



October 7, 2020

Mr. Christopher A. Lawrence  
Electricity Policy Analyst  
Office of the Electricity Delivery  
and Energy Reliability (OE-20)  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, DC 20585

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Re: Application for Presidential Permit OE Docket No PP-438  
Central Maine Power Company - NECEC

Dear Mr. Lawrence,

Pessamit Innu First Nation, Wemotaci Atikamekw First Nation, Pikogan, Lac-Simon and Kitcisakik of the Anishnabeg Nation, wish to submit comments on the NECEC Project Presidential Permit Application. Our five communities have been established for more than eight thousand years in the Laurentian and Boreal Forests within the current boundaries of the Province of Québec in Canada. We are more than ten thousand registered members represented by our five Band Councils.

#### The Context of our intervention

We do not intend to express our position on the specific impacts of the NECEC Project in Maine. We want, however, to shed some light on how we view important and fundamental issues such as the source of the electrical power involved, its environmental, social and constitutional legitimacy, subjects that are neither addressed in Québec or Maine environmental analysis for this project.

#### Our Ancestral and Treaty Rights

Our ancestors lived and prospered for more than 8,000 years on a large part of the territory that is now the Province of Québec. When Europeans first came in contact with North American Native communities, our people occupied specific territories in Northeastern Québec and formed organized societies. We still occupy these same territories, known respectively as “Nitassinan,” Nitaskinan” and “Nitakinan” which means “our land”. As a whole, our traditional territories cover more than 100,000 square miles.

The recognition by both the Canadian and Québec Governments of our continued occupation of our territories before and after the period of contact with Europeans is the basis of our “Ancestral Rights”.

In 1603, our Chiefs concluded a treaty with Samuel de Champlain representing Henri IV King of France, which permitted the French to settle in our lands. In 1763, during the conquest of Canada by England, our territorial rights were again recognized in the “Royal Proclamation”, signed and issued by the King of England, George III. These two main historic events are the foundation of our “Treaty Rights”.

The Innu, Atikamekw and Anishnabeg Nations have never been conquered, have never given up their rights over their traditional territories, and have never given in to any attempt or accepted any proposal to relinquish these rights.

### Negation of our rights

In the middle of the 19th century, our multi-thousand-year-old way of life began to shift. At that time, the balance of power irrevocably reversed with newcomers moving into our ancestral lands. We were gradually pushed back deeper into our territories, and reservations were created by the government of Canada in order to turn us into sedentary communities and prevent our traditional activities from impairing on economic development.

### The Government of Québec illicit schemes

Beginning in 1973, following more than a century of setbacks, the Supreme Court of Canada recognized through a series of historic rulings, our Ancestral Rights and the value of treaties with France and England. This led the Canadian Government to enshrine our rights in the Constitution of 1982. From that point on, however, Québec was the only province to refuse this outcome and the changes it involved. Québec’s Government challenged the validity of historic treaties and the existence of our Ancestral Rights. In 1996, the Supreme Court of Canada overturned Québec’s ill-founded position.

Québec Government’s ill will in this matter strategically provided enough time for Hydro-Québec, a state-owned entity, to proceed with the invasion of our traditional territories. As a result, thirty-three (33) hydroelectric plants, numerous reservoirs and transmission lines were implanted on our territories in the 20th century, without impact studies, without our consent and without compensation. This state-run extortion endeavor now provides for 36% of Hydro-Québec’s installed capacity illegally acquired at our expense. The Government of Québec, Hydro-Québec’s sole shareholder, has enabled its “entity” to become one of the largest and most profitable energy companies in the western hemisphere. In return, our Nations have been plunged into economic, cultural and social chaos that has no historical equivalent since the contact with Europeans in the 16th century.

Hydro-Québec flooded all major rivers in our traditional territories to create 4,000 sq. mi. of hydro-electric reservoirs. These rivers were used as transport routes based on the availability of seasonal food resources and fur harvesting. It resulted in the forced and brutal removal of our members from their traditional territories and their settlement on reservations that were not and are still not structured to ensure the economic well-being of our populations. It goes without saying that in so doing, the Government of Québec and Hydro-Québec are directly and with impunity violating several historic treaties, provincial and federal laws and the United Nations Declaration on the Rights of Indigenous Peoples.

### NECEC Project

Pessamit, Wemotaci, Pikogan, Lac-Simon and Kitcisakik wish to respectfully confirm that the DOE's decision regarding the NECEC Project, will have a major albeit indirect effect on both our Aboriginal Rights and the environment. A DOE decision in favour of this project could support the Québec and Canadian Governments' failure to comply with principles enshrined in the Constitution of 1982, a number of Supreme Court rulings and the United Nations Declaration on the Rights of Indigenous Peoples.

We are concerned that the DOE Environmental Analysis has not been provided access to important information regarding the cross-border environmental impacts of the NECEC Project. In relation to this project, we can demonstrate the following:

- Detrimental and irreversible impacts affecting our human and constitutional rights as well as international conventions jointly signed by Canada and U.S.A.
- That 36% of the electricity destined for importation by Hydro-Québec to New England, still constitutionally belongs to our First Nations.

### Conclusion

Our First Nations have lived for more than 8,000 years in our traditional territories and we still aspire to prosper in respectful harmony with our natural heritage. However, Hydro-Québec activities have profoundly affected the integrity of our territories and have directly collided with our Ancestral and Treaty Rights. Hydro-Québec, with the complicity of the Québec and Canadian Governments, have ravaged our social harmony and rendered it destitute. We strongly state that the forced migration of our First Nations is a defining act of a cultural genocide.

For decades, we have tried to work within the confines of the democratic and political venues in Québec to enforce the recognition of our rights. Our action outside of Canada's borders aims to change the course of history or, at least, to make New Englanders aware that 36% of the electricity that Hydro-Québec intends to sell through the NECEC was acquired in an immoral and illegal manner, to the detriment of our First Nations.

Pessamit, Wemotaci, Pikogan, Lac-Simon and Kitcisakik require that remedial measures on our traditional territories be put in place before any new export project to the United States is carried out. We confirm our firm opposition to the Appalachian–Maine Interconnection Line and its connection with NECEC as long as our rights are not respected.

We hope to have successfully highlighted our legitimate concerns about the repercussions of implementing the NECEC Project. More detailed information directly related to this letter is available on our site <http://quebechydroclash.com>.

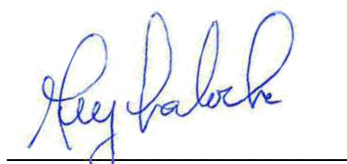
We urge you to take into consideration our standpoint, especially the aspects based on principles of international moral codes and law, as part of your decision regarding the NECEC Project. We remain available if you need further information.

In order to corroborate our statements, we would be pleased and honoured to welcome a delegation from the DOE on our traditional territories, to objectively assess Hydro-Québec’s so-called “clean energy”.

Sincerely yours,



Gérald Hervieux  
*on behalf of*  
Pessamit Band Council



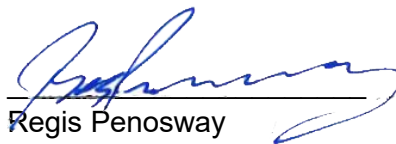
Guy Laloche  
*on behalf of*  
Wemotaci Band Council



James Cananasso  
*on behalf of*  
Pikogan Band Council



Lucien Wabanonik  
*on behalf of*  
Lac-Simon Band Council



Regis Penosway  
*on behalf of*  
Kitcisakik Band Council