



Federal Court of Canada dismisses application for judicial review for Lower Churchill Hydroelectric Generation Project

December 21, 2012, St. John's, NL – Yesterday, the Federal Court of Canada released its judgment in favour of Nalcor Energy in the case of Grand River Keeper Labrador, Sierra Club of Canada and NunatuKavut Community Council v. Nalcor Energy, Attorney General of Canada et al, a case in which the applicants challenged the lawfulness of, and sought the judicial review of the Report of the Joint Review Panel, Lower Churchill Hydroelectric Generation Project, Nalcor Energy, Newfoundland and Labrador.

Among other things, the applicants asked the Court to quash the Federal Response to the Panel Report, prohibit the issuance of Federal permits, and, prohibit Federal financial assistance in relation to the Project.

In dismissing the applicants' case in its entirety, the Honourable Mr. Justice Near concluded: "the Panel reasonably fulfilled its mandate to consider, gather information, and report on the need for, alternatives to, and cumulative effects of the Project, the Applicants' prayer for relief is denied."

The Court also specifically rejected the arguments of the NunatuKavut Community Counsel that the Panel had failed to fulfill its, "purported duty to consult the group on all matters, and to compel evidence from them...". Instead, the Court found that the Panel, "fulfilled its mandate by inviting, and accepting, on several occasions written submissions from NunatuKavut." Ultimately, the Court concluded that for all of these reasons, "there was no infringement of NunatuKavut's right to be heard or of any other principle of procedural fairness with respect to the group's participation in the EA process."

"We are very pleased that the Federal Court confirmed the lawfulness of the Panel's Report and the decisions made by the Government of Canada following the release of the Report," said Gilbert Bennett, Vice President, Lower Churchill Project, Nalcor Energy. "We are also pleased that the Court addressed the numerous allegations of the

NunatuKavut Community Council and concluded that there were no infringements of NunatuKavut's rights through the EA process. The Court found that they were given every opportunity to be heard, were treated fairly and, that there was no infringement of procedural fairness as alleged."

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