

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
and  
STATE OF MAINE  
LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY  
Application for Site Location of  
Development Act permit and Natural Resources  
Protection Act permit for the  
New England Clean Energy Connect (“NECEC”)  
L-27625-26- A-N  
L-27625-TB-B-N  
L-27625-2C-C-N  
L-27625-VP-D-N  
L-27625-IW-E-N

**DECLARATION OF GREGORY RICH**

I, Gregory Rich, of Natuashish in the Province of Newfoundland and Labrador, Canada, declare and state as follows:

1. I am the Grand Chief of the Innu Nation Inc., which represents the interests of the Innu of Labrador (the “Innu Nation”).
2. I have served in this capacity since 2017.
3. I submit this declaration in support of the public comments submitted by the Innu Nation in the above matters.
4. I have personal knowledge of the facts stated herein or I have information that I believe to be true upon which the facts stated herein are based.

**The Innu of Labrador**

5. The Innu of Labrador are an Indigenous people. In our language, Innu-aimun, the name for our land is “Nitassinan”. Our people have lived in Nitassinan for thousands of years. The Innu know this about ourselves, but this presence is also reflected in the archaeological record of Nitassinan. Evidence of our ceremonies going back at least 6000 years has been found. Attached hereto as Exhibit A is one archaeological report that outlines evidence of these ceremonies.
6. Our territory is a large land area in the east of the Quebec-Labrador Peninsula. Currently our people are settled in the two communities of Sheshatshiu and Natuashish, now in the Canadian Province of Newfoundland and Labrador. Attached hereto as Exhibit B is a

map of Nitassinan, drawn from the Government of Canada's Aboriginal and Treaty Rights Information System.

7. The Innu of Labrador have never surrendered our Aboriginal rights in Nitassinan. We are currently negotiating a modern treaty with the Governments of Canada and Newfoundland and Labrador. The three parties reached an Agreement-in-Principle on November 18, 2011.
8. The Innu of Labrador and our ancestors have always lived, used and protected the lands and waters of our traditional and ancestral territories. We were and remain hunters with a deep connection to the land. Prior to our forced settlement into communities in Labrador in the 1950s, the Innu way of life involved travelling across Nitassinan in family groups to hunt, fish, gather, and trade. This travel was central to our identity, since through our travel we maintained our social and ceremonial connections with other Innu, neighbouring peoples, and the land.
9. Our people used to come together for trade and cultural events at important gathering places. One such gathering place was the Meshikamau Lake area, in the interior of Labrador.
10. Meshikamau Lake was a place where several Innu travel routes extending across Nitassinan converged. Innu families from different parts of the Quebec-Labrador peninsula gathered there. The area was rich in fish and wildlife and was on the migration path of two herds of Atiku (caribou), which are an integral part of our identity and culture. Exhibit C is an academic article by Stephen Loring and others that outlines some of this background.
11. Meshikamau is the location of Petshishkapushkau, an important spiritual site for my people. Petshishkapushkau is a rocky hill and is said to be the mystical place of residence of Anikapeu, the Toadman, an animal master of frogs and toads.
12. The Meshikamau area was also a place where we buried our dead.
13. Despite the forces of colonization, the Innu maintained our way of life in Nitassinan until settler resource developers realized the richness of our lands and the colonial government forced us to settle in communities, beginning in the 1950s. Since then, much of our land has been seized for resource development. Until recently, we were not consulted about this seizure of our land, nor were we compensated for the resource development projects' destructive impacts on Nitassinan and our way of life.
14. The development of the Churchill Falls Hydroelectric project was one of the most significant, destructive resource development projects to impact Nitassinan.

## Impacts of Churchill Falls Generating Station

15. Mista-Shipu, known in English as the Churchill River, is the longest river in Labrador and was an important travel route for the Innu until the construction of the Churchill Falls Generating Station (“CFGS”). It is one of the travel routes that led to Meshikamau.
16. Mista-Shipu had a significant waterfall just past Meshikamau called Patshetshuna. It is known in English as Churchill Falls.
17. When the resource developers turned their attention to the riches of Nitassinan, they looked at these Falls and saw them as a potential source of power generation. They gave no consideration to whether the development of this power generation would impact the Innu.
18. The Churchill Falls (Labrador) Co. (“CF(L) Co.”) began constructing CFGS in 1967. Hydro-Québec became, and remains, one of two shareholders of CF(L) Co.
19. In 1971, flooding of interconnected waterways above Patshetshuna created a reservoir to power CFGS. This flooding included Meshikamau and surrounding ecozones (highlands, bogs, islands, forest, tundra), and it turned these lakes and lands into one large water body, known as the Smallwood Reservoir.
20. The Innu were not consulted about this flooding, and we certainly did not consent to it. We were not even told when the flooding would begin, or the degree to which the water would rise. One of our elders, Pinute Ashini, has said that they expected the water level rise at most to be like that caused by a beaver damming a river, and did not expect anything of the scale or nature of the flooding that CFGS has caused. Attached as Exhibit D are pages excerpted from a report prepared by Peter Armitage in 2011 regarding a different hydroelectric project, which briefly outlines impacts of CFGS at pages 23-24.
21. The flooding was a terrible surprise to our people who found our land flooded, our trapping and gathering in our traditional lands wiped out, our gear lost, and the graves of our ancestors under water. Attached as Exhibit E is an inset of a map showing our travel routes and campsites, on which a map of the flooding caused by CFGS was overlaid. Attached as Exhibit F is an image of a small portion of the destruction caused by the flooding.
22. The impact of CFGS on Nitassinan is immense. Countless lakes were flooded to create the Smallwood Reservoir. The Reservoir covers an area of approximately 2,566 square miles – larger than the state of Delaware. The catchment area of the CFGS is about the size of the State of Maine. The generating capacity of CFGS is almost three times that of the Hoover Dam. A map of the flooding drawn from Exhibit C is attached as Exhibit G.
23. The flooding destroyed the Meshikamau area’s waters and lands. It destroyed our use of the area, and it also destroyed the habitats of animals living there. Our hunting and trapping lands were inundated. Innu whose families had hunted in the region for

generations lost their canoes, traps, Atiku-hide scrapers, and other tools that they stored in caches along the river's edges. Beaver in the headwater ponds froze to death because of reduced water levels. Salmon spawning grounds were destroyed. Fish living in the Reservoir have been poisoned with methylmercury. Atiku calving grounds and waterfowl nesting areas were drowned.

24. We also lost the bones of our ancestors. Their burial grounds are now underwater. Attached as Exhibit H are photos that show our burials disturbed and destroyed by the flooding.
25. It would be difficult to overstate the profound anger, dismay and sadness that the Innu feel about the flooding of the Meshikamau area, and the destruction CFGS has caused to the plants and animals with whom we shared the lands and waters.

### **Churchill Falls Generating Station, Hydro-Québec, and the New England Clean Energy Connect**

26. Even though Hydro-Québec is only a minority shareholder in CF(L) Co., it is entitled to “almost all the output” of CFGS, by virtue of a power contract that will remain in place at least until 2041. Hydro-Quebec’s annual report lists CFGS as part of its generation capacity. Attached as Exhibit I is Hydro-Québec’s 2019 Annual Report, and the information I am citing can be found at pages 44, 93, 98, and 115.
27. Hydro-Québec’s 2019 Annual Report states that its net electricity sales is 208.3 TWh, and that its exports amount to 33.7 TWh. This information can be found on page 2 of Exhibit I.
28. We understand that between 1969 and 2016, Hydro-Québec was contractually entitled to 31.5 TWh of energy from CFGS. The amount of energy it is entitled to since 2016 is not publicly available but it is likely to be a similar amount. This information can be found in an excerpt of a 2019 Quebec Court of Appeal court case which I attach as Exhibit J. The information is in note 53 at the end of the decision.
29. CFGS’s generated energy is equal to about one-sixth of Hydro-Québec’s total generated energy, and almost equal to the entirety of the amount that Hydro-Québec exports.
30. In 2018, the Supreme Court of Canada, the highest court in Canada, described Hydro-Québec’s contractual relationship with CFGS, first signed in 1969, as follows: “Nearly 50 years after the Contract was signed, there have been changes in the electricity market whose effect is that the purchase price for electricity set in the Contract is well below market prices. As a result, Hydro-Québec sells electricity to third parties at current prices while continuing to pay CFLCo the price agreed on in the Contract in 1969. This generates substantial profits for Hydro-Québec.” Attached as Exhibit K is an excerpt from the judgement of the Supreme Court of Canada where this statement is found.

31. The energy that would be passing through Maine and flowing to Massachusetts consumers as a result of the NECEC would come from waters that continue to wash away the bones of our ancestors, destroy our lands and the subsistence resources upon which we depend for our cultural identity and our livelihoods – our very way of life.

**Our attempts to seek redress**

32. In 2011, Nalcor Energy (the provincial utility for the Province of Newfoundland and Labrador), and the Province of Newfoundland and Labrador entered into the Upper Churchill Redress Agreement with our people. They acknowledged the profound impact that the CFGS has had on our people and agreed to make reparations for the damage it has caused us. Nalcor Energy is, along with Hydro-Québec, a co-owner of CFGS. Attached as Exhibits L and M are press releases from the Province of Newfoundland and Labrador regarding the signing of the Upper Churchill Redress Agreement, and the ratification of this Agreement by our people.

33. Nalcor’s conduct, when they finally agreed that they needed to make these reparations as they realized they needed to fundamentally change their relationship with the Innu Nation in Labrador, is very different from the irresponsible attitude we have experienced from Hydro-Québec. Over the years, the Innu of Labrador have made repeated attempts to meet with Hydro-Québec to discuss the impacts of CFGS on our people. Hydro-Québec has only ignored us and treated us with disrespect. We have been extremely disappointed in Hydro-Québec’s refusal to take responsibility for what they have done to our people and our land.

34. I understand that in a similar way to how Hydro-Québec built CFGS, Hydro-Québec is also working through a separate company to try to build the NECEC. As the people of Maine consider whether to work with NECEC project, I can only hope that they experience better treatment at the hands of Hydro-Québec than we have so far.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 9, 2020

  
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Gregory Rich, Grand Chief