April 10, 2018

The Honourable Eddie Joyce

Minister of Municipal Affairs and Environment

Government of Newfoundland and Labrador

West Block, Confederation Building

P.O. Box 8700

St. John's, NL

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Dear Minister Joyce,

As Chair of the Independent Expert Advisory Committee (IEAC) for the Muskrat Falls Project, I am pleased to provide this update on the work of the Committee and to deliver its recommendations.

As you are aware, the mission of the IEAC is to independently assess the adequacy of mitigation, monitoring and management of the Lower Churchill Project, and to provide recommendations to the Responsible Ministers with respect to the protection of the health of the Indigenous and local population impacted by the Lower Churchill Project, with particular focus on methylmercury in the lower Churchill River and downstream.

The IEAC has been extremely busy fulfilling its mission since my appointment as Chair in early August. During the last eight months I have chaired over 40 meetings and overseen the work of an extremely committed group of experts and contracted researchers, resulting in the creation and review of over 100 presentations, reports, technical memos and scientific papers. Throughout this process the Committee remained focused on the primary goal of identifying and making recommendations aimed at reducing the impact, where possible, on the health of Indigenous and local populations affected by the project.

We were pleased that you accepted the recommendations made by IEAC (IEAC Recommendations #1-3) on September 22, and during our deliberations have expanded on and used the information that resulted from those recommendations. It is unfortunate that the Reed Harris methylmercury model (being developed for Nalcor) was not completed in time to inform the IEAC’s work, as per Recommendation #3. As you know from our correspondence in September, the Independent Expert Committee (IEC - a subcommittee of the IEAC) was expecting to consider both this model and that produced by Dr. Ryan Calder (when he was at Harvard) to inform their decisions. The IEC did, however, receive several submissions and presentations from both modelers and this information was used to inform their decisions.

At this time, the IEAC wishes to make the following recommendations to the Minister of Municipal Affairs and Environment:

***IEAC Recommendation #4: Mitigation of methylmercury impacts***

The IEAC was not able to achieve consensus with respect to mitigation of methylmercury impacts. Pursuant to the IEAC’s terms of reference, the IEAC held a vote on this matter to reach a recommendation. Based on votes by three of the four voting members (Nunatsiavut Government, NunatuKavut Community Council, Affected Municipalities), the IEAC recommends that Nalcor undertake targeted removal of soil and capping of wetlands for the reduction of both the amount and duration of methylmercury production in the Muskrat Falls Reservoir as outlined in Annex A. These details have been discussed with Nalcor and its consultants.

Innu Nation voted for the option of capping wetlands only. The remaining (non-voting) members of the IEAC supported moving forward without any further mitigation.

All IEAC member opinions are attached (Annex B).

***IEAC Recommendation #5: Monitoring***

Monitoring is an integral activity of a project of the magnitude of the Muskrat Falls project. Recognizing there is already a strong monitoring program in place that fulfills the obligations of the proponent to regulators, it also remains essential that the monitoring program respond to questions and concerns of those who might be impacted by the project. The documents assembled as part of the current IEAC process will provide a foundation for a continued discussion of this important issue. It is therefore recommended by the IEAC that the next ‘phase’ of the IEAC, or another independent body yet to be established:

1. Provide recommendations on the design of a community-based monitoring program that has sufficient statistical power and that answers the questions that Indigenous and local populations have about key indicators (i.e. water, key fish species, seal).
2. Provide ongoing oversight to the implementation of the monitoring program.
3. Establish a working relationship with the Indigenous and local population to develop pre-established benchmarks for the interpretation of monitoring results, and an appropriate response to those results. These benchmarks would act as triggers for a set of pre-established actions, including but not limited to dietary advice, public health programming, and accommodation and compensation for impacted local and Indigenous populations as described in other IEAC recommendations.

This recommendation was made by full consensus of the IEAC.

***IEAC Recommendation #6: Posting of an Impact Security Fund***

There needs to be a guarantee that the Indigenous and local population will have access to plentiful, high quality and culturally appropriate alternate foods, whenever possible country foods, if there are impacts to those foods resulting from impoundment of the Muskrat Falls reservoir. The IEAC recommends that Nalcor Energy and the Province negotiate with the local and Indigenous populations an impact security fund that will provide this guarantee. The fund should be linked to the monitoring program and should be linked to pre-established benchmarks and actions. It should be aimed at ensuring that losses to cultural harvesting practices are minimized in the event that monitoring provides evidence that MeHg exposure has increased to a level that increases risks associated with consumption of country foods. The fund should be significant enough to replace loss of country food and compensate for loss of traditional practices related to the harvesting of that food, and to compensate for impacts on human health, both physical and mental, should impoundment result in risks related to methylmercury concentrations in country foods. The Province and Nalcor should discuss the details of an impact security fund directly with the Innu Nation, the Affected Municipalities, NunatuKavut Community Council and the Nunatsiavut Government, and these discussions should begin immediately, with capacity funding available for any relevant expertise that may be reasonably required.

This recommendation was made by a full consensus of the voting members; member opinions are attached in Annex B.

***IEAC Recommendation #7: Management of Human Health***

It is imperative that standard advice is provided to pregnant women and the community at large that it is important and safe to eat country foods, including fish and seal, and to choose those that are high in important nutrients and low in methylmercury such as salmon, brook trout and smelt. This message should be woven into public health programming around maternal child health, healthy eating, school health etc. and communicated as a universal message that is not just related to the Muskrat Falls Project. There would be value in an independent body developing and assisting with the dissemination of communication materials, but each community or Indigenous government/organization may wish to take the lead on this task.

1. *Current exposure to methylmercury:*

Given the current level of concern in the Indigenous and local populations around methylmercury, there is an urgent need to communicate that current practices related to consumption of country food and water are safe. The IEAC strongly recommends that this message be communicated as quickly as possible.

1. *Post inundation scenarios and changes in exposure to methylmercury:*

As described in Recommendation #5, in the longer term work with the Indigenous and local populations to develop benchmarks for action to ensure an appropriate response and communication plan, including ongoing dietary advice should methylmercury increases in country food be detected through monitoring.

This recommendation was made by full consensus of the IEAC.

I trust that you will appreciate the level of expertise and effort that went into the work of the IEAC. I would be pleased to make myself available to discuss these recommendations with you in more detail and encourage you to contact me without hesitation should you wish to do so.

Sincerely,

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Dr. Kenneth Reimer

Chair, Independent Expert Advisory Committee

Cc: The Honourable Jim Carr, Minister of Natural Resources Canada

The Honourable Dominic LeBlanc, Minister of Fisheries, Oceans and the Canadian Coast Guard

The Honourable Catherine McKenna, ‎Minister of Environment and Climate Change

The Honourable Ginette Petitpas Taylor, Minister of Health

Members of the IEAC Oversight Committee

Att: Annex A: Details of Recommendation #4: Targeted Mitigation

Annex B: Written Opinions of IEAC Oversight Committee Members