

Listuguj Mi'gmaq Government

Gespe'gewaq (THE PEOPLE OF THE LAST LAND)



COPY

16 September 2005

Mr. Mario Bouchard
Associate Deputy Minister
Ministry of Natural Resources and Wildlife
5700, 4TH Avenue West, Bureau B 401
Charlesbourg (Quebec) G1H 6R1

**Subject: Draft Regulation, Second Block of Wind Energy
Listuguj Mi'gmaq Government Response**

Dear Mr. Bouchard,

Following our meeting with Minister Pierre Corbeil and our previous meetings with then Minister Sam Hamad, in which you were a participant, we wish to express our concerns and interests towards the first block of wind power and additionally present our concerns and interests with regard to the second wind development program.

The meeting of 11 August 2005, in our view, did not follow the expectations that were indicated to us in Mr. Hamad's letter of 16 December 2004. In fact, in a subsequent meeting on 11 January 2005, in which the subject of the realization of the Listuguj Wind Power Project was to be determined, a number of actions were identified in which this realization could be realized upon conclusion of the energy commission's public consultation phase. Not any of these resolution avenues were successfully initiated in spite of the fact that our staff made every attempt to follow up on the proposed actions. Our intentions were to resolve the issues and interests of the LMG to the mutual acceptance of all concerned. The main concerns of proper consultation and meaningful accommodation for the interests of the Listuguj Mi'gmaq in wind power generation in the first block of wind energy have not yet been resolved.

It appears now that the government of Quebec is attempting to resolve these issues by inviting the Aboriginal communities and their governments to submit responses to the draft decree issued on 10 August 2005. While we see this as a good sign that the shortcomings in the first round of wind are being recognized, we must also emphasize that these efforts must be meaningful and done in good faith.

PEACE AND FRIENDSHIP THROUGH UNITY AND DIVERSITY FOR PROSPERITY AND PROGRESS.

P.O. Box 298 Listuguj, Qc. G0C 2R0
Tel.: (418) 788-2136
Fax: (418) 788-2058

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Consequently, the Listuguj Mi'gmaq Government has prepared its response to your invitation for an input to the draft regulation. More specifically, we wish to express our interests in response to the "through the project's favourable impact on the economic development of the local communities and Native communities" statement in the decree. While we feel this statement makes reference to an attempt to accommodate the Native communities, we feel our unique relationship with both the federal and provincial governments through long standing treaties deserves special consideration when resources are being cultivated in our traditional territories.

After careful consideration of the failures of the first round of wind power development and the ongoing attempts of the Listuguj Mi'gmaq to engage in meaningful and good faith efforts to gain fair direct access to natural resource development within our territorial boundaries, we have compiled a list of considerations that we wish to expose to you. Based on these considerations and ongoing efforts, we have also presented a list of recommendations that we feel will adequately address the issues and interests of the Listuguj Mi'gmaq in meaningful participation in wind power generation.

We trust and hope this information and especially the recommendations we have set forth will form the basis of a renewed constructive relationship between our governments. As always, we remain at the disposal of your staff to work together to address the mutual interests and concerns of those concerned.

Respectfully



Chief Scott Martin
Listuguj Mi'gmaq Government

Attachment: LMG Considerations and recommendations

cc: Wind Energy File

**Draft Regulation
R.S.Q., c.R-6.01
Listuguj Mi'gmaq Government Response
Considerations and Recommendations**

After careful consideration of the Draft Decree regarding the " Second Block of Wind Energy" issued publicly in the Gazette Officielle du Quebec, the Listuguj Mi'gmaq Government recommends the following considerations and recommendations be adopted during the finalization of the HQD Request for Proposal (RFP) process;

Consideration No.1-

The District 7 Mi'gmaq communities, through the MMS, has jointly proclaimed on 22 June 2005, that the Mi'gmaq have never ceded its rights and title to the territory and all its resources in the area we refer to as the Gespe'gewa'gi,

Consideration No.2-

These rights and title have been recognized by section 35 of the Canadian Constitution,

Consideration No.3-

The Supreme Court of Canada has ruled that federal and provincial governments have the obligation to use their legislative authority over natural resources as a powerful tool with which to respond to their legal obligations to Aboriginal people with respect to consultation and accommodation of their interests,

Consideration No.4-

During the development program of the first 1,000 MW of wind energy in the Gaspesie, the government of Quebec did not consult with the Aboriginal communities nor did they make any attempt to accommodate access by any of these communities in the development of these wind parks,

Consideration No.5-

It is becoming apparent that the government of Quebec, through whatever meager means, is now attempting to consult with the Aboriginal communities through their invitations to Aboriginal communities to comment on the existing regulatory decree,

Consideration No.6-

The existing electrical transmission grid in the Gaspesie can accommodate approximately 400-650 additional Mega Watts of energy production through Wind Energy Development, especially on the Matapedia-Matane transmission grid,

Recommendation No 1-

That the government of Quebec set aside 45% of the 2,000 MW presently under development, or 900 MW, as Aboriginal projects, under the second installment of wind energy for Aboriginal communities as competitive bids, of these 900 MW of Aboriginal set-aside projects, 325 MW of which are to be realized in the Gaspesie region,

Recommendation No 2-

That the government of Quebec set aside an additional 325 MW of wind projects in the Gaspesie for local Aboriginal Power Purchase Agreement projects,

Recommendation No 3-

That the government of Quebec, through Hydro Quebec Distribution (HQD) incorporate into its Evaluation Criteria Grid for Competitive Bids, the following weight factors for assessing projects:

Tableau 3.1
Criteres D'Evaluation

| Evaluation Criteria. | | | |
|------------------------|-------------------|--|--|
| Criteria | Weight Factor (%) | | |
| Electric Costs | 30 | | |
| Regional Content | 15 | | |
| Aboriginal Content | 20 | | |
| Quebec Content | 15 | | |
| Pertinent Experience | 10 | | |
| Financial Presentation | 5 | | |
| Project Viability | 5 | | |
| | | | |

Recommendation No 4-

The government of Quebec and Hydro Quebec Distribution give favourable consideration to those project promoters who demonstrate a strong willingness to work with Aboriginal communities in wind power development via joint ventures and/or other acceptable business models that enhance the economic viability of the Native communities.

Recommendation No 5-

The government of Quebec and Hydro Quebec Production establish a program of favourable accommodation of Native interests and concerns that will facilitate the Native communities meaningful participation in wind power generation through power purchase agreements.