concern, in this situation, is also related to our previous comments on Public Participation, Section 8 above. Local public concern could never be higher about this project, since it proposes to change the very fabric of people's lives on this peninsula.

³¹ <https://vocm.com/2022/06/09/17/8878/>

³² <https://www.cbc.ca/news/canada/newfoundland-labrador/wind-hydrogen-project-fiscal-framework=1.6758195>

³³ [Environmental Transparency Committee ETC | Port au Port NL | Facebook](#)

Based on the Decision Letter ³⁴ from the NL Minister of Environment and Climate Change, Hon. Bernard Davis, addressed to Mr. John MacIssac of World Energy GH2, stating that due to the number of submissions received on the project, the proponent must submit a complete Environmental Impact Statement, we believe there is sufficient public concern about the project in areas of federal jurisdiction (as stated in the IAA), to justify a thorough federal impact assessment. We note that the provincial government has refused to provide us with any of those submissions stating we can only get them through access to information, (which will take weeks if not months). ³⁵ This is an unwillingness that goes totally against their claims of transparency and is yet another reason you must designate this project for an assessment under IAA.

We are aware of the rapidly growing public concern beyond even our own local area over the implications of this project proposal and the thoroughly undemocratic way it has been handled so far. Individuals, organizations, and media are approaching us as the people most directly affected by the negative aspects of the project and are perturbed enough to start doing their own research into the problems and contradictions.

We note the following excerpt from a message received from one Indigenous resident of the peninsula named Duran Felix. Duran reports that during community one-on-one information sessions at Benoit First Nations on 06 September 2022, he questioned the WE GH2 Community Liaison Mr. John Hogan about why this project was first considered an OFFSHORE wind project but had recently changed to an ONSHORE (land based) project, using the same massive turbines. *“John Hogan replied that if the turbines were placed in the ocean then the project would come under Federal jurisdiction.....I further inquired as to whether the change was also influenced by the fact that the Province of Newfoundland being new to Wind Energy had not yet prepared any Provincial Environment Assessment regulations and if this knowledge had further influenced their decision. John Hogan declined to comment...”* ³⁶

During review of various documents we finally received under Access To Information requests (ATTIP), we were able to determine that during those same few months, Mr. John Risley and Mr Brenden Paddick (proponents of the WE GH2 project) were both involved in “lobbying” the provincial Ministers responsible for policies pertaining to environmental assessment and specifically pertaining to on-land (onshore) wind projects and offering specific advice about how those policies should be written, all the while having their specific project reviewed by these same Ministers, specifically Minister Andrew Parsons and Eric Watton. ³⁷

We regard this as a blatant interference in political matters that obviously could/would impact the decisions of these people on their very own project submission and have lost trust in the Provincial assessment process to be fair.

³⁴[https:// www.gov.nl.ca/ecc/files/env_assessment_y2022_2202-Ministers-decision-lLetter.pdf](https://www.gov.nl.ca/ecc/files/env_assessment_y2022_2202-Ministers-decision-lLetter.pdf)

³⁵ See Appendix C

³⁶ See Appendix D

³⁷ See Appendix E

15. Onshore and Offshore Wind

Some of this public concern is regarding the lack of thresholds in the provincial assessment process for wind energy project on lands. We note that in the IAA process, any off-shore wind projects have a threshold of 10 turbines, and it is not lost on us or on other concerned citizens, that if 10 turbines just off-shore where no people live must be assessed under IAA, a proposal for 164 similar sized turbines on a small peninsula like ours with just over 4000 inhabitants definitely should get at least the same, or better, attention and we fear that will certainly not happen under a provincial process. Moreover, the turbines proposed for our peninsula are some of the largest in the world, and they are considered by the industry itself to be offshore turbines,³⁸ which, in fact, they are and were supposed to originally be installed OFFSHORE. The monstrous size of these offshore turbines were well illustrated in an Op-ed to the St John's Telegram on February 28th, 2023.³⁹

We note with interest your recent announcement of a Regional Assessment for OFF-SHORE Wind projects in Newfoundland and Labrador and Nova Scotia⁴⁰ and wonder out loud whether this was the underlying reason why the Newfoundland Government and the Proponent, WE GH2, moved their project to an ON-SHORE project, but using the same sized wind towers?⁴¹

We believe this WE GH2 project should have remained an offshore project, which could have eventually been reviewed under your new regional assessment process findings and that it still could/should be based on all the issues we have outlined in our letter.

It certainly seems there would be no way the Province or WE GH2 would want to wait that long (18 months) before proceeding with their assessment however, we are asking that you designate the project immediately under the IAA, insist that it be moved to the offshore to protect our Homeland and wait until a full Regional Assessment has been completed before proceeding with this project.

We have reviewed the final agreement and Terms of Reference for offshore wind Regional Assessment and are concerned that the timeline of 18 months is much too short to eventually consider the WE GH2 project should it eventually be moved to where it was initially intended to be and would reiterate our insistence that the WE GH2 project be moved to the offshore and halted until that regional assessment is complete.

In terms of local public concerns, we have outlined our volunteer actions in our efforts to poll the public and the depth of those concerns in our section above at section 8 - Public Participation. It is pretty evident that if 84% of our people have indicated disfavour for this project and that it is of some serious public concern.

³⁸ <https://electrek.co/2023/01/03/worlds-most-powerful-wind-turbine-first-power/>

³⁹ See – ‘Monsters on the Port au Port’ at Appendix F. Also, February 28th edition of the Telegram (*Saltwire*)

⁴⁰ <https://iaac-aeic.gc.ca/050/evaluations/document/147037?culture=en-CA>

⁴¹ See Appendix F for a letter of response from the Province, Feb 7th, 2022 - regarding the offshore proposal.

16.Risks of Hydrogen Production and shipping: especially ammonia leaks and explosion

As information “leaks” out from the provincial government and the proponent, people are increasingly concerned about the environmental hazards posed by this kind of project. One of the most obvious is the risk of ammonia leaks, hydrogen leaks, seepage or spills. We know that the possibility of a leak is not **IF** but **WHEN** and that is a huge risk that the Proponent must monetize and include in the EIS of this project as an expense they will need to provide funds for, as well as in their internal risk assessment figures for the project.

An ammonia or hydrogen leak or spillage, once it happens can cause immeasurable harm to our lobster fishery to say nothing of all the other species in the Gulf of St. Lawrence or off-shore in the oceans, and a hydrogen leak can actually contribute to climate change. One expert states that a major spill at sea could “sterilize cubic miles of ocean”.⁴² Some two dozen ships go down in the ocean every year and if 40% of them were carrying ammonia to replace fossil fuels as a way to transfer energy, then that would be 10 ships a year.⁴³⁴⁴ That is a very scary downstream impact that must be considered along with those listed below, and as stated above, we have no faith that these impacts will be properly assessed by a provincial government who is considered by us as just another proponent.

Hydrogen has one of the widest explosive ranges of any combustible gas (4-74% concentration in air) and requires a very low amount of energy to ignite, so not only are the small molecules difficult to prevent from leaking, it’s also very dangerous when it does leak. We fear for the lives of the people who will work at the project in Stephenville and for all our communities. The following article on Hydrogen Infrastructure for Energy Applications discusses just how hazardous hydrogen can be.⁴⁵

As well, hydrogen gas is also a greenhouse gas, and for gases whose impacts are short lived like Hydrogen, the long-term framework methods used to estimate the impacts on the earth of climate change do not capture this short-lived product that is a very small molecule which easily leaks, and which, at times, would be vented and purged from existing hydrogen systems. Currently there does not seem to be a process to capture these leaks, vents, and purges and measure them along with other greenhouse gas emissions. There obviously must be a mechanism put in place to (a) measure the emissions from current and future hydrogen projects, and (b) to measure those emissions in shorter timescales than what science uses today, which is needed to determine whether there actually are climate benefits or disbenefits over the period needed to reduce GHGs in the short term. According to the following study from the European Geosciences Union (EGU)⁴⁶ “*While more work is needed to evaluate the warming impacts of hydrogen emissions for*

⁴²<https://www.rechargenews.com>

⁴³<https://www.seatrade-maritime.com/sustainability-green-technology/how-would-ammonia-spill-affect-marine-environment>

⁴⁴<https://www.hydrogeninsight.com>

⁴⁵<https://www.sciencedirect.com/topics/engineering/hydrogen-explosion>

⁴⁶ Acp.copernicus.org Hamburg study <https://acp.copernicus.org/articles/22/9349/2022/>

specific end-use cases and value-chain pathways, it is clear that hydrogen emissions matter for the climate and warrant further attention from scientists, industry, and governments. This is critical to informing where and how to deploy hydrogen effectively in the emerging decarbonized global economy.”

This article was written in 2022 and since it is obvious there is still much to learn about all aspects of the hydrogen industries impacts on climate, why then are we in Newfoundland and Labrador and in Canada, breaking our necks to bring these expensive, destructive projects online without waiting for science to catch up? Could we be looking only at “economics” of these projects and ignoring the risks that this industry may not even produce benefits to the very process we are trying to abate: Climate change?

17.Upstream and Downstream Impacts

We fear that the upstream impacts of the energy used to make the hydrogen and ammonia are not likely to be assessed properly by the Provincial process because their mantra is that hydro energy has zero emissions, which as you and the world now know, is not the case, and the proponent has clearly stated they need to connect to the Island of Newfoundland grid (which is at times hydro and fossil fuels), in case the wind doesn’t blow and fossil fueled energy will be absolutely necessary at the beginning of the project; for how long we do not know.⁴⁷

As well, we know from the province’s recent announcement that they will not be requiring royalties on this project until **AFTER** the proponent has been paid for the entire project. This gives the proponent yet another benefit we regard as a **subsidy**.⁴⁸ As well, who is to say it will ever be paid off. What if the project fails to produce the amount of hydrogen it states under the optimistic plans? What if the world decides they are not ready to change to hydrogen? What if another technological method of making energy comes along to out-perform this unproven method? What then would happen to the benefits to the province and the people? (but, in their fiscal framework they state “Citizens will be primary beneficiaries of the project.”)⁴⁹ As Minister Parson’s reported in the press release about the wind energy/hydrogen framework, “a wind energy electricity tax will be paid ONCE THE TURBINES ARE IN SERVICE” (emphases added). He also stated that originally there was a royalty charge in the preliminary draft but “There’s just a fear of that royalty word”, and so it was removed. He goes on to talk about cost recovery and about how much risk is attached to pursuing projects that take billions of dollars to construct, (as if Muskrat Falls wasn’t still fresh in our minds), and that the government “wants to prevent failures from occurring down the road”. We ask, since when is it the duty of the provincial Minister to use public funds to ensure a private investment project doesn’t fail? We are left to wonder; just whose side Minister Parsons is on?

These are downstream impacts that we don’t think will ever be considered properly by a provincial government that is actively promoting this project.

⁴⁷ See - *allnewfoundlandlabrador*, April 4, 2023, [Ex-Dal President Joins Risley’s Hydrogen Team](#)

⁴⁸ <https://www.cbc.ca/news/canada/newfoundland-labrador/wind-hydrogen-project-fiscal-framework=1.6758195>

⁴⁹ <https://www.cbc.ca/news/canada/newfoundland-labradlr/wind-hydrogen-project-fiscal-framework=1.6758195>

18. Rights of Indigenous Peoples

As noted repeatedly above, the majority of people on our Peninsula are Indigenous, both status and non-status, and the essence of our identity is our relationship to this unique and fragile piece of land and the waters surrounding us. That is the root of our insistence on a full and proper assessment of this proposal, which if implemented will affect us and our children and grandchildren in harmful and irrevocable ways.

Even though two of the Indigenous Band Leaders came out in support of the Project, (and we note here that their letters of support were written supporting an OFFSHORE project, not the destructive land-based project it is at this time)... a petition that rigorously surveyed 11 out of 13 communities on the peninsula came up with an 84% of adults polled are totally against it: We are convinced there is sufficient disagreement to warrant involvement from the federal *Impact Assessment Act*, especially given the need for Indigenous consultation and Free, Prior and Informed Consent.⁵⁰

Of course, there are those, including some Indigenous individuals, who are dazzled by the bright picture of "green" jobs and prosperity that is being painted by the proponent and by both the provincial and federal governments. If you look at the entire area surrounding Stephenville, Kippens and St. George's, a majority of the population there are not only mostly non-Indigenous, but are well removed from the real impacts of the turbines which will overshadow our existence on the Peninsula itself. But here in our communities, on our land, we see the threats to the land and to our Indigenous roots and ways of life. **The leaders who are tempted by promises are not representing us.**

We sincerely hope that as a former member of Greenpeace, you can relate to the impacts people deal with when large corporations and totally biased governments force their will on average citizens, both Indigenous and Non-Indigenous, and especially on Indigenous grandmothers who put themselves in harm's way to protect their land, as is the case here in our communities.

This project has no social license. If it is to comply with the requirements of the Government of Canada's commitments to the UNDRIP and to reconciliation, it must be subjected to a thorough impact assessment under the IAA that gives us, the people directly impacted, the capacity to fully engage in the process.

19. Arrests: Yet Again

For many members of the public, the way in which our own concerns and protests have been dealt with by the authorities is also very disturbing.⁵¹ As concerned citizens and Indigenous peoples exercise their right to have their voices heard about the pollution of the secondary water source of one of our communities at the community of Mainland, an injunction was approved by

⁵⁰ Copies of the polls conducted in the communities are too voluminous to attach to this letter. These documents are mailed by Canada Post to the Ministers office to the inside address above.

⁵¹ <https://www.cbc.news/canada/newfoundland-labrador/port-au-port--road-blockage-1.6725920>

a NL Supreme Court Judge and several of our members and citizens have had to appear in court.⁵²

Injunctions against certain types of protest actions has been on the rise in Canada and especially as they are used to stop Indigenous people from protecting their lands. This is no way to "...make environmental assessments credible again," as Prime Minister Trudeau promised in one of his earlier campaigns. He stated, "Canadians must be able to trust that government will engage in appropriate regulatory oversight, including credible environmental assessments, and that it will respect the rights of those most affected such as Indigenous communities." He went on to say, "While governments grant permits for resource development, **only communities can grant permission.**" (emphasis added)

In the case of wind turbines on the Port au Port Peninsula, our mostly Indigenous communities **do not grant permission.** This can be clearly seen when you review the numbers of Independently Verified Signatures on our door-to-door Poll.⁵³

We ask you Minister Guilbeault, as a former and hopefully current, concerned environmentalist, to listen to our side of the story, unencumbered by the biased information and assessment process of the WE GH2 Corporation and the Government of Newfoundland and Labrador, who have both shown themselves to be proponents of this project. We ask you to carefully review the documents we have provided as footnotes to this letter and in the attached documents, including the poll results showing that 84% of the adults on the Port au Port Peninsula have said **NO** to this project and unless it is moved where it should have been to start with, (**off-shore**), we are convinced it will do immeasurable environmental and social damage to our communities.

It is not lost on us that the Judge who will make the decision on this injunction is Justice G. Murphy, the same judge who allowed Nalcor's injunction against Indigenous people (and non-Indigenous) protesting the Muskrat Falls project.⁵⁴ For us, people are simply protecting their land and livelihoods and see these corporations as bullies and the provincial government as complicitas noted above. As a former member of Greenpeace you certainly understand that not all corporations and not all government officials are fair, nor do they always consider the smaller and less visible minorities. The Minister did eventually see the light and provided protection for our secondary water supply many months after it had been requested.⁵⁵ It is clear then, that we should not have had to protest to stop the pollution in the first place.

Well, in this case, Minister Guilbeault, our mostly Indigenous communities here on the Port au Port Peninsula do NOT grant permission. We ask you to listen to our side of the story, unencumbered by the biased information and assessment process of the World Energy GH2 Corporation and the Government of Newfoundland and Labrador, who have shown themselves to be the proponents of this project. We ask that you carefully review the documents we have

⁵²<https://www.cbc.ca/news/canada/newfoundland-labrador/nl-world-energy-gh2-court-injunction-protests-1.6744244>

⁵³Copies of the polls conducted in the communities are too voluminous to attach to this letter. These documents are mailed by Canada Post to the Ministers office at the inside address above.

⁵⁴<https://www.cbc.ca/news/canada/newfoundland-labrador/murphy-decision-muskrat-falls-protests-1.5434911>

⁵⁵Appendix B- Regulation 10/23 giving protection to our secondary water supply Dated March 3, 2023.

provided at the end of this letter showing that 84% of the adults in all of our communities have said **NO** to having these windmills destroy our land and that you will agree there is no alternative but to assess this monstrous project under the IAA.

20. Inadequacy of Alternatives

If there were reasonable alternatives to a federal impact assessment, we would take advantage of them. But there are not. The province is utterly unprepared for this; it does not even have wind energy projects in its lengthy list of activities covered in the regulations of its *Environmental Protection Act*, nor do they even have policies written for this type of project as was clearly indicated when John Risley and Brendan Paddick freely offered and then were invited to help write those policies as mentioned above and in the ATTIP documents.⁵⁶ We have met with brick walls in our attempts to find out even basic information about the project, and we have been dismissed as irrelevant, or worse, by those who should be listening to us and taking our concerns seriously.

As for Alternatives **TO** the project, as we have already mentioned, we believe this project should have continued as an off-shore project and that it should be halted completely until your recently announced Regional Assessment of off-shore wind energy in Newfoundland and Labrador has been completed.

21. Optimism Bias

"Optimism bias" is very evident in this entire process so far – the unrealistic notion that nothing bad will ever happen. It is not a stretch to expect that it could carry the day for this project as it did in the Muskrat Falls project in Labrador. On the first day of the Muskrat Falls Inquiry, Dr. Bent Flyvbjerg, Danish economic geographer and the most cited scholar in the world on megaproject planning, advised Judge LeBlanc that he has monitored hundreds of mega projects as well as small projects and has scientific evidence that this bias on the part of proponents and governments exists in nearly every single project. This project is also being presented in very optimistic terms, and the province is basically promoting this project as they did with Muskrat Falls, as the answer to all of Newfoundland and Labrador's woes. The optimism bias is palatable in this process and we fear all our concerns will be overridden by the province as they assess the project. This is unacceptable.

An exhaustive list of potential impacts must be compiled and studied – something the Provincial Final Guidelines are not comprehensive enough to cover. We have seen no sign that these risks will be properly assessed, since the dominant views of the proponents and the Provincial Government of capitalism and the market economy have so far trumped any concern for our health and well-being or that of the environment. For this reason, we ask that these risks be studied and reported, with a proper and thorough risk assessment. Such an assessment must include an unbiased and transparent review by outside experts, that accounts for both the

⁵⁶ See Appendix E

probability and the potential impacts of all possible risks to our communities, to the shoreline and the Gulf as well as the ocean beyond and to the project itself, and these risks MUST be monetized and added to the costs of the project to determine whether the project is in fact, profitable. We have no faith in our provincial government to force the proponents to consider the cleanup or the damage done to our communities as part of their costs and as taxpayers we are nearly certain that the cost of any future damage or spills will be heaped on us just as the Muskrat Falls project has been.

22. Capacity of our Communities

As things stand, we, here on the peninsula, have no possibility of any meaningful involvement through the Provincial process. We need expert advice in several areas and the province of NL does not provide intervenor funding to help our small communities hire experts so, we have no other alternative but to do everything in our power to insist that the Federal Assessment process intervene and provide ample funds for our communities to “*meaningfully participate*” in these plans. As the Guidance document mentioned above states under section 3, Principles: “*Meaningful public participation means that members of the public who wish to participate in an impact assessment have an opportunity to do so and are provided with the information and capacity that enables them to participate in an informed way. Meaningful public participation also means that public perspectives inform and influence decision-making and allows those who participated to see that their input was considered.*” (underlining added).

Capacity can be construed in several ways, but for most of us citizens attempting to navigate the complexities of environmental assessment, capacity not only refers to the expertise to work on reviewing the massive numbers of documents and studies that will be presented with the impact statement and formulating responses, but access to the funding to hire staff and experts to help us.

As noted in Mr. Eric Watton’s response to questions about funding and access to documents,⁵⁷ no intervenor funding is available from the province to assist the public, nor is it practical, or timely, for us to review documents submitted by others as the only way we can access them is through ATTIP requests which could take months. This smacks of a huge lack of transparency by the Provincial government. Fortunately, the federal IAA structure can provide citizens with that financial capacity, thus enabling a degree of true participation in processes that seriously impact our lives.

We, as volunteer citizens in caring for our home peninsula, have conducted polls in our communities and we have struggled through this very complicated Federal designation process without legal or professional help because we have no resources. Some help was provided by a few new friends in existing environment groups with some past experience. Hopefully, the Federal process will boost our capacity to, at the very least, make well informed comments on this proposed industrial project in our homeland which seems to be moving ahead at lightning speed.

⁵⁷See Appendix C

Conclusion

Minister Guilbeault, it is clear that there are various ways in which Federal Jurisdiction will be adversely impacted by this project, that public concern is increasing about its impacts locally and beyond, and that it has negative implications for Indigenous rights and reconciliation. Given these facts and the other aspects noted above, the WE GH2 project demands a robust assessment by the federal government, with funds made available to engage our community members and the public with the broad range of information and scientific expertise they need to ensure they have been “meaningfully” involved in the process.

This project has not been presented to us or to the citizens of the province or the country, in a transparent, efficient, or timely manner. It has been broken up into three phases to be presented separately for approval, in direct contradiction of the legal prohibitions at both federal and provincial levels against project-splitting. We are left with no reason to believe that either the province or World GH2 will be unbiased as they provide studies and documents to shore up their project due to already obvious “optimism bias”. That is why we are asking you to designate the WE GH2 project for a full federal environmental impact assessment, without delay. (Please see attached letters of support from various organizations that support our request for this national review.)

Minister Guilbeault, our little Peninsula is a unique bit of land stretching out into the Gulf of St. Lawrence. Like the Gulf, it is ecologically significant, highly vulnerable, and already stressed. It is also home to us and all our relations. It is your responsibility to ensure that Canada’s laws are applied here as elsewhere, to protect the environment, biodiversity, and the rights of those of us who are stewards of this special place.

We thank you in advance for seriously considering our request for designation under the IAA of the WE GH2 Wind/Hydrogen/Ammonia Port au Port project and look forward to your affirmative answer. We can be reached via email at etcportaupt@gmail.com or at the mailing address noted above.

Sincerely,

<Original signed by>

Nadine Tallack,
Co-Administrator

<Original signed by>

Marilyn Rowe,
Co-Administrator

Enclosures: Index / Appendix A-F

c.c. Impact Assessment Agency of Canada