

FRANKLIN GERTLER

AVOCATS • BARRISTERS & SOLICITORS

Aldred Building
507, Place d'Armes, suite 1200
Montréal, Québec, Canada H2Y 2W8

TEL (514) 842-0748
FAX (514) 842-9983
admin@gertlerlex.ca

Côte-de-Gaspé

621-09-200

Projets de parcs éoliens à L'Anse-à-Vallée
et à Baie-des-Sables

217

DC1b

BY FAX ONLY

May 16, 2005

Jocelyne Beaudet
Chairperson
BAPE Panel

RE: Hearings on wind power projects – Baie-des-Sables

Dear Mme Beaudet,

As confirmed to Mme Méthot by telephone, due to the start of the hearings with such a short delay, the representatives of our Mi'gmaq clients of the Listuguj Mi'gmaq Government cannot be present at tonight's hearing.

They ask for your understanding and cooperation to make sure the Aboriginal population is heard. Therefore, you are authorized and requested to read for them their letter of May 6, 2005 to Minister Mulcair (attached) and to add the following:

“As the Mi'gmaq of Gespegewagi, we have Aboriginal rights and title and Treaty rights in and to our traditional territory, including the area of this proposed wind development. We have not been consulted and our rights and interests have been ignored, as the lands, forests, rivers, mineral rights and fisheries of our territory have been granted away by the governments representing the Crown, with great profits to others, while we are left without a viable economic future.

The new development of wind power resources offers an opportunity to reverse this sad record and now the *Haida* and *Taku* cases from the Supreme Court make it clear that Crown resource allocation and project approval can only proceed prior to successful negotiation of comprehensive agreement on the exercise of our rights, if we are appropriately consulted and accommodated in the decision-making. Part of addressing our rights and interests is also compensation and measures to ensure that we share in the employment and business opportunities that accompany resource development.

In the *Taku* case, the Supreme Court of Canada recognized that existing regulatory regimes may be used to fulfill the Crown obligation to consult and accommodate. But in order to qualify, the process applied must meet certain requirements. We ask that immediate attention be given by the commissioners of the BAPE in order to address such issues as the mandate of the BAPE, information requirements, Mi'gmaq involvement in naming the commissioners, funding for Mi'gmaq involvement, the hearing, scheduling, provision for independent expertise and arrangements regarding the report and follow-up on the assessment process."

Our clients also ask your assistance in submitting the following questions to the government and proponent representatives:

1. What measures have you taken to consult the Mi'gmaq regarding the impact of this project on the exercise of their Aboriginal rights and title and treaty rights ?
2. What measures have you taken to ensure the accommodation of the Mi'gmaq in the government decision-making to launch the development of windpower in this territory and to allocate public lands and resources for that purpose ? For example, have you considered compensation, sharing of rents and revenues, set aside of contracting opportunities and employment for Mi'gmaqs ?

We thank you for your kind assistance. If required, I can be reached on my cell phone at 514-942-9309.

Yours sincerely,

FRANKLIN GERTLER, Attorneys

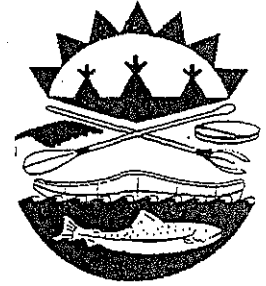


per: Me Franklin S. Gertler

FSG/jv

Listuguj Mi'gmaq Government

Gespe'gewaq (THE PEOPLE OF THE LAST LAND)



06 May 2005

Via Fax and By Mail

M. Thomas J. Mulcair
 Ministre du Développement durable,
 De l'Environnement et des Parcs
 675, boul. Rene-Levesque Est., 30e Etage
 Quebec(Quebec) G1R 5V7
 Fax: 418 643 4143

Dear Mr. Minister,

The aboriginal community of Listuguj has been made aware of the public announcement by the Bureau d'audiences publiques sur l'environnement (BAPE) regarding the wind power development undertaken by Cartier Wind Energy (AVV) Inc. for the project located at Baie-des-Sables, near the community of Matane, Quebec.

We wish to express a dire need to have our concerns heard and addressed during this environment review process. Considering the fact that neither the Quebec Government nor Hydro Quebec Distribution had consulted us as stakeholders of our territorial and ancestral lands upon which this project is being developed, we must, at this time, request that these proceedings take into account the many concerns and issues we have about this project, which will impact our way of life and sustainability.

Consequently, the Mi'gmaqs of Listuguj wish be scheduled for a date and time during these hearings to voice our concerns on the environment and social impacts this project represents to us. We trust you will understand and appreciate the grave concerns we have and will afford our people an opportunity to express them in very explicit terms.

Please feel free to contact my office at your earliest convenience to establish a time frame to facilitate these discussions and presentations. Thank you for your kind and prompt attention to this matter.

Respectfully,

Chief of the Listuguj Mi'gmaq

cc: Hon. Minister Pierre Corbeil, MRN (Via Fax: 418 643 7524)
 Right Hon. Premier Jean Charest, PLQ (Via Fax: 418 646 1854)
 Hon. Minister Nathalie Normandeau, Min. Municipal Affairs and Regions
 (Via Fax: 418 643 1795)
 Hon. Minister Geoffrey Kelly, Min. Native Affairs (Via Fax: 418 643 4965)

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