POLICY BRIEF
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Not-so Grand Plans: The Continued Erasure of Indigenous Rights in Newfoundland and Labrador's Hydroelectric 'Development'

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JUST OVER A YEAR after the publication of the final report of the Muskrat Falls inquiry, aptly titled: *Muskrat Falls - a Misguided Project,* the Government of Newfoundland and Labrador (GNL) are teeing up for more exploitation of the Grand River. The river, which flows through central Labrador to Lake Melville, is an ecosystem of extreme importance to Innu of Sheshatshiu and Inuit of the Upper Lake Melville and Rigolet, and other Indigenous people in the region.

This development is a key element of the Premier's Economic Recovery Team's (PERT) report titled *The Big Reset.* The recommendations of the report have significant consequences for Indigenous people in Labrador, particularly in relation to hydroelectric development. This Brief outlines the context for the new proposals and asks, how amid the past and ongoing violence of hydroelectric development, can we now possibly be considering more?

"THE BIG RESET"

In 2020, Andrew Furey ran for the Leadership of Liberal Party of NL and, therefore, the Premiership of the Province. An orthopedic surgeon, Furey had no prior political experience, but he comes from a politically connected family. A piece of his platform during the leadership race was the creation of an "Economic Recovery Officer" to advise the premier and "a group of non-partisan experts with diverse business backgrounds" on the economic recovery plan (Maher 2015).

Instead of creating the position, Furey developed the PERT, appointing Dame Moya Greene as Chairperson. Greene has a history of advocating for the privatization of public institutions, including the Canadian National Railway and the British Royal Mail. The other advisors on the Team were industry representatives, with a couple of members affiliated or formerly affiliated with Memorial University of Newfoundland and Labrador. The only representation from labour advocacy organizations resigned, calling it "window dressing" without collaboration or transparency (CBC News 2021).

In addition to these critiques, we are alarmed that a key recommendation for the Big Reset revolves around more hydroelectric development.

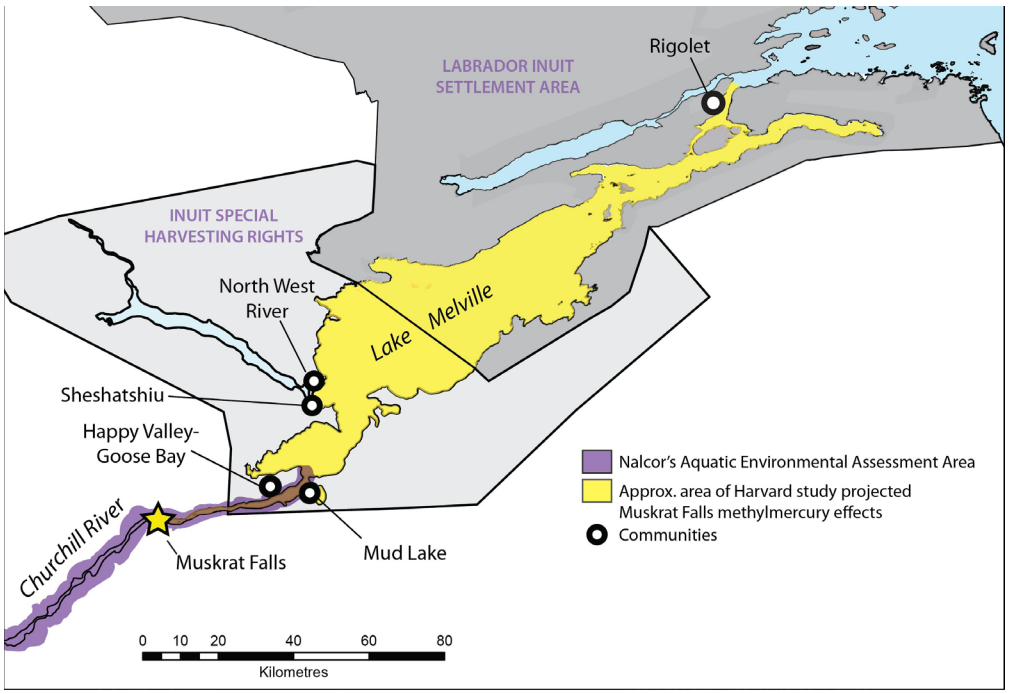
For those not paying attention, the history of this development in NL has been an unmitigated failure.

BACKWARDS RIVERS: THE HISTORY OF HYDRO-ELECTRIC DEVELOPMENT IN NL

In the 1960s and 70s, the Government of Newfoundland ("Labrador" was not added to the title until 2001) began hydroelectric development on part of the Grand River called Churchill Falls. There was no consultation with Innu, who traditionally travelled and trapped along the river, including the area that was flooded by the project. Almost 50 years later, the Upper Churchill Redress Agreement retroactively resulted in the Innu Nation of Labrador being paid out $2 million a year from Nalcor, a provincial energy Crown Corporation (Gov of NL 2018). Additionally, GNL negotiated an unfavourable power purchasing agreement with Hydro Quebec, set to expire in 2041. The price that electricity is sold to Quebec at is "barely distinguishable from being free," which has meant GNL has lost out of billions of dollars in revenue per year because of the deal. (Feehan and Baker 2007, 209).

The Churchill River, referred to locally as the Grand River or Mishta-shipu in Innu-aimun, is of spiritual, cultural, and socio-economic importance to Indigenous peoples in the region used for fishing, trapping, ceremonies, and travel. The river connects to Lake Melville, a salt-water tidal extension of Hamilton Inlet, another significant ecosystem for all Labradorians for fishing, hunting, boating, and other activities.

Over the past 50 years, access to the river and these activities have been restricted by government-developed hydroelectric projects, to the point that sites of historical-cultural value are inaccessible.



This map from the Nunatsiavut Government's 'Make Muskrat Right' campaign website shows all the communities affected by hydroelectric development in Labrador.

Despite this, the GNL started working towards the Muskrat Falls hydroelectric project in 2006.

It initially included a Gull Island site but was eventually narrowed down to solely Muskrat Falls (aka the Lower Churchill Project). The original estimate for the project was $6.2 billion, plus $1.2 billion in financing costs. As the project proceeded, the costs ballooned to $10.1 billion, plus $2.6 billion in financing. This doubling in costs was a trigger for the 2018 public inquiry into the Muskrat Falls Project.

The inquiry ultimately found that GNL failed to safeguard the best interests of the province's population. Among the reasons for this finding were the following:

- GNL publicly said a business case for the project would be necessary; however, functionally had predetermined the project would go ahead.
- There was no comprehensive examination of the range of possible economic scenarios that could result from the project.
- There was insufficient testing of the economic assumptions that the project was based on and promoted for.
- Nalcor — the proponent — was found to have exploited the trust of GNL and frequently concealed information about the project's costs, schedule, and risk from GNL.
- GNL did not have the capacity or an inclination to oversee Nalcor effectively.
- Nalcor presented Muskrat Falls to the public and GNL as the lowest cost option for supplying electricity to the Island, but alternatives were not fully explored, and some were unjustly discarded.

In addition to the economic woes of the Muskrat Falls Project, there are significant health and social impacts, particularly for Indigenous peoples in Labrador.

The project has drawn criticism for its impact on the Lake Melville ecosystem. Nalcor asserted that it did not study Lake Melville in relation to the Muskrat Falls Project because "it predicted that the Muskrat Falls dam would have no measurable impacts on the estuary, a traditional Inuit hunting and fishing ground" — an assertion that is not based in science (Cox 2019; Kamula and Kuzyk 2016). The Grand River is Lake Melville's largest freshwater source, supplying over 60 percent of the freshwater that enters the estuary and thus is impacted by changes to the River's ecology upstream (Schartup et al. 2016, 63).

An understudied aspect of the cost/benefit analyses of dams has been the consideration of the social inequities between dam beneficiaries and those potentially disadvantaged by dam projects (Richter et al. 2010). A good example here would be Rigolet, the community at the mouth of Lake Melville; the home to many of our relatives. Rigolet faces the bulk of concern related to methylmercury contamination and country food harvesting: a significant portion of Inuit country foods are from the ocean such as seals, salmon, char, mussels, clams and sea bird eggs.

Thus, Rigolet residents who rely on many of these food sources already face more exposure to methylmercury compared to average Canadians and Americans (Schartup et al. 2016, 50). This has significant consequences. Long-term dietary exposure to methylmercury is associated with neurocognitive delays in children, including long-term brain development issues, attention deficit behaviour, and reductions in verbal function and memory. Additionally, it impacts cardiovascular health in adults (Schartup et al. 2016, 49).

None of the Nunatsiavut communities or Natuashish receive electricity from the Muskrat Falls Project or the Churchill Falls Project. All six fly-in-only communities on Labrador's North Coast receive their electricity by diesel generators.

Indigenous peoples in Labrador have been at the forefront of resistance to the Muskrat Falls Project, including in historic protests in 2016. During the height of the resistance, Land Protectors occupied part of the Muskrat Falls Project, and three youth undertook hunger strikes.

Despite this fervent opposition and the social, health, and economic controversies surrounding the Churchill Falls and Muskrat Falls projects, the PERT report continues to advocate for additional hydroelectric development.

Even more frustrating is the lack of acknowledgement of these past issues and the continued exclusion of a meaningful discussion of Indigenous rights and wellbeing considerations.

Resistance messages at the site of the protests against the Muskrat Falls Project.

PERT, GULL ISLAND, AND FREE, PRIOR AND INFORMED CONSENT

When the PERT report became public, Drew Brown criticized the approach as "an austerity program that combines political and social reforms with a far-reaching economic restructuring plan premised on slashing state expenditures, across-the-board fee and tax increases, privatizing public assets, and breaking public sector unions," which is apparently simultaneously going to "put the province in the strongest possible position to compete for green investment" (PERT 2021).

In the recommendation by PERT to Develop and Implement a Green Energy Transition Strategy, it notes the following:

- Define critical elements of the overall approach, including partnerships with federal, provincial, and Indigenous governments, Indigenous organizations, and communities, centres of academic excellence, green investors, non-governmental organizations, and other experts;
- Package the Churchill River resources as a single opportunity, including Muskrat Falls, Gull Island, and the 2041 contract on the Upper Churchill, and seek federal government and private sector partners to maximize the economic value and its renewable energy potential.

PERT tells the province to "define critical elements" of the approach to a green transition which includes "partnerships" with "Indigenous governments" and "Indigenous organizations." However, in the next breath advocates developing Gull Island, a third hydro project on the Grand/"Churchill" River without foregrounding the need to earn the free prior and informed consent of those governments and organizations.

This is problematic as one of the major criticisms of the Muskrat Falls Project was that rather than actually investigating a business case on the matter, the development of the project was a foregone conclusion. How is the framing of the development of the Gull Island Project as being necessary for the economic recovery of the province any different than how the Muskrat Falls Project began and proceeded?

The Muskrat Falls Project is what the province needs to recover from and it could have been avoided if Inuit voices were listened to. Doubling down on a Gull Island development will not pull us from the grave the Muskrat Falls Project dug.

But there is no mention of the need for free, prior, and informed consent with Indigenous people to develop the Gull Island Project. Indeed, none of the sections about resource development mention this. However, the section focused on off-shore oil exploration does mention the need for "consultation with Indigenous governments and organizations and other marine users such as fisheries organizations and marine transportation companies (PERT 2021, 92)." Thus, the drafters of the PERT report are at least familiar with Indigenous peoples and rights, but apparently, deem them unnecessary in this case.

GREENWASHING THE FALLS

Beyond the lack of attention to Indigenous communities, PERT is disingenuous in others ways, in particular around the assertion that hydroelectricity is the saviour of future generations: "Hydroelectric resources will contribute to reducing GHG emissions and will also generate economic wealth, investment, jobs, and income for the province. **This is the future for Newfoundland and Labrador's young people**" (86, original emphasis). For the future of which young people are these hydroelectric resources important? Certainly not Inuit or other peoples reliant on the Grand River and Lake Melville ecosystems. How will an additional project impact the bioaccumulation of methylmercury in Labrador's food systems?

The assertion of large hydroelectric projects as "green" does not line up with scientific evidence. The physical impact of dam construction and flooding leads to significant greenhouse gas emissions and methylmercury pollution, which impacts forests and marine life. Not to mention the fact that hydro projects have displaced communities and violated treaty rights (Nikiforuk 2018). Hydro Quebec readily admits that impoundment for hydroelectric reservoirs induces decomposition of flooded biomass and higher greenhouse gas emissions (mainly carbon dioxide and some methane), though they assert these emissions peak two to four years after impoundment (Hydro Quebec). The same microbial decomposition accelerates the production and bioaccumulation of mercury in fish and eaters of fish, such as seals and the Inuit who hunt them (Nikiforuk 2018).

This is of particular concern for Indigenous communities, as in 2016, all known potential hydroelectric sites planned for near-term development were within 100 kilometres of Indigenous communities (Calder et al. 2016, 13117).

There is, additionally, a value to intact ecosystems when it comes to climate change. Functioning ecosystems play a significant role in sequestering vast amounts of carbon, regulating local climate regimes, and reducing risks associated with climate-related hazards (Martin and Watson 2016, 123). Between 2000 and 2013, Canadian industry contributed 21 percent of global degradation (Wieting 2015). The impoundment reservoir of Muskrat Falls

is 101 square kilometres (GNL 2018), which flooded thousands of trees and tonnes of topsoil in addition to displacing historical family traplines (Fitzpatrick 2018; Barker 2019).

Gull Island's reservoir is estimated to be 200 square kilometres, flooding thousands more trees and tonnes of topsoil, displacing additional historical family traplines and a significant Innu spiritual site (NL Hydro 2006, 17). One-tenth of the world's carbon-absorbing trees are here in Canada. Canada's intact forest landscapes contribute to global climate solutions just by continuing to exist (Wieting 2015). Continuing to impound land for hydro reservoirs means continuing to contribute to the degradation of Canada's boreal forest.

CONCLUSION

The people of Labrador have, for generations, borne the brunt of the impacts of ill-considered hydroelectric projects. Indigenous peoples have had their livelihoods and cultures negatively impacted, and the PERT report threatens to repeat these mistakes by failing to acknowledge and prioritize an alternative path forward. Any future considerations for so-called "development" in Labrador must centre the rights of Indigenous peoples from the very beginning.

It is unacceptable to continue to build projects which harm the lives of future generations and to frame them as environmentally friendly when the scientific evidence and social impacts prove otherwise.

The Government of Newfoundland and Labrador has a history of erasing Indigenous peoples in this province. From the choice to leave Indigenous people out of Terms of Union with Canada (Hanrahan 2003) to the recent provincial election, which didn't have mail-in ballot kits available in any of the Indigenous languages of the Province (in an election that took place exclusively by mail-in ballot) (CBC 2021). By law, they were not required to.

The PERT is yet another example in a long line. We wonder what it will take to recognize Indigenous rights, title and humanity? While erasure is very real in Labrador, Indigenous communities will continue to fight against it and challenge governments that presume to fix our economic fortunes with the same tools that crushed them in the first place.

CITATION

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