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Monday, October 19, 2009

New York State Energy Research and
Development Authority (NYSERDA)
17 Columbia Circle
Albany, NY 12203-6399

**Re: SEP Comments on the Draft
New York State Energy Plan**

Dear Madams, dear Sirs,

This has reference to the recent Draft New York State Energy Plan.

The Uashaunnuat, the Innu of Uashat mak Mani-Utenam, whose members are grouped in traditional Innu families, are a First Nation whose traditional lands are located in the North Shore region of Quebec as well as in Labrador.

The Uashaunnuat assert Aboriginal title, Aboriginal rights and treaty rights in their traditional lands located in Quebec and in Labrador. No treaty has ever been signed with the Uashaunnuat and their Aboriginal title and rights have never been extinguished. Their firm position is that any occupation of their traditional lands without their consent is unconstitutional and illegal and that all development, past, present or future, regarding these lands or the natural resources thereof cannot proceed without their consent.

The Uashaunnuat reiterate strongly their opposition to the La Romaine hydroelectric project ("the Project") proposed by Hydro-Quebec and which will seriously impact their Aboriginal rights and title and Aboriginal way of life within their traditional lands, including through the installation of some 300 miles of transmission lines. The Uashaunnuat are opposed to the Project on the basis of their Aboriginal rights and title and on the basis of the environmental impacts of the Project.

In the opinion of the Uashaunnuat, this is not clean energy as it will seriously impact the traditional way of life of the Uashaunnuat, the traditional lands of the Uashaunnuat and the natural resources thereof, including fish, waterfowl and other wildlife. The Project will also affect the relationship between the Uashaunnuat and their traditional lands and the natural resources thereof, and will preclude them from carrying out their obligations as stewards of the traditional lands, which is at the heart of Uashaunnuat identity.

The Uashaunnuat affirm that the existing or proposed production and transportation of energy in or across their traditional lands from the Project, especially combined with

existing hydroelectric complexes such as the Upper Churchill Falls Project and the Lower Churchill Falls Project, are illegal and that the Governments of Quebec, Newfoundland and Labrador and Canada and Hydro-Quebec are flagrantly breaching the rights of the Uashaunnuat in respect to those projects.

The Uashaunnuat also denounce the environmental impact assessment process conducted by the BAPE (Bureau d'audiences publiques sur l'environnement). That process was carried out jointly by the Governments of Quebec and Canada, is inherently flawed on many levels and simply rubber-stamped the construction of the "production" part of the La Romaine Project.

In its approval of the Project, the BAPE gave scant consideration to Aboriginal communities which would be affected by the Project and to many of the environmental concerns of the interested parties.

The Uashaunnuat state that their consent must be obtained for La Romaine Project. With respect to the environmental assessment, the position of the Uashaunnuat is that the La Romaine project is a single project comprised of several inseparable components, including the power stations, the reservoirs and the related works, such as the main road, the access roads, the transformers and the transmission lines. Remarkably, for the purpose of the environmental impact assessment process, the transmission lines were totally severed from the remainder of the Project.

The division of the environmental assessment process into hydroelectric power stations and reservoirs on the one hand and the transmission lines on the other hand is in itself incoherent, arbitrary, illegal and disrespectful of the principles of a sound environmental assessment.

The Uashaunnuat assert that the Provincial and Federal governments have also breached and are in breach of their trust or fiduciary duties to the Uashaunnuat. The actions of the Governments ignore the honour of the governments, the trust or fiduciary obligations of the governments and the necessity for reconciling the rights and interests of Aboriginal Nations and the powers and duties of governments. Nor has there been any meaningful consultation with regard to either the production part of La Romaine Project or the transmission lines part of that Project.

In conclusion, the Uashaunnuat firmly oppose La Romaine Project and request the NYSERDA not to approve any plan which includes production from Hydro-Quebec in Uashaunnuat traditional lands.

We thank you for your consideration of our position.


Chef Georges-Ernest Grégoire