

Cree Nation Mining Policy

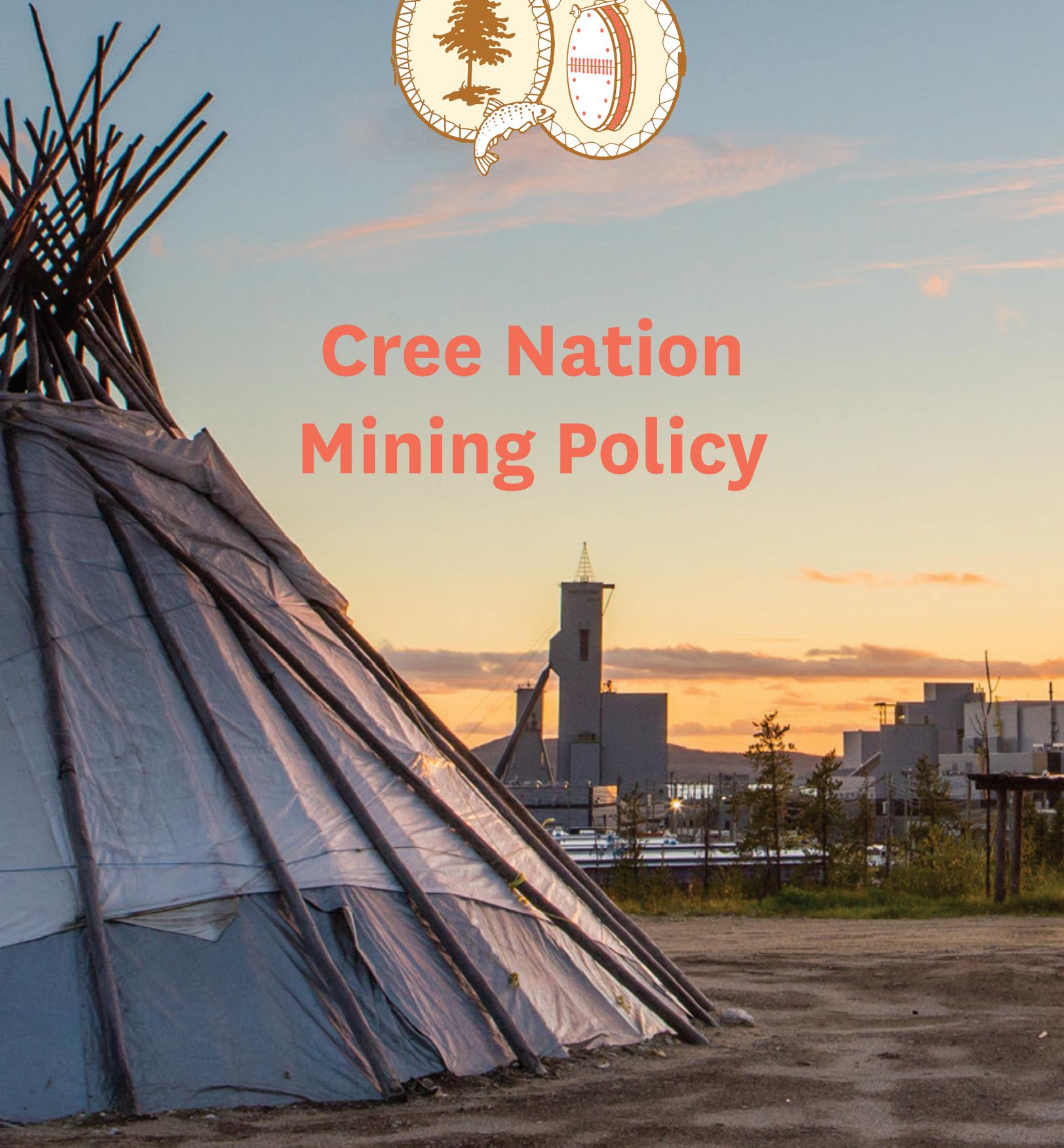


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Message from Grand Chief



Mandy
Gull-Masty

It is my pleasure to present the updated Mining Policy of the Cree Nation of Eeyou Istchee (“**Policy**”). This Policy was developed after decades of struggles by the Cree Nation of Eeyou Istchee (“**Cree Nation**”) for the active participation of the Crees in the economic development of our territory, while ensuring the protection of Cree rights and practices.

This Policy exemplifies the principles of recognition of Cree rights and sharing in the benefits of resource development and confirms the commitment of the Cree Nation to support and participate in resource development and mining in Eeyou Istchee, provided that this development respects Cree rights, respects the environment and provides tangible and lasting benefits for our Cree communities. We are steadfast in our commitment to ensure a balance between the visions of our people and the pillars of Sustainable Development, Cree Participation, and Collaboration. This approach has proven to be beneficial for both our Nation and the mining industry.

This Policy provides stakeholders with guidelines for responsible and sustainable mining development practices, in addition to providing useful information on other environmental obligations to which mining projects must conform. Of crucial importance is the environmental and social protection regime set out in Section 22 of the James Bay and Northern Québec Agreement. This regime includes a comprehensive environmental and social assessment process for development projects, including mining projects, in Eeyou Istchee. This regime is unique, and we urge mining proponents to become familiar with the particularities of this mandatory regime.

The Crees of Eeyou Istchee (“**Crees**”) have a special relationship to the land, as the land has provided for us for thousands of years and has allowed for the evolving practice of our traditional activities. This Policy recognizes our special attachment to Eeyou Istchee and the need for the land to continue to sustain us in the future.

The Policy is also clear that agreements with our communities are essential for mining development to occur, and more importantly to succeed, within Eeyou Istchee. Those agreements are an essential tool to address a wide range of social, economic and environmental needs and concerns from our communities. It is through these agreements that we will provide for employment and contracting opportunities for our younger generations, as part of a comprehensive strategy of capacity building for the Cree Nation while maintaining our activities and knowledge about our land, Eeyou Istchee.

We believe that our partnership with the mining industry can and should reflect a true collaboration in the social and economic development of our communities, through the sustainable diversification of our regional and local economies, capacity building and Cree involvement, with a goal to ensure the preservation and enhancement of our land use, culture and environmental stewardship.

Meegwetch.

1. INTRODUCTION

The Crees support and promote the responsible development of mineral resources in the Eeyou Istchee James Bay Region. The Crees recognize the economic and social opportunities offered by the mining sector, when such development adheres to and respects the unique social and environmental regime. Accordingly, the Cree Nation Government developed the present Policy which provides guiding principles for the conduct of mineral exploration and mining activities within a sustainable manner that is respectful of the Cree culture and way of life.

Mining activity in Eeyou Istchee is not a new trend. In the 1950s, mines opened in many locations in the southern part of the territory and adjacent areas to the south. By the 1970s, exploration activity continued to be strong, decreased significantly in the early 1980s and did not recover previous levels until after 2000. The environmental legacy left behind by the industry in the past and the lack of Cree participation in past projects highlights the importance of moving forward with mining in Eeyou Istchee in a more sustainable manner and in close collaboration with the affected Cree First Nations.

The number of claims made in the territory in recent years and the variety of minerals found suggest that one can expect continuing interest in mineral exploration activity and the opening of more new mines in Eeyou Istchee. Several new mines are still in the developmental stage and are either in the process of impact assessment or will be moving on to environmental review in the near future. This is why the present Policy is essential to standardize the conduct of the parties during mining activities.

This Policy applies to all new and already existing mining projects located in Eeyou Istchee. Any person involved directly or indirectly with mining projects must abide by the terms and principles herein contained.

1.1 Purpose of the Policy

Environmental and Social Protection

This Policy intends to anchor mining activities within the holistic context of sustainable development to ensure environmental and social protection while securing economic prosperity for generations to come. It intends to recognize the importance of land use by the Cree First Nations, to respect Cree rights in accordance with the JBNQA, and to protect the ecosystems and social fabric of Eeyou Istchee.

Establishing a Common Understanding

This Policy intends to establish a common understanding between the various entities involved in mining development of the various phases and expectations of mining activities and developments.

Furthering an Efficient and Effective Framework

The Policy helps the Cree First Nations, the Cree Nation Government and the other stakeholders to meet their commitment to ensure respect to the land and develop the economy and services of the Cree Nation. It delineates the role and the demeanour that each stakeholder should endorse at any moment of the mining development.

Economic Growth and Employment

This Policy aims to promote the mining industry and activities within the territory of Eeyou Istchee in respect of the values of the Crees. The Cree Nation Government acknowledges that the mining industry is a major contributor to the Cree Nation's economic health. It is an economic motor and is essential for employment, training and skills development in the communities.

1.2 Historical Context

The Crees are the first inhabitants of the Eeyou Istchee Territory and had always maintained a very special relationship with the land as it is used for the practice of the traditional activities. Those traditional activities are still very valued to the Cree people and still play a central role in their lives.

Over the years, the Crees have signed over eighty agreements with federal and provincial governments, industry partners and Crown corporations on a wide range of subject-matters, including land claims, governance, health, education and development of natural resources. Amongst these are the *James Bay and Northern Québec Agreement* ¹ (“JBNQA”), signed in 1975 with Canada and Québec, later modified by numerous complementary agreements. The JBNQA established important norms on environmental, social and governance matters.

The Cree Nation Government (previously, the Cree Regional Authority) was originally set up by virtue of the signing of the JBNQA as the administrative arm of Cree governance. It now represents the approximately 20,000 Crees or “Eeyouch” (“Eenouch” – inland dialect). The Crees occupy eleven (11) communities, nine of which are recognized under the JBNQA, located on the shores of James Bay and south eastern Hudson Bay and along the water courses flowing into eastern James Bay. Each communities’ territory is composed of several Cree traplines where traditional harvesting activities are carried out.

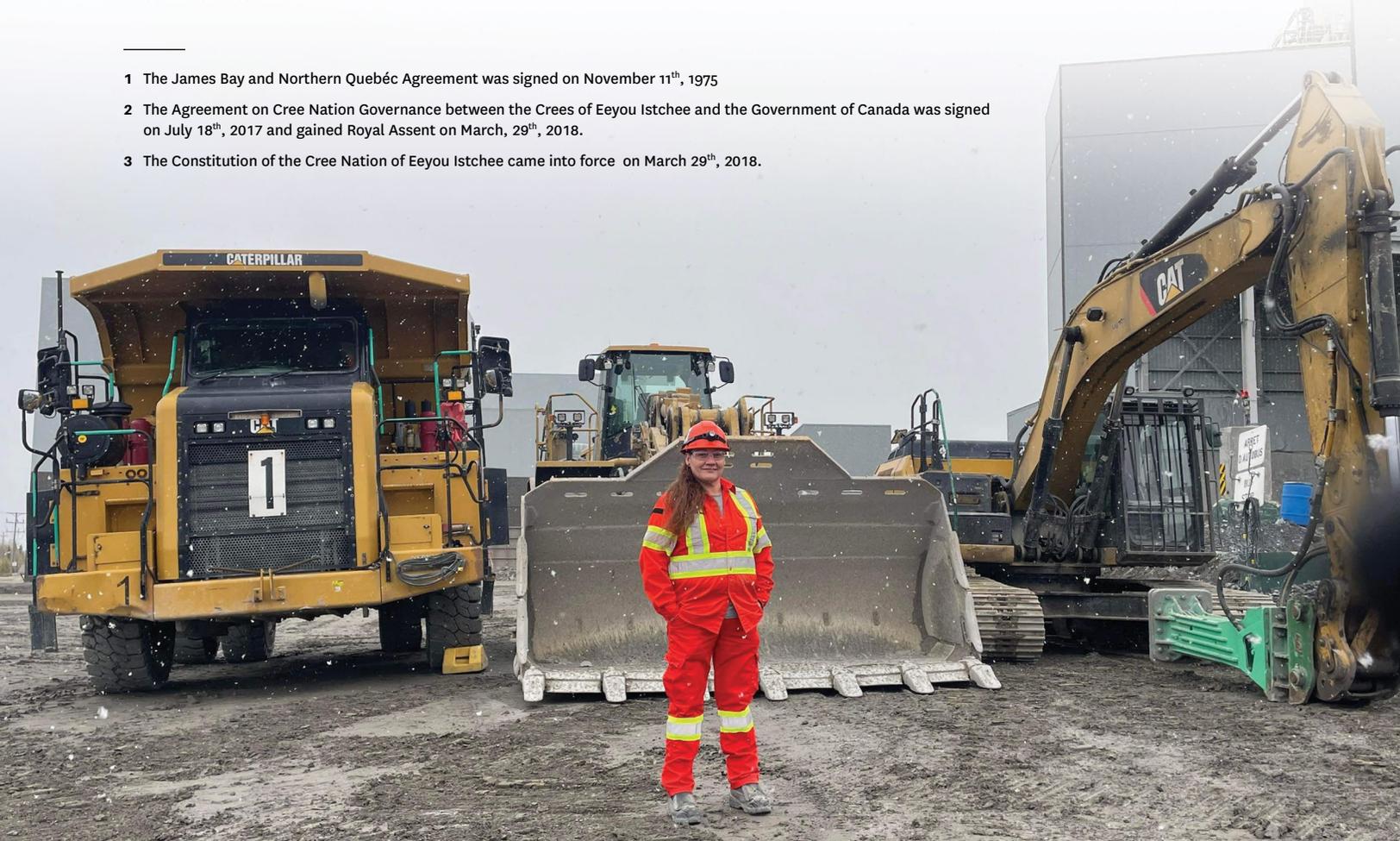
The Cree Nation Government exercises, through the decisions of its Board of Directors, certain jurisdictions over Category II lands and has responsibilities over planning and use of land and resources, environmental protection, hunting, fishing and trapping, economic and community development, Cree governance and other areas, as decided by the Board of Directors. The Board of Directors of the Cree Nation Government is the same joint governing body that manages the Grand Council of the Crees (Eeyou Istchee) and is referred to as the “Council/Board”.

At the local level, Cree First Nations are governed by their respective Chief and Council in accordance with the provisions of the *Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada* ² and the *Constitution of the Cree Nation of Eeyou Istchee* ³, which were both granted force of law.

¹ The James Bay and Northern Québec Agreement was signed on November 11th, 1975

² The Agreement on Cree Nation Governance between the Crees of Eeyou Istchee and the Government of Canada was signed on July 18th, 2017 and gained Royal Assent on March, 29th, 2018.

³ The Constitution of the Cree Nation of Eeyou Istchee came into force on March 29th, 2018.



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 Cree Family Traditional Territories in Eeyou Istchee

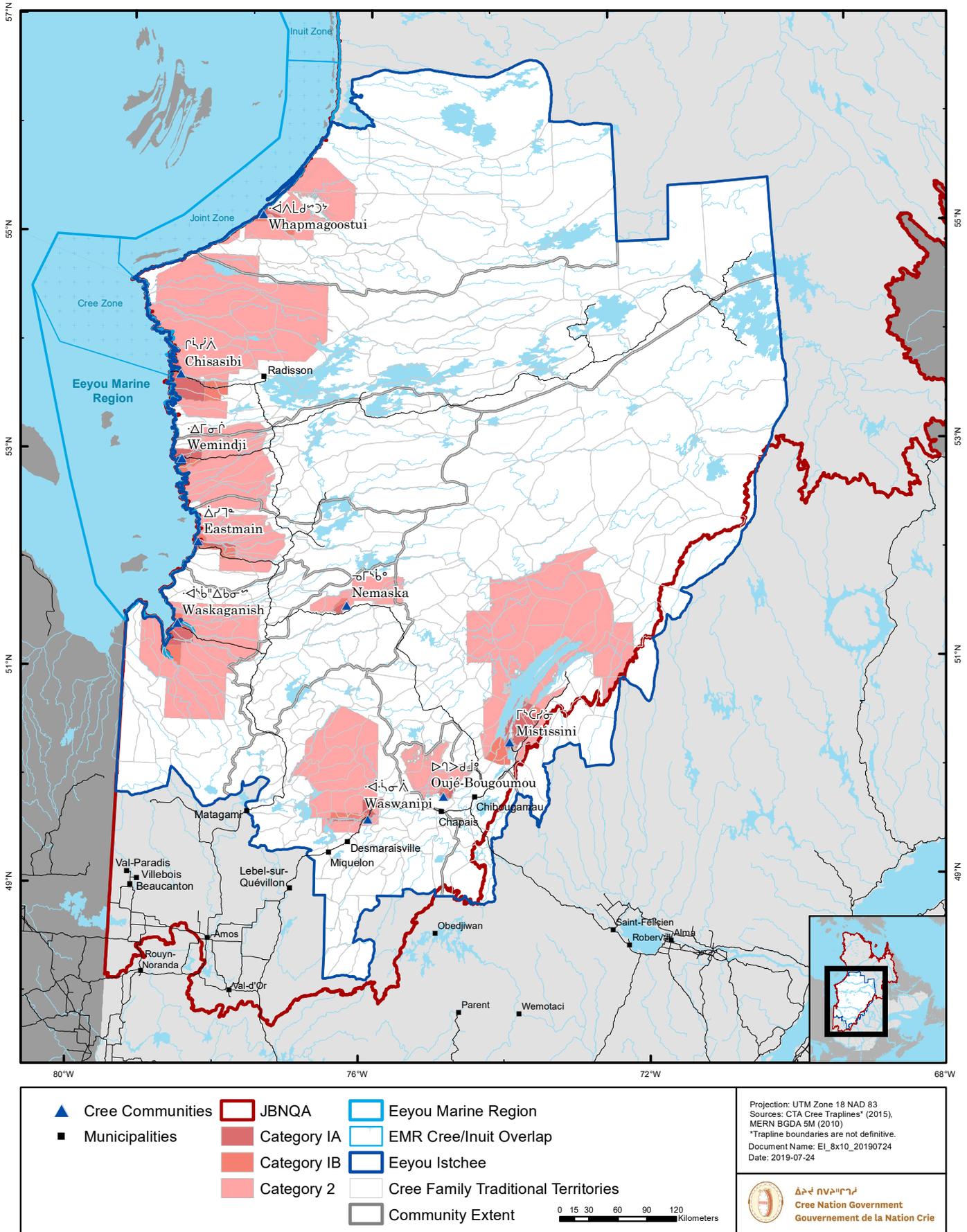


Figure 1: Cree Family Traditional Territories in Eeyou Istchee

2. GUIDING PRINCIPLE AND PILLARS

The Cree Nation will support and promote the responsible development of mineral resources that provides long term social and economic benefits for the Cree Nation. Such mineral development must be developed in compliance with the environmental and social assessment regime of the James Bay and Northern Québec Agreement and be compatible with the Cree way of life.

Sustainable Development

Environmental protection, responsible development, capacity building, economic growth and employment creation opportunities should always be regarded within the scope of sustainable development. The Cree Nation is committed to the sustainable development of Eeyou Istchee, in accordance with the following principles from the Eenu Astchee-Eenu Estchee Natural Resources Declaration issued in 1995:

- Recognition of the importance of the system of Cree family land use and occupation of the territory and their continuing management by tallymen;
- Administration and development of natural resources that meet the needs of the present without compromising the ability of the future generations;
- Management of the natural resources based on the Cree principle of respect for the land;
- Balancing ecological, productive, spiritual and traditional values to meet the cultural and economic requirements of all people and communities within the Eeyou Istchee territory;
- Conservation of the biological diversity, soils, water and watercourses, flora, fauna, scenic diversity and recreational values;
- Application of the precautionary principle in every decision-making process related to natural resources; and
- Restoration of damaged ecosystems.

The Cree Nation believes that mining developments must go together with preservation of environment, wildlife and tradition. Tangible and long lasting improvements amongst the impacted communities are expected at the moment of closing the mine.

Cree Participation

Mining developments within the territory of Eeyou Istchee must meet high standards in terms of Cree Participation and the incorporation of Cree knowledge. Every mining project occurring in Eeyou Istchee must prioritize continuous Cree participation and economic benefits for the region. The Cree Nation recognizes this obligation as shared between each stakeholder of the mining project: the mining proponent, the Cree Nation Government and the Cree First Nation. Each Cree First Nation will have a different vision for their participation in a project, however the general expectations are that consultations and participation of the Cree Nation will attain the highest of standards such as those set by the United Nations⁴. To commit strongly in that sense on a continuous basis will help to secure the long-term success of mining projects and the affected communities.

⁴ http://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Collaboration

The Cree Nation encourages the development and promotion of a collaborative, flexible and transparent approach in the conduct of negotiations and development of projects that will adapt to the needs and expectations of each participant. Such approaches must foster a mutual understanding between the Cree parties and the mining proponent in order to allow communication and transparency to one and other. The Cree Nation Government will adapt its own approach to the needs of the Cree First Nation and respect the vital role of the communities in shared decision-making processes under this Policy. The collaboration and ultimately the consent of the Cree Nation is a determining factor in whether a mining project is acceptable.

The mining proponent, the Cree Nation Government and the affected Cree First Nation will ensure that all concerned Cree parties be involved as appropriate, at the earliest possible time in every proposed mining activity or mining project to ensure that Cree rights, interests and benefits are properly protected and promoted. Transparency and communication between each stakeholder is crucial to understand and address the concerns and expectations of each one.



3. FRAMEWORK

3.1 James Bay and Northern Québec Agreement (JBNQA) and its Regimes

3.1.1 Land Regime – Section 5

The JBNQA sets out an environmental and social protection regime for the territorial regions of James Bay and Nunavik. It has a supra-legislative status and in the event of a conflict, the JBNQA is to be paramount over other federal and provincial laws of general application.

The JBNQA sets different rights and obligations for the parties on three different categories of land:

Category I: Lands reserved exclusively for the use of Cree beneficiaries; no mineral claims can be made without prior approval by the affected Cree First Nation. The Cree Nation Government will designate the administrator responsible for the environmental and social protection regime on Category I Land.

Category II: Lands owned by the Québec Government, but in which hunting, fishing and trapping rights are reserved for the Crees.

Category III: Some specific hunting and harvesting rights are reserved for the Crees, but any other rights are shared subject to a joint regulatory scheme.

This Policy applies to any mining project regardless the category of land.

The JBNQA plays an instrumental role in the mining activities to be carried in Eeyou Istchee and has a direct impact on important decisions to be taken. The rights and obligations contained therein are to be observed by any mining proponent.

3.1.2 Environmental and Social Protection – Section 22

The social and environmental protection regime provided for in Section 22 of the JBNQA aims at minimizing the negative impacts that development projects may have on the Crees, the rights of the Crees, and Eeyou Istchee and at providing for remedial measures. The regime establishes several bodies that provide recommendations to the Administrator who is responsible for the final decision. The recommendation bodies play an important role in the environmental and social assessment of mining projects and will be describe in greater detail in section 4.

Briefly the JBNQA provides for:

- The establishment of the James Bay Advisory Committee on the Environment (“**JBACE**”), the Environmental and Social Impact Evaluating Committee (“**COMEV**”) and the Environmental and Social Impact Review Committee (“**COMEX**”);
- A procedure whereby laws and regulations and land use regulations may be adopted to minimize the negative impact of development in or affecting the Crees, the Eeyou Istchee territory and its wildlife;
- The protection of the hunting, fishing and trapping rights of the Cree established by Section 24 of the JBNQA;
- The protection of the Crees, their economies and the wildlife resources upon which they depend;
- A special status and involvement of the Cree people over and above those provided for the general public wherever necessary to protect the rights of the Native people through consultation or representative mechanisms; and
- The right to develop in Eeyou Istchee.

The Crees play an integral role within the decision-making processes set out in Section 22 of the JBNQA, being duly represented in the various bodies involved in the environmental and social protection regime.

With respect to mining, all new major mining operations are automatically subject to the regime. The expansion of existing projects will also be subject to the regime.

3.1.3 Hunting, Fishing and Trapping – Section 24

The hunting, fishing and trapping regime applies differently in each land Category (I, II and III). The rights set out in Section 24 are protected through the application of the environmental and social protection regime of Section 22 of the JBNQA.

In principle, on Category III Lands, Crees have a right to hunt, fish and trap without a permit, without limit and at all times, subject to the principle of conservation and public safety. The Crees also have exclusive rights to certain animal species.

The harvesting right in Eeyou Istchee includes (a) personal and community use; (b) commercial trapping and fishing; and (d) migratory birds (only for individuals and their extended family).

Section 24 of the JBNQA also created the Hunting Fishing and Trapping Coordinating Committee (“HFTCC”), a consultative body, composed of Crees and Government of Québec’s representatives, an exclusive forum to develop regulations and supervise the administration of the Section 24 regime.

3.1.4 Economic and Social Development – Section 28

Section 28 of the JBNQA focuses on the economic and social development of the Crees. Since its adoption, it has set a general standard for all economic developments in Eeyou Istchee. Therefore, the regime set out by Section 28 is now widely applied in mining developments within Eeyou Istchee and should be used as a guideline for any and all economic developments.

The regime provides that every economic development in Eeyou Istchee should ensure or provide for:

- Reasonable measures to establish priority to available and duly qualified Crees or entrepreneurs in respect to contracts and employment created by development in the territory;
- Training programs and/or facilities to ensure the development of the Cree workforce and job advancement possibilities for managerial positions;
- Recruitment methods ensuring a reasonable chance of employment for the Crees; and
- Contract awarding rules or methods specific to Cree entrepreneurs in order to ensure they have a reasonable opportunity to submit competitive tenders.

The regime set out by Section 28 of the JBNQA aims principally at ensuring a high Cree participation into the economic developments in Eeyou Istchee. Cree involvement in mining has proven to enhance the success of the activity and ensure a continuous social acceptability of the project.

In order to ease the implementation of the constitutional guarantees provided by Section 28 of the JBNQA, the Cree Nation Government adopted the Cree Nation Economic Prioritization Agreement⁵, which provides for regulatory mechanisms with respect to the prioritization measures embodied in Section 28 in addition to the definition of a Community Based Enterprise and the establishment of the Cree Nation Business Registry. The Cree Nation Government Department of Commerce and Industry is the responsible body for the implementation of the above listed mechanisms and tools.

⁵ Cree Nation Economic Prioritization Agreement was approved by the Board of Directors of the Cree Nation Government on December 8th, 2022.

3.2 The Agreement Concerning a New Relationship between the Cree Nation and the Government of Québec ⁶ (“Paix des Braves”)

Chapter 5 of the new relationship agreement, commonly referred to as the Paix des Braves stipulates that mining projects will continue to be subject to the applicable environment and social protection regime under the JBNQA. Furthermore, the government of Québec commits to facilitating and encouraging agreements between projects promoters and the Crees concerning remedial works, employment and contracts.

Finally, the New Relationship Agreement created the Cree Mineral Exploration Board. The role of the Cree Mineral Exploration Board is explained in further detail in section 4 of the present document.

3.3 The Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Gouvernement du Québec ⁷

The Cree Québec Governance Agreement provides for greater autonomy and responsibility regarding the Cree governance on Category II lands with respect to the governance powers of a local, municipal and regional nature under Québec law.

Under section 48 of the agreement, Québec undertakes to notify the Cree Nation Government and relevant Cree Communities of new mining claims on Category II land. Under section 49 Québec also undertakes to inform claim applicants of the relevant provisions of the JBNQA regarding Category II land and will invite applicants to communicate with the Cree Nation Government. Under section 185 Québec will invite applicants for claims on Category III land to communicate with the Cree Nation Government.

Under sections 50 and 186, Québec undertakes to provide the Cree Nation Government and Cree Communities with information sessions on mineral activity on Category II land as well as training on the use of the GESTIM system.

⁶ The Agreement Concerning a New Relationship between the Cree Nation and the Government of Québec was signed on February 7th, 2002.

⁷ Agreement on Governance in the Eeyou Istchee James Bay Territory between the Crees of Eeyou Istchee and the Gouvernement du Québec was signed in July 2012.





4. ENTITIES

4.1 JBNQA Section 22 Advisory and Recommendations Entities

The JBNQA formally establishes several entities with advisory and recommendation mandates. The JBNQA also formally recognizes specific Cree, provincial and federal decision-making entities – officially referred to as ‘Administrators.’ The following sections describe these entities.

4.1.1 The Administrator

The Administrator is a decision maker that determines the approval or refusal of a mining project based on the information and recommendations shared from the advisory bodies COMEV and COMEX. The Administrator is determined based on the division and categories of land the project under evaluation is located within. These categories of land are identified as Category I, II or III in accordance with Section 5 of the JBNQA. For Category I lands the Administrator is appointed by the Cree Nation Government, and for Category II or III lands the Administrator is appointed by either the Provincial or Federal Government, depending on the jurisdiction of the project.

4.1.2 The Environmental and Social Impact Evaluating Committee (COMEV)

The COMEV is a tri-partite advisory body composed of members appointed by the governments of Québec, Canada and of the Cree Nation, which is responsible for the review of the preliminary information provided by the proponents located in Eeyou Istchee for the social and environmental impacts of projects located in Eeyou Istchee. The COMEV will make recommendations on the guidelines which will outline the scope of the Environmental and Social Impact Assessment (ESIA) for a mining project. The COMEV will also recommend whether certain advanced exploration projects should be exempt from or subject to the Section 22 ESIA protection regime. The Administrator will receive the recommendations from COMEV and make a final decision based on that recommendation.

4.1.3 The Environmental and Social Impact Review Committee (COMEX)

The COMEX is a bipartite independent body composed of members appointed by the governments of Québec and of the Cree Nation, which is responsible for the assessment and review of the social and environmental impacts of projects, involving provincial jurisdiction, located in Eeyou Istchee. For projects involving matters of federal jurisdiction, the review panel is bipartite (Canada/Cree).

The COMEX and COMEV should at any step of their assessment or review process ensure that the affected Cree Nation is informed of the development of mining projects. This will allow to overcome difficulties in a more efficient way and to establish the leadership and reputation of the Cree parties. The COMEX may call for public hearings as the review of a mining project advances, however public hearings conducted by the COMEX will be scheduled in close collaboration with the Chief and Council of the concerned Cree First Nation. The mining proponent will be a key participant throughout the public hearings and be called upon to present their project, provide clarifications and respond to concerns raised by the Cree population.

The COMEX will make recommendations on additional information required to complete the review process and provide a final recommendation to the Administrator on whether a project should be approved or refused.

4.1.4 James Bay Advisory Committee on the Environment (JBACE)

Composed of Cree, provincial and federal representatives, the JBACE supervises the application and administration of the environmental protection regime set out in Section 22 of the JBNQA.

The JBACE provides recommendations to the different governments concerning the formulation of laws and regulations, including ones relating to mining activities, that could affect the environment or the communities. The JBACE analyses existing environmental and social laws and regulations relating to the effects of development as well as existing land use regulations and procedures. The aforementioned laws and regulations analysed by the JBACE directly affect the rights of the Crees protected and established by Section 22 and Section 24 of the JBNQA. The committee also recommends changes to responsible governments where appropriate.

The JBACE also analyses ESIA and review procedures and mechanisms in order to ensure that the Cree special status of involvement provided for by, the JBNQA, is being respected. Moreover, the JBACE provides technical and scientific data, advices, and support to the local administrations.

4.2 Cree Nation Government

The Cree Nation Government has the mission to protect the rights and interests of all Cree, Cree entities and Cree First Nations in respect to development activities. In the context of mining discussions and negotiations, it acts as representative for all Cree and provides services and support, through its various departments to Cree First Nations, Cree businesses, organizations and individuals.

It provides expertise, support and assistance to the Crees and Cree entities in terms of economic and community development, environmental protection, hunting, fishing and trapping rights and other matters, in the context of a proposed mining project. It also ensures a consistent approach in negotiations with mining companies and coordinates with the local impacted communities to ensure that they benefit from developments and that their interests are protected. Finally, the Cree Nation Government ensures the implementation of every agreement in the territory.

The Cree Nation Government must provide consent in respect to every mining development occurring in Eeyou Istchee with respect to Cree rights and interests. However the Cree Nation Government will not consent to a mining development that has not been consented to by the affected Cree First Nation. Therefore, it is important that at the beginning of the exploration phase that the Cree Nation Government, through the Department of Commerce and Industry, shall begin collaborating with the Chief and Council (or any representatives designated by the latter), to ensure a good understanding of their expectations with respect to the mining project. Collaboration between the Cree First Nation and other departments of the Cree Nation Government, such as Apatisiwin Skills Development and Department of Environment and Remedial Works may begin as well depending on the needs of the affected Cree First Nation.

4.2.1 Department of Commerce and Industry

The Department of Commerce and Industry was established in order to support the economic growth and well-being of the Crees and ensure that every Cree benefits from the economic developments. It is entrusted to create favourable conditions for the development of all economic sectors of the Cree Nation. It also maintains the registry of Cree enterprises which are active or interested in working in the mining sector and promotes general business opportunities and benefits for all Crees and Cree enterprises in the context of a proposed mining project.

More specifically the Department of Commerce and Industry will sit at every mining negotiation table on behalf of the Cree Nation Government and in the case of negotiations regarding Development Agreements with mining proponents, will work in close collaboration with the negotiating team designated by the local Chief and Council. The Department of Commerce and Industry will support the local community in overseeing the implementation of the economic components of any mining agreements entered into by the Cree Nation Government. The Department of Commerce and Industry will also represent the Cree Nation Government on the Implementation Committee of the different agreements signed with mining proponents and assist the affected Cree First Nation in overseeing the agreement implementation at large.

4.2.2 Department of Environment and Remedial Works

In addition to a number of other mandates and activities, the core function of the Department of Environment and Remedial Works (“**Environment Department**”) is to ensure the respect of the constitutional environmental and social impact protection regime (JBNQA Section 22), and also the protection of the Cree rights within the territory with respect to wildlife and wildlife harvesting (JBNQA Section 24).

More specifically, for every mining project undergoing environmental and social assessment, in collaboration with the Governments of Québec and/or Canada, the Environment Department will analyze and review all documents submitted by mining proponents and provide technical support to the members of COMEV and COMEX. The Environment Department also plays an instrumental role in ensuring community concerns are addressed through the ESIA process and can provide support to communities, at their request, during consultation activities regarding the impacts of the mining project. The Environment Department will continue to provide technical support to COMEX during the monitoring phase of a mining project.

The Environment Department also represents the Cree Nation Government on environment sub-committees created by Development Agreements and work in close collaboration with the representatives appointed by the Chief and Council. As required, the Environment Department also actively participates and/or supports the Cree representatives that may sit on mine project environmental monitoring committees following project approvals.

4.2.3 Apatisiwin Skills Development (ASD)

ASD has the mandate to provide for employment and training programs, employment services and keeps a registry of qualified Crees experienced in the mining sector. It aims to empower individuals with skills and knowledge to achieve meaningful and sustainable employment and personal success. ASD understands that regulated industries like mining yield more opportunities that require diploma training or certification, which is why the organization developed working relationships with the Cree School Board and other entities, it plans a variety of educational and training programs to ensure the emergence of a qualified Cree workforce to work in mining. In this regard, the mining proponents are recommended to share information early with ASD regarding their future labour needs.

In addition, ASD’s representatives usually sit on behalf of the Cree Nation Government, on training and employment sub-committees created by Development Agreements to provide their expertise on training and employment.

4.3 Cree First Nations

The Cree Nation regroups eleven Cree First Nations: Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Waswanipi, Nemaska, Oujé-Bougoumou, Mistissini, Washaw Sibi and MoCreebec. Each Cree First Nation is uniquely structured in how they will approach mining, the following sections will present a general overview.

4.3.1 Chief and Council

Each Cree First Nation has its own Chief and Council and they represent the interests of their community, members and local organizations. Chief and Councils are elected following the provisions of the Constitution of the Cree Nation of Eeyou Istchee and their local election laws.



The Chief and Council ensures that mining sites will be developed and operated in a manner deemed acceptable to their community members and that local needs and concerns are addressed and, to the greatest extent possible, mitigated. Therefore, the Chief and Council will manage, in collaboration with the mining proponent, the community members' concerns and will ensure that the practices and activities of the impacted and affected tallymen, families and land users will be minimally disturbed. In this regard, the Chief and Council should continuously provide the community with information regarding the status of the project and discussions with the mining company. Adopting a transparent approach and open information sharing will ensure that the community members will have the opportunity to express their concerns regarding any proposed projects. The Chief and Council may request help from the Cree Nation Government in the preparation of the communication to ensure that it is efficiently and clearly disseminated.

Finally, the consent of the Chief and Council is a determining factor in determining social acceptability of the mining development.

4.3.2 Cree First Nation Administration

Each Cree First Nation has its own administration which is composed of various departments including generally: finance, human resources, social development, public health and safety, land & sustainable development and infrastructure. Depending on the composition of the administration, the Chief and Council may rely on the staff of the administration to fulfill tasks related to mining development. The administration through its human resources department may also promote employment and training opportunities to its members.

4.3.3 Local Business Sector

Each Cree First Nation will have local businesses capable of providing a variety of goods and services to the mining sector. Each community will have staff responsible for economic development. This may be in the form of an economic development officer (EDO), or other mechanism determined by the community. It is important for mining proponents to engage with the Cree First Nation and familiarize themselves with the local business landscape.

Each community will also have a Development Corporation. Development Corporations were established to stimulate economic well-being and to foster business opportunities within the communities. The mission of the local Development Corporation is to promote growth of the economy by undertaking or funding different projects with high-value outcome potential. They are key actors when it comes to development of mining projects because of their experience and their knowledge of the existing capacity in the community. They are able to participate in mining projects and support the carrying out of projects and attainment of objectives in terms of Cree capacity-building, employment and in a larger extent, Cree participation. The Development Corporations will play a role in assisting smaller entrepreneurs in developing capacity and accessing contracting opportunities.

Mining proponents should aim to develop a working relationship with the local businesses throughout the lifecycle of the project. Consulting with local businesses is not a substitute for community consultations with respect to exploration work, a mining project or any other connected projects.

4.3.4 Tallymen and Impacted Families

The Eeyou Istchee James Bay territory is entirely managed through the Cree traditional land tenure system, commonly known as Cree traplines or family hunting territories. There are over 300 traplines covering the territory, and the harvesting activities on each are managed by a designated responsible tallyman. The role of the tallyman can differ in each Cree First Nation and the following is a general overview. Mining proponents are highly encouraged to engage early with the Cree First Nation affected by their project to gain a better understanding of the role of the tallyman.

Tallymen are known for their extensive knowledge of the land and animals gained through teachings acquired from past generations as well as their continuous presence and use of the territory. Tallymen will be the best placed individuals in identifying the beginning of sensitive hunting periods where disturbances from exploration and mining activities should be kept to a minimum. Due to this extensive knowledge tallymen are often highly solicited for consultations.

The role of the tallymen is recognized by the governing legislation applicable for the territory. More specifically, it is defined under section 24.1.8 of the JBNQA as the Cree person recognized by its respective community as being responsible for supervising harvesting activity on their trapline. Tallymen ensure that traditional harvesting is done in a sustainable manner, ensuring the availability of wildlife populations for future generations. They represent the leadership figure of their trapline and land users. However it is essential that other land users and members of impacted families be included in consultations alongside the trapline's tallyman.

Collaboration and communication collectively between the Chief and Council, the mining proponent and the family impacted by mining activities should be undertaken upstream of any activities on the land as this will reduce conflicting initial encounters and help understanding each party's expectations over the long-term. Continuous engagement with members of the impacted family allows for the identification of potential issues and solutions as the project evolves. This also facilitates co-development of measures that will minimize the negative impacts of the project on the practice of traditional activities and use of the land. All of these factors are essential on the continuous path towards the social acceptability of the mining project.

The mining proponent must also throughout the lifecycle of the project recognize and respect the traditional authority of the tallyman on the management of the harvesting on its trapline and ensure to adapt operations to minimally impact the traditional activities.

4.4 Regional Cree Entities

Many regional Cree entities will be involved with the mining activities, directly or indirectly. They will bring support and their own expertise. They will be elaborated below in this section, this list is not exhaustive.

4.4.1 Cree Mineral Exploration Board ⁸

The Cree Mineral Exploration Board's purpose is to promote the mineral exploration activities within the territory of Eeyou Istchee and raise the Cree's interest towards these activities. It facilitates the development of mining exploration activities by Community Based Enterprises. Moreover, it provides assistance to the Cree communities and Cree land users in order to raise their awareness and involvement in the mineral exploration field. It trains the community leaders and interested community members to ensure a better understanding of mining exploration.

4.4.2 Cree Development Corporation

The Cree Development Corporation is a key actor with regards to economic development in Eeyou Istchee. It is dedicated to the economic and community development of the Crees.

The Cree Development Corporation is governed by a Board of Directors composed of representatives from the Québec Government and the Cree Nation Government. It has the mandate to support long-term development of all Cree First Nations and to enhance the partnerships between the Crees and the Québec Government as well as with private enterprises for the carrying out of development activities in Eeyou Istchee.

⁸ The Cree Mineral Exploration Board was created in accordance with Chapter 5 of the Agreement Concerning a New Relationship between the Québec Government and the Crees of Québec, commonly referred to as "La Paix des Braves".

4.4.3 Cree Trappers' Association (CTA)

The CTA promotes the conservation of fur-bearing animals as a renewable natural resource and promote humane methods of harvesting. It also promotes and assists in preserving the way of life, values, activities and traditions of the Cree trappers and to preserve the system of the Cree traplines. Each community has its own local Cree Trapper's Association office. The local CTA does not play a direct role in mining, however, they can be a resource for contacting tallymen.

4.4.4 Cree School Board (CSB)

The CSB is responsible for the delivery of general educational and vocational programs on Category I Lands. It provides students the basic educational skills and requirements for employment in all types of development and in all professions. In coordination with ASD, they will develop training programs that meet the requirements for professional qualifications necessary for Crees, to access high quality full-time employment opportunities in the mining industry.

4.4.5 Cree Board of Health and Social Services (CBHSSJB)

It is responsible for the administration of health and social services for all persons residing either permanently or temporarily within Category I lands. In each of the nine Cree First Nations, the CBHSSJB operates a Community Miyupimaatisiun Centre which offers services in general medicine, home care, dentistry and social services. The CBHSSJB does not play a direct role in the mining development unless the mining project is on, or within proximity to Category I lands where it has jurisdiction. It will play an indirect role in the ESIA process and helps in identifying potential impacts or mitigation measures that may affect individual or communal health of the Cree Nation.

4.5 Government of Québec

The provincial government plays a central role in the mining development of its territory. It has a broad competence to legislate on environmental protection and management of natural resources within its jurisdiction.

The Québec legislature has signed many agreements with the Crees since the 1970's on environmental and social protection matters. Pursuant to these agreements, the provincial government namely appoints representatives on advisory committees involved in mining activities.

4.6 The Proponent

The mining proponent is the entity that will, usually, carry the construction and operation of the mine site until the mine closure. While major mining companies may develop a mine from exploration to closure on their own, junior mining companies, that do not have the same access to capital or resources, may carry the exploration phase with the objective to sell their project or be purchased by another mining company, which will then pursue the operations.

The proponent has the responsibility of conducting themselves in a responsible manner that adheres to the present Policy. Regardless of the ownership structure, location of the head office, or other variables, the current Policy applies to all project proponents seeking to develop mineral resources in Eeyou Istchee. The proponent will be responsible for carrying out consultation activities and completing all the necessary studies prior to the commencement of their project to ensure social acceptability. The proponent will also be responsible for ensuring that all third parties hired to work on their project respect the current policy and any commitments made by the proponent to the Cree parties. In this regard, throughout the entire life of the project the mining proponent must ensure effective communication and information sharing with the community, commit to the engagement process and the capacity-building, and use an open, transparent, consistent, and flexible approach. In addition, the proponent is responsible to develop an understanding of the community, as well as offer its non-Cree workers training on Cree culture.



5. MINERAL DEVELOPMENT

The mineral development strategy presented in this section will cover the major steps of mining development and lay out the expectations of the Cree Nation. The Cree Nation acknowledges that the time needed for each step will vary from project to project and that some of the steps are not mutually exclusive and may occur simultaneously. On a general basis the steps can be divided into two broad categories: Pre-Decision and Post-Decision. The steps leading up to the reception of the global certificate of authorization or refusal and the steps following the reception of the authorization.

5.1 Pre-Decision

5.1.1 Exploration

This stage begins when a claim is made within Eeyou Istchee. The exploration phase includes all early exploration activities that lead to the discovery of an anomaly (i.e. prospecting, airborne or ground based surveying, surface sampling, outcrop evaluation, etc.) and the early works that will verify the presence of an anomaly (drilling, stripping, trenching, etc.).

As soon as a mining proponent stakes a claim for activities within Eeyou Istchee they will be invited to communicate with the Cree Nation Government and concerned Cree First Nation. The affected Cree First Nation should be in contact with the proponent prior to any field work. It is the Cree First Nation, through its Chief and Council or administration that should notify the tallyman, land users and families of the claim or any activities that are planned. Collaboration between the different Cree bodies and entities should start at this point.

The Cree Nation expects every holder of a claim to remove all their property and clean up their waste within the 30 days following the abandonment, revocation or expiry of the claim ⁹.

As exploration activities begin and advance, mining proponents are encouraged to establish relationships with the affected Cree First Nation, the local Chief and Council, Cree regional entities, local entities, tallymen and land users, in order to involve the Crees and start building understanding and mutual trust for the upcoming activities. This relationship will take the form of a pre-development agreement (5.1.2) if there are infrastructure needs, otherwise mining proponents should still seek the involvement of the Crees, including the establishment of communication plans and facilitating business and employment opportunities, whenever possible. Mining proponents should make sure information concerning the project is continuously communicated to the communities and their representatives.

5.1.2 Pre-Development Agreement

During the advanced exploration phase where a proponent may be undertaking different feasibility studies, a pre-development agreement may be negotiated to formalize and build the relationship between the Cree parties and the proponent.

Mining proponents that have infrastructure needs (i.e. permanent workers camps, access roads, power lines) should initiate negotiations with the Department of Commerce and Industry and the Cree First Nation's representatives to conclude a Pre-Development Agreement. Such an agreement helps to create a framework for a relationship between the parties and often provides for the mining proponent:

- To provide a forum for continuous communication;
- To conduct drilling and advanced exploration activities on the land; and
- To access the project site.

⁹ Québec Mining Act, s216

The *Pre-development Agreement* also includes provisions relating to environmental protections and standards, business opportunities and employment and training. It typically also contemplates the future negotiation of Development Agreements. Entering into such an agreement will help to monitor the development of the explorations activities and ensure that the Cree First Nation is informed of the project's advancement and the needs of the mining proponent and be better prepared for further negotiations.

5.1.3 Advanced Exploration and Project Feasibility

Advanced Exploration & Project Feasibility is a proponent driven step; it includes the exploration works needed to conduct feasibility studies and will likely take place in parallel to the negotiation and implementation of a Pre-Development Agreement. At this stage some projects will advance to the point where they will require restoration plans and monitoring programs; mining proponents are expected to actively involve the Chief and Council of the affected community and the land users of the affected trapline in the development and execution of their restoration plans and monitoring plans. The Cree Nation Government Environment Department can provide technical support to the communities regarding environmental matters, upon request.

As the workforce of a project increases and a project reaches a development stage with intensive exploration, the mining proponent should include cross-cultural training as part of the required induction package for workers present on site. The cross-cultural training should become standard and treated with the same level of seriousness as the required health and safety briefings. Such cultural training should be developed closely in collaboration with the affected Cree First Nation.

At this stage, the mining proponent is evaluating the economic viability of the mineral resource. These analyses consist in a comprehensive technical and economic assessment of the development options while incorporating any relevant operational factors. It can be a long process. While this step is in the proponent's hands it is important to ensure continuous communication between the mining proponent and the Cree Nation is maintained, particularly the Chief and Council of the affected Cree First Nation and the Department of Commerce and Industry of the Cree Nation Government. The results of the feasibility studies will play a large role in determining whether the project continues to advance or if additional exploration is required. The Feasibility Study and the information contained therein will be essential for the negotiations of the Development Agreement.

5.1.4 Environmental and Social Impact Assessment (ESIA)

To ensure that the project design and mitigation measures consider Cree perspective, mining proponents must consult the affected Cree First Nation in the preparation of the ESIA to be tabled before the COMEX. During the review of the ESIA, there will likely be several exchanges of questions that the proponent will be tasked with answering. The Department of Environment plays a technical support role to the recommendation bodies reviewing the project and should collaborate with the Chief and Council and Administration. As the impact assessment process unfolds the mining proponent will be required to do many detailed studies on the impacts on the physical, natural and human environment surrounding their project.

It is important to include Cree knowledge consistently in the impact study, and to not solely rely on scientific knowledge and data. Combining Cree knowledge and scientific ecological knowledge offers a more holistic approach when evaluating the impacts of a project. As these studies are completed the mining proponent will have a more reliable version of their final project design. The mining proponent will also have to provide a mine rehabilitation and restoration plan and answer questions related to the plan.

5.1.5 Development Agreement Negotiations

Once a mining proponent has demonstrated and decided that the project is economically viable the Department of Commerce and Industry, the Cree First Nation and the mining proponent are expected to negotiate a Development Agreement. Negotiation of this agreement occurs concurrently with the permitting process. Development Agreements are formal contracts negotiated in order to address the socio-economic and biophysical impacts that can arise from mining developments.

Regardless of who is the shareholder or its corporate structure, a *Development Agreement* will be required as a condition to any mining development in Eeyou Istchee. It is essential for the social acceptability of the project, as it ensures that benefits and opportunities flow, in every cycle of the mining project, to the impacted Cree First Nation and the Cree Nation as a whole and it also addresses social risk factors within the impacted Cree First Nation.

During the negotiation of such agreement, it is instrumental that the Chief and Council and community members be continuously informed and updated of the status of discussions. Such communication will help ensuring that local concerns are addressed by the *Development Agreement*.

As impacts vary from project to project, the specific provisions of the *Development Agreement* will depend on the expectations and needs of each Cree First Nation as well as the predicted impacts and benefits of the mine. Therefore, it is important that the agreement is negotiated at a time when there is a maximum of high-quality information about the project available; this will allow the agreement to be grounded and establish realistic expectations for all the parties.

Development Agreements will normally contain provisions for the following components: social & cultural, financial, employment & training, business opportunities, Cree participation, environment, implementation committee, mine closure and other specific measures. The Development Agreement will also normally contain provisions with regards to the involvement and consultation of the Cree parties in the preparation of the mine rehabilitation and restoration plan, its periodic review and its implementation to be submitted by the mining proponent in compliance with the Mining Act, CQLR C. M-13 (“Mining Act”).

5.1.6 Decision

Following the ESIA process and public hearings where the Administrator is satisfied with the impact assessment statements provided by the mining proponent and upon recommendations by the COMEX, the Administrator will deliver either a certificate of authorization or a refusal to the mining proponent. The certificate of authorization will contain conditions that the mining proponent must respect in the carrying of its project. The necessary follow-up and monitoring reports that correspond to the conditions and commitments made during the ESIA process will generally be reviewed by the COMEX and the environment sub-committee of the Development Agreement.

5.2 Post-Decision

5.2.1 Construction and Operation

At this stage the proponent and the Cree Nation have completed the previous steps together. This has culminated in the Cree First Nation and Cree Nation Government providing consent, the signing of an agreement between the parties and the proponent receiving the appropriate permits. Construction of the main project infrastructure will begin and once complete the mine will begin its operation phase.

5.2.2 Development Agreement Implementation

An implementation committee regrouping the same representatives of the agreement signatories should be set up by virtue of the Development Agreement that has been signed. The implementation committee will be the body in charge of ensuring that the terms of the Development Agreement are respected. The structure of the committee can vary slightly but generally it will include at least one representative from each signatory to the Development Agreement, i.e. Cree Nation government, Cree First Nation and mining proponent. A strong leadership is required for good implementation of the mining agreement. The Development Agreement will also create an Environment sub-committee that will act as a primary forum of exchange on environmental topics between the proponent, Cree First Nation and Cree Nation Government. Other subsidiary committees, such as training and employment committee or business opportunities committee, in charge of the implementation of specific component of the Development Agreement may be established, to ensure a particular emphasis and collaboration between parties on these matters.

5.2.3 Environmental Monitoring

Throughout the entire life of the mine environmental monitoring will be required. Depending on the stages (construction, operations, closure), the nature of the monitoring will vary. In general, the potential impacts identified in a proponent's ESIA will be linked to monitoring programs and will be followed closely by the environmental committee. The monitoring will normally cover surface and ground water quality, air quality and dust emissions and fish monitoring.

5.2.4 Mine Closure

Cree involvement throughout the planning of mine closure is particularly important for maximizing the positive effect and minimize the negative effect of the mine closure on the affected Cree First Nation and affected land users. Certain infrastructures of the mine may be left behind if the local populations want and if these infrastructures can provide positive socio-economic benefits. It is also important to note that throughout closure and for several years after closure environmental monitoring will continue until such a time that the site no longer presents environmental risk.

5.2.5 Mine Restoration

Before the issuance of the certificate of authorization and the carrying of the mine's operations, mining proponents have the obligation, in compliance with the Mining Act, to submit a rehabilitation and restoration plan to the government of Québec for approval. Such plan shall namely include the description and restoration work to be carried relating to the mining activities in order to restore the affected land to a satisfactory condition. If progressive rehabilitation and restoration work is possible, the conditions and phases of completion of the work shall be provided in the plan.

Moreover, pursuant to the *Mining Act*, the mining proponent will also have the obligation to furnish a guarantee covering the anticipated cost of completing the work required under the rehabilitation and restoration plan.

As above-mentioned, it is expected that the continuous involvement and consultation of the Cree parties with regards to the preparation and implementation of the rehabilitation and restoration plan be established and included in the Development Agreement. Thus, at the phase of the implementation of the rehabilitation and restoration plan, the mining proponent will be expected to work in collaboration with the implementation committee or any other committee created under the Development Agreement in order to implement the said plan.

Mining proponents will also be expected to consult and collaborate with the affected family throughout the development of, and prior to the implementation of the rehabilitation and restoration plan.



6. ABANDONED SITES

It is the Cree Nation's expectation that all proponents fulfill their due diligence by restoring their exploration and mine sites prior to leaving the territory.

Unfortunately, the mining industry has left behind unrestored orphan mine sites throughout the province with several in Eeyou Istchee. There are also hundreds of abandoned mining exploration sites within Eeyou Istchee. The restoration of the abandoned sites is the responsibility of the Government of Québec. Modern mining regulations require financial guarantees at the beginning of the life of a mine, to reduce the risks of relying on future financial markets and circumstances that would dictate the solvency of a proponent and the ability of a proponent to restore a site. Regardless of the circumstances and responsibility for the restoration of a site, the restoration of a mine site like any other mining project within Eeyou Istchee is subject to this mining policy and requires the participation of the Cree Nation.

6.1 Agreement on Abandoned Exploration Sites

The Cree Nation Government conducted an inventory of Abandoned Mineral Exploration Sites in Eeyou Istchee between 2005-2008. Interviews were completed with the tallyman and land users of 300 traplines. The Cree Nation Government has maintained this database of over 400 sites located throughout the territory with sites being categorized based on the contents identified by land users.

In August 2018, the Cree Nation Government, the Eeyou Istchee James Bay Regional Government, the Government of Québec and the Fonds Restor-Action Cri (FRAC), signed an agreement for the clean-up of abandoned mineral exploration sites on the Eeyou Istchee James Bay territory. This has secured funding for the clean-up of several hundred abandoned exploration sites in Eeyou Istchee.



7. APPENDIX A - CONTACT INFORMATION

Cree Entities

**Grand Council of the Crees (Eeyou Istchee)
Cree Nation Government**

2 Lakeshore Road
Nemaska, Québec JOY 3B0
Tel.: (819) 673-2600
<http://www.gcc.ca/>

**Cree Board of Health and Social
Services of James Bay**

P.O. Box 250
Chisasibi, Québec JOM 1E0
Tel.: (819) 855-2744
<http://www.creehealth.org/>

**Department of Commerce and Industry -
Cree Nation Government**

284 Queen St, Suite 201
Mistissini, QC GoW 1Co
Tel.: (418) 923-2901
Email: commerce@cngov.ca

Cree Trappers' Association

P.O. Box 250
Eastmain, Québec JoM 1Wo
Tel.: (819) 977-2165
<http://creetrappers.ca/>

Cree Nation of Eastmain

76 Nouchimi
P.O. Box 90
Eastmain, Québec JoM 1Wo
Tel.: (819) 977-0211
<http://www.eastmain.ca>

Cree School Board

203 Main Street
Mistissini, Québec GoW 1Co
Tel.: (418) 923-2764
<https://www.cscree.qc.ca>

Cree Mineral Exploration Board

21 Hilltop Drive
Wemindji, Québec JoM lLo
Tel.: (819) 978-0264
<http://www.cmeb.org/>

**Department of Environment and Remedial
Works – Cree Nation Government**

284 Queen St, Suite 202
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**Apatisiwin Skills Development –
Cree Nation Government**

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Mistissini, Québec GoW 1Co
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Cree Nation of Chisasibi

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Tel.: (819) 855-2878
<http://www.chisasibi.ca>

Cree Nation of Nemaska

32 Machishteweyaau
Street Nemaska, Québec JoY 3Bo
Tel.: (819) 673-2512
<http://www.nemaska.com/>

Crees of the Waskaganish First Nation

P.O. Box 60
70 Waskaganish Road
Waskaganish, Québec JoM 1Ro
Tel.: (819) 895-8650
<http://www.waskaganish.ca/>

Cree Nation of Wemindji

21 Hilltop Drive
Wemindji, Québec JoM lLo
Tel.: (819) 978-0264
<http://www.wemindji.ca/>

Whapmagoostui First Nation

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Whapmagoostui, Québec JoM 1Go
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<http://www.whapmagoostuifn.com/>

Washaw Sibi First Nation

22 Principale N Street
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Tel.: (819) 732-9040
<http://www.washawsibi.com>

Cree Nation of Mistissini

Isaac Shecapio Sr. Administration Building
187 Main Street
Mistissini, Québec GoW lCo
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<http://www.mistissini.com>

Oujé-Bougoumou Cree Nation

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<http://www.ouje.ca/>

Cree First Nation of Waswanipi

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