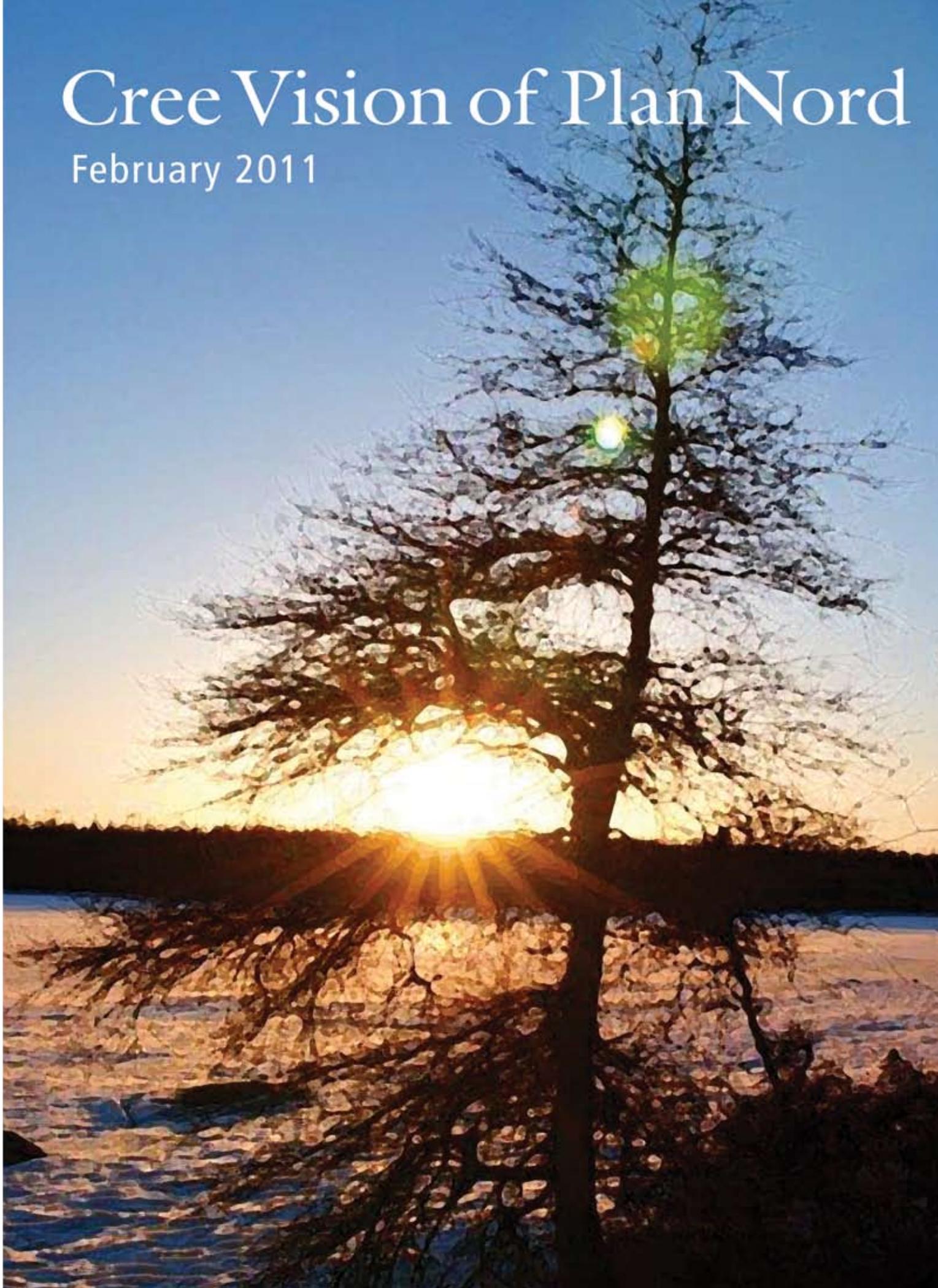


Cree Vision of Plan Nord

February 2011



Cree Vision of Plan Nord

February 2011

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Preface

Preface



Introductory Comments

By Grand Chief Dr. Matthew Coon Come

The Cree of Eeyou Istchee welcome the opportunity to provide our perspective on the Plan Nord. The Cree welcome responsible, sustainable development of our traditional lands, Eeyou Istchee. We want to be real partners in the development of our territory's vast potential. At the outset, one should recall certain key principles.

A handwritten signature in black ink that reads "Matthew Coon Come". The signature is written in a cursive, flowing style.

1. Respect For Cree Rights

The Plan Nord must respect Cree rights. In a general sense, these include the rights of the Cree under the Constitution, laws and Cree values and customs. More specifically, Cree rights stem from a number of Agreements concluded with Québec and Canada, including the following

- (a) *James Bay and Northern Québec Agreement (“JBNQA”)* and Complementary Agreements;
- (b) *Cree-Québec New Relationship Agreement (2002) – the “Paix des Braves”*;
- (c) *Cree-Canada New Relationship Agreement (2008)*.

2. Occupation Of Territory

Our Territory of Eeyou Istchee must not be seen simply as raw material for a future development strategy. We use the entire territory of Eeyou Istchee for our traditional activities of hunting, fishing and trapping. The Cree traditional family territories cover the entire area of Eeyou Istchee.

Cree occupation of the Territory is not limited to traditional activities, nor is it limited to the Cree communities themselves. Through the Agreements mentioned above, the Cree have assumed various functions relating to governance, education, health and social services, culture and language, communications, economic development, tourism, police, natural resources, environmental and social protection regimes and hunting, fishing and trapping. Certain of these functions extend well beyond the Cree communities throughout the Territory and beyond.

3. Link Between Plan Nord And Governance

The Plan Nord and governance in Eeyou Istchee are inextricably linked. The Cree need a strong commitment from Québec, before the announcement of the Plan Nord, that it accepts certain key governance principles for Eeyou Istchee. These principles include, first and foremost, the real participation of the Cree in governance structures in Eeyou Istchee.

Economic development and governance go hand-in-hand. If there is no firm and strong commitment from the Government, it will be difficult to convince the Cree of Eeyou Istchee to support the Plan Nord. Without a governance regime acceptable to the Cree, there will no Plan Nord in Eeyou Istchee.

4. Land And Resource Use Planning

The Cree have engaged in the Plan Nord exercise in good faith. We are attempting to build partnerships with Québec, Jamésiens and others for the orderly development of the land and resources of the Territory to the benefit of all. It is therefore disturbing to see parallel land and resource planning exercises unfolding in the Territory, without any involvement of the Cree. One example is the *Regional Plan for Integrated Land and Resource Development for James Bay* (PRDIRT-BJ) issued by the Commission régionale sur les ressources naturelles et le territoire de la Baie-James (CRRNT-BJ) in December 2010. Another is the *Public Land Use Plan for James Bay* (PATP-BJ) prepared by the ministère des Ressources naturelles et de la Faune in December 2010.

The Cree do not recognize the legal validity of the CRRNT-BJ or PRDIRT-BJ for reasons communicated to Québec since at least 2005. Further, the PRDIRT-BJ contravenes the *JBNQA*, the *Paix des Braves* and Québec’s constitutional duty to consult the Cree. Neither the PRDIRT-BJ nor the PATP-BJ reflects the Cree perspective on land and resource use planning in Eeyou Istchee. These plans preempt the Plan Nord process by deciding land and resource use in Eeyou Istchee, key objects of the Plan Nord process in our region. The PRDIRT-BJ and PATP-BJ processes must be suspended immediately.

5. Protected Areas

The footprint of past industrial developments in Eeyou Istchee must be taken into account in identifying the 50% of the area to be protected under the Plan Nord from industrial activity. In practice, this means that existing developments, whether reservoirs, powerhouses, related infrastructure such as roads and transmission lines, airports, mining projects and forestry projects must all be included in the 50% “non protected” area of Eeyou Istchee available for industrial activity under the Plan Nord.

The Cree must be fully involved in the definition of the concepts and principles that will guide the Plan Nord. One key concept will be the definition of “industrial activity”, which will itself be central to the definition of “Protected Areas”. The Cree must be fully consulted in the preparation of any legislation to give effect to the Plan Nord, before this legislation is tabled.

6. Access To Resources

The Cree must have our fair share of any funding provided by Government in connection with the Plan Nord. This funding must be allocated among the partners on an equitable basis. The formula for this allocation must be determined in consultation with the stakeholders, including the Cree of Eeyou Istchee.

7. Funding Envelope

Plan Nord funding should be provided to the Cree in the form of an “envelope”, rather than on a project-by-project basis. The Cree must be responsible for the management of this funding envelope.

8. Major Projects

The Cree Plan Nord initiatives will include major projects. The list of these projects will be submitted separately. They will require the commitment of very significant new resources. These initiatives will entail substantial investments in, among others, the areas of housing, infrastructure, natural resource development and tourism infrastructure.

9. Real Commitment

In order for the Cree to support the Plan Nord, it must provide the Cree with concrete and tangible results. The Cree supported the *Paix des Braves* because it provided them with real benefits. The same must be true of the Plan Nord. It cannot simply be a process. It must yield concrete results for the Cree. For the Cree leadership to convince the Cree of Eeyou Istchee to support the Plan Nord, we need a **real commitment** from the Government of Quebec that the Plan Nord, as it relates to Eeyou Istchee, is another *Paix des Braves* for the Cree.

I

Chapter 1 - Introduction



1.1 Introduction

This is the Cree Vision of the Plan Nord. It is the result of the collective efforts of the Cree Working Group on the Plan Nord, established under the strategic direction of the Grand Chief with the Council / Board of the Grand Council of the Cree (Eeyou Istchee) / Cree Regional Authority and working in close consultation with the Chiefs and Councils of the Cree First Nations and the Cree entities. A Cree member of this Working Group sits on each of the sector tables established for the Plan Nord, that is:

- | | |
|------------------------------------|---------------|
| (a) Access to Territory/Transport; | (g) Bio-Food; |
| (b) Community Development; | (h) Tourism; |
| (c) Health and Housing; | (i) Energy; |
| (d) Education; | (j) Mines; |
| (e) Culture and Identity; | (k) Forestry. |
| (f) Wildlife; | |

This document briefly describes the Cree and our Territory. It sets forth certain guiding principles derived from major Agreements concluded by the Cree. It explains the Cree position on governance of the Territory and on certain key issues arising in connection with the Plan Nord, including the environment, protected areas, health and social impacts and economic development. It then states the Cree position with respect to each of the sectors covered by the Plan Nord and mentioned above.

1.2 Who Are The Cree?

We are the Cree of Eeyou Istchee. We call ourselves Eeyou and Eenou. Our name means, simply, the “people”. There are more than 18,000 of us, and almost 16,000 residing in the nine Cree communities. The five communities located along the east coast of James Bay are Waskaganish, Eastmain, Wemindji, Chisasibi and Whapmagoostui. The four inland communities are Waswanipi, Nemaska, Oujé Bougoumou and Mistissini. A tenth Cree community, Washaw-Sibi, is in the process of being established.

For thousands of years we have lived off the land by hunting, fishing and trapping. Respect and gratitude were the values that guided us, respect and gratitude to the land and all it contained, to our families and the people who came before us, and to the Creator for all that was given us. Woven through these values were certain fundamentals: courage and patience, sharing and self-reliance.

For thousands of years, our identity was shaped by our relationship to the land, the animals and one another. The challenge facing us today is how to be Cree in this rapidly changing world.

Culture and Identity is one of its core dimensions and also at the center of our concerns. Our culture has been eroded and weakened especially in a context of accelerated change where many major projects have impacted our Culture and Identity.

The Cree language is very much alive. It is spoken by almost all the Cree. It is taught in our homes and schools, beginning in kindergarten. And it is everywhere one looks, on signs and banners, in books and films. Despite its relative health, however, the our language is still threatened. For Cree society has been subjected to the same forces that have resulted in language loss in other communities: residential schooling and the ensuing break between generations, economic change in the communities, and the lack of Cree terms for some of the newer aspects of Cree life all conspire to undermine our language.

1.3 Eeyou Istchee: The Territory of the Cree

“Eeyou Istchee” is the traditional territory and homeland of the Cree of northern Quebec. The term means “the land of the Eeyou/ Eenou” (“people”). We, the Cree, have used and occupied all of Eeyou Istchee for thousands of years, from time immemorial. We continue to do so today.

Our traditional Territory covers some 450,000 square kilometres, or two-thirds the size of France. It includes the lakes and rivers that drain into eastern James Bay and south-eastern Hudson Bay. This enormous territory embraces a wide range of environments, from the salt marshes and islands of the coastal zone to the upland areas far inland, and from the dense, coniferous forests in the southern areas to the sparsely-treed tundra further north. For the Cree, all of it - the lands and waters, the plants and animals - is sacred.

1.4 Cree Use and Occupation of the Territory

It is important to note that the Cree use the entire territory of Eeyou Istchee for our traditional activities of hunting, fishing and trapping. The Cree traditional family territories cover the entire area of Eeyou Istchee, as shown on Map 1.4 on page 18.

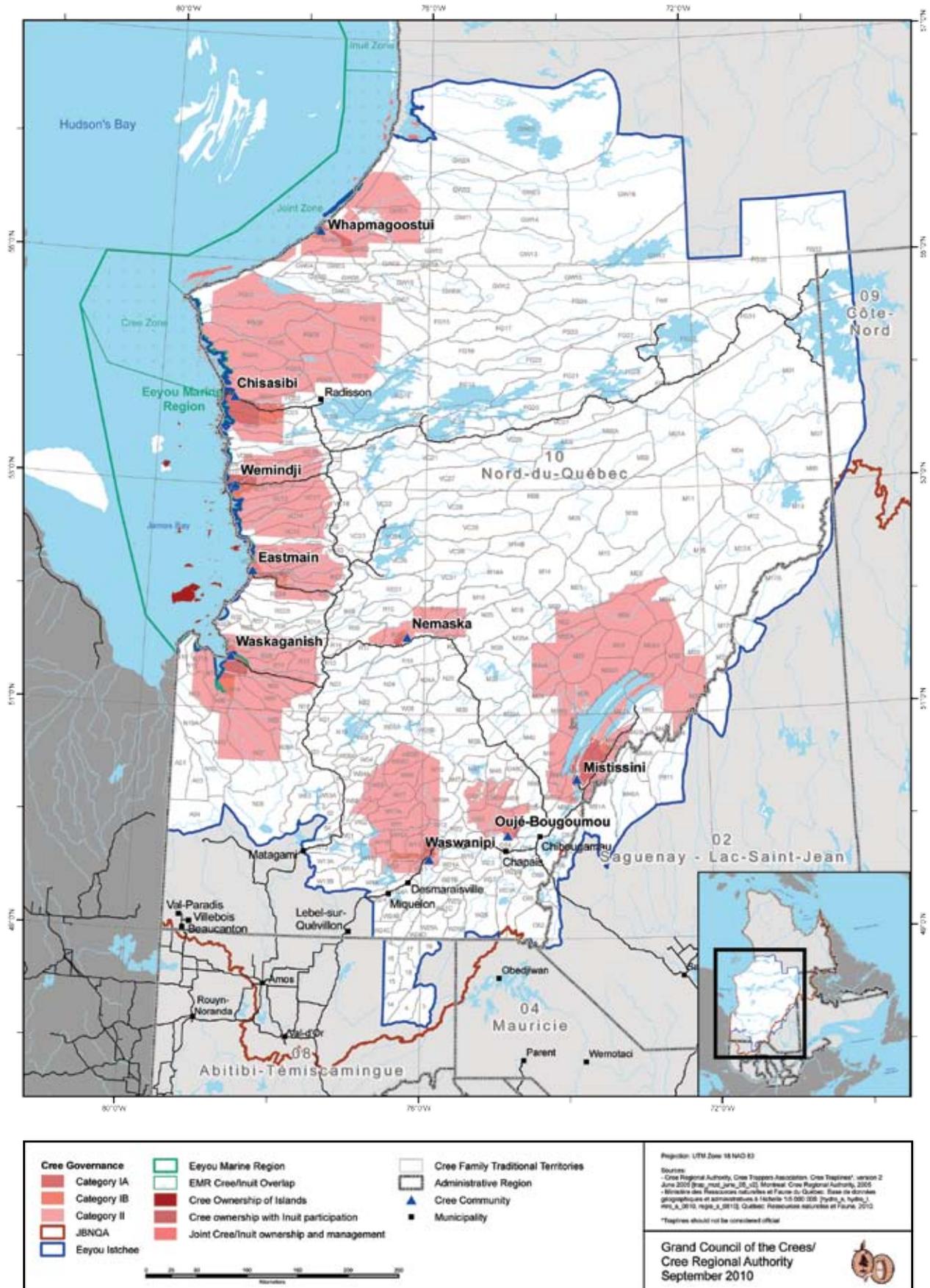
Contrary to certain views, Eeyou Istchee is not empty or unoccupied territory. This Territory is, in fact, the basis of the Cree traditional economy and self-sufficiency. Eeyou Istchee is already fully occupied and intensively used and managed, by the Cree. A management system for Cree traditional family territories has been in place for many decades and it works very efficiently. This management system must be effectively implemented by law. Our Territory must not be seen simply as raw material for a future development strategy.

Moreover, the Cree occupation of the Territory is not restricted to traditional activities. More recently, while continuing to practice and protect our traditional culture, the Cree have become increasingly involved in other forms of economic activity in Eeyou Istchee. Through their holding company, Cree Economic Enterprises Company Ltd. (CREECO), and its operating subsidiaries, such as Air Creebec, Cree Construction and Development Company Ltd. and Valpiro, the Cree are making their economic presence felt throughout the Territory and beyond. These companies provide employment and business opportunities, not only in the Cree communities, but throughout Québec (including Montreal). Their economic activities sustain businesses in a number of communities in Northern Québec, including Val d'Or, Chibougamau and the Lac St-Jean region. Their business interests extend to all of Québec and Canada. Through their investment portfolios, the Cree hold interests in a wide variety of businesses, in all sectors, in Québec, Canada and abroad. In short, the Cree are not just actors in their home communities.

The Cree have concluded a number of agreements relating to resource development of different kinds, including energy, mines and forestry. The Cree are not, as sometimes said, "anti development". On the contrary, we recognize that responsible, sustainable development is necessary to create a viable economic base for our communities, especially our youth.

Further, Cree occupation of the Territory is not limited to traditional activities, nor is it limited to the Cree communities themselves. Through the JBNQA, the Paix des Braves of 2002 and the New Relationship Agreement with Canada of 2008, the Cree have assumed various functions relating to governance, education, health and social services, culture and language, communications, economic development, tourism, police, natural resources, environmental and social protection regimes and hunting, fishing and trapping. Some of these functions extend well beyond the Cree communities.

Map 1.4 – Eeyou Istchee of Quebec Cree Family Traditional Territories



2

Chapter 2 – Governance



2.1 The Cree Must Participate Fully in the Governance of Eeyou Istchee

The principle seems so obvious that it should not be necessary to state it: the Cree must participate fully in the governance of Eeyou Istchee. This principle underlies the *JBNQA*. The Cree are the first occupants of the Territory. We have been there for thousands of years, from time immemorial. We occupy and use intensively the whole Territory. We constitute the majority of the population of the Territory. By any democratic principle, the Cree must play a central role in the governance of the Territory. But this is not the case today.

2.2 JBNQA Vision

In presenting the *JBNQA* to the National Assembly in 1975, Québec's negotiator, John Ciaccia, gave a glimpse of the vision the parties had for the governance of the Territory:

The native communities will have local administrations, substantially in the manner of local communities throughout Québec, and regional administrations will exercise municipal functions in areas beyond the old established communities. In districts inhabited by both native and non native populations, Cree representatives and representatives of the Municipality of James Bay will form a joint administration to be known as the Zone Council.

The *JBNQA* embodies the vision of the Cree as full citizens of Québec, with the right to participate fully in the governance of the Territory. Referring to the new governance structures to be established pursuant to the Agreement, Mr. Ciaccia continued:

Why do we want to do all this? Simply because there are people living in the North, who need public services, who are counting on good administration of their affairs, and who have a right to participate in that administration. The principles of sound and rational administration prompt us to act in this manner. The well-being and the interests of the people require that we do it.

Mr. Ciaccia was clear that there was no place for paternalism in relations with the Cree and in the governance of the Territory:

I want to emphasize to Honorable Members that the Government of Québec has rejected paternalism as a policy for dealing with the native peoples. That is one of the meanings that you can take from this Agreement. The Government proposes to deal with the native peoples as full-fledged citizens.

2.3 Current Governance Structure is not Acceptable

In fact, the vision stated by Mr. Ciaccia in 1975 of the James Bay Regional Zone Council as a governance partnership was never fulfilled. The Zone Council was systematically ignored by Québec and by the Municipalité de Baie James ("MBJ"). It was never adequately funded and never exercised any real governance functions.

In 2001, the Government of Quebec adopted Bill 40 to amend the governing structure of the MBJ. The governance regime purportedly established by Bill 40, and still in place today, has always been rejected by the Cree because it:

- (a) excluded the Cree from the regional governance of the Territory;
- (b) marginalized the Cree to their Category I lands; and
- (c) contradicted the Nation-to-Nation relationship between the Cree and Quebec, reaffirmed in the 2002 *Paix des Braves*;
- (d) was adopted without Cree consent, without any meaningful consultation;
- (e) violated the Crees' treaty rights under the *JBNQA*.

The existing governance regime in Eeyou Istchee is wrong, and the Cree have never accepted it.

2.4 Need for New Governance Model

There is growing recognition that existing governance structures in Eeyou Istchee (or that part of it known as the Municipalité de Baie James) do not work. The exclusion and marginalization of the Cree are not only wrong, they do not reflect the reality of the Cree presence on the ground throughout Eeyou Istchee. For development to work in Eeyou Istchee, for the Plan Nord to become reality, the Cree must be included in the governance of all of Eeyou Istchee.

New governance structures must be developed for Eeyou Istchee, in full consultation with the Cree. These structures must reflect the Nation-to-Nation relationship between the Cree and Québec. And they must lay the foundation for a strengthened partnership between the Cree, Québec and the non-Aboriginal population in the development of the Territory.

Any new legislation relating to the Plan Nord must be developed in full consultation with the Cree. It cannot simply incorporate the existing governance regime in Eeyou Istchee. It must also make provision for any new governance regime to be developed by the Cree and Québec.

2.5 Land and Resource Planning

The Cree have engaged in the Plan Nord exercise in good faith. We are attempting to build partnerships with Québec, Jamésien and others for the orderly development of the land and resources of the Territory, for the benefit of all. We support proper land and resource use planning in Eeyou Istchee that includes us and that complies with the JBNQA and the Paix des Braves. By the same token, we cannot accept land and resource use planning in Eeyou Istchee that excludes us and that violates the JBNQA and the *Paix des Braves*.

It is therefore disturbing to see parallel land and resource planning exercises unfolding in the Territory, without any involvement of the Cree. One example is the *Regional Plan for Integrated Land and Resource Development for James Bay* (PRDIRT-BJ) issued by the Commission régionale sur les ressources naturelles et le territoire de la Baie-James (CRRNT-BJ) in December 2010. Another is the *Public Land Use Plan for James Bay* (PATP-BJ) prepared by the ministère des Ressources naturelles et de la Faune in December 2010.

The Cree do not recognize the legal validity of the CRRNT-BJ or PRDIRT-BJ for reasons communicated to Québec since at least 2005. Further, the PRDIRT-BJ contravenes the JBNQA, the *Paix des Braves* and Québec's constitutional duty to consult the Crees. Neither the PRDIRT BJ nor the PATP-BJ reflects the Cree perspective on land and resource use planning in Eeyou Istchee. These plans preempt the Plan Nord process by deciding land and resource use in Eeyou Istchee, key objects of the Plan Nord process in our region. The PRDIRT-BJ and PATP-BJ processes must be suspended immediately.

3

Chapter 3 – Plan Nord



3.1 What is The Plan Nord?

The Plan Nord was first announced by Premier Charest in September 2008. The stated goal of the Plan Nord is the sustainable development of the North, an area covering about 72% of the entire territory of Quebec. It is to be implemented over a total period of 25 years, with five plans of five years each. The first project announcements are expected early in 2011.

3.2 Plan Nord – Fourth Wave of Development in Eeyou Istchee

The Plan Nord may be seen as the fourth “Wave of Development” in Eeyou Istchee:

1st Wave: 1950’s and 1960’s: The military imperatives associated with the use of radar defence lines explains the present day location of airport and maritime infrastructure in Eeyou Istchee.

2nd Wave: The 1971 *James Bay Region Development Act* (“JBRDA”). The implementation of the strategy underlying this Act shaped many elements of the subsequent institutional development in north-western Québec as well as the future pattern of industrial activity.

3rd Wave: The 1975 *James Bay and Northern Quebec Agreement*. The James Bay hydro-electric development provided the context for the litigation that led to the JBNQA.

4th Wave: In September 2008, Premier Charest first announced the Plan Nord.

3.3 Cree Expectations of The Plan Nord

The Cree have certain basic expectations of The Plan Nord:

- The Plan Nord must be considered as a regular program of general application giving Cree access to new funding. This funding must be in addition to funding already committed under existing agreements such as the *JBNQA*, *Paix des Braves*, and other agreements.
- The Plan Nord must facilitate new partnerships between the Cree and Aboriginal and non-Aboriginal entities.
- The Plan Nord must promote wealth creation for the Cree and other residents of Eeyou Istchee, through direct investments, contracts and employment.

3.4 Cree Concerns about The Plan Nord

At the same time, the Cree have certain concerns with respect to the Plan Nord. These include, among others:

- Increased access by non-Cree to the Territory;
- Impacts on Cree traditional activities;
- Impacts on the environment;
- Impact on culture, identity and language;
- Increased business competition by non-Aboriginal enterprises;
- Need for vigilance to protect Cree rights and interests.

4

Chapter 4 – Principles and Objectives



The Cree position on the Plan Nord is guided by certain key principles. These principles must also guide Government and other interested parties in the context of the Plan Nord.

4.1 Respect for Cree Rights

The overriding principle is that the Plan Nord must respect Cree rights. In a general sense, these include the rights of the Cree under the Constitution of Canada, Cree values and customs and the preservation of Cree language and culture. More specifically, Cree rights stem from a number of Agreements and treaties concluded with Québec and Canada, including the following.

4.1.1 *James Bay and Northern Québec Agreement*

The *James Bay and Northern Québec Agreement* of 1975 and its 22 Complementary Agreements provide the basic framework for the treaty rights of the Cree of Eeyou Istchee. These are complex, wide-ranging documents. They provide the Cree with rights in a wide variety of sectors, including land, governance, health and social services, police, justice, hunting, fishing and trapping, environmental and social protection and income security for trappers.

The *JBNQA* and its 22 Complementary Agreements provide the Cree with treaty rights that are protected by the Constitution of Canada. They take precedence over any inconsistent law. They form the bedrock of Cree rights, and the Cree have always insisted on scrupulous respect of their treaty rights. It is essential to place the Plan Nord in this context at the very outset.

During the 1980s and 1990s, the Cree were forced to take legal proceedings against the Government of Québec and the Government of Canada for failure to implement their undertakings in the *JBNQA*.

4.1.2 *Paix des Braves*

In 2002, the Cree and Québec concluded the “New Relationship Agreement”, more widely known as the “*Paix des Braves*”. This Agreement was approved by the Gouvernement du Québec on 20 March 2002 by Order in Council 289-2002, and its implementation was provided for by the *Act to Ensure the Implementation of the Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*.¹

The *Paix des Braves* put an end to the litigation between the Cree and Québec by establishing a new Nation-to-Nation relationship, based on partnership and mutual respect, between the Cree and Québec. The preamble of the *Paix des Braves* mentions certain of the key principles that are to guide relations between the Cree and Québec:

WHEREAS the parties enter hereby into a nation-to-nation Agreement which strengthens the political, economic and social relations between Québec and the Crees, and which is characterized by cooperation, partnership and mutual respect, while remaining based on the respective commitments of the parties under the James Bay and Northern Québec Agreement and providing for implementation measures in connection therewith;

WHEREAS this Agreement, concerning a global approach in favour of greater autonomy and greater responsibility on the part of the Crees for their development, will make possible an active and ongoing participation by the Crees in economic development activities on the James Bay Territory;

WHEREAS this Agreement is based on a development model which relies on the principles of sustainable development, partnership and respect for the traditional way of life of the Crees, as well as on a long-term economic development strategy, principles which are in conformity with the provisions of the James Bay and Northern Québec Agreement;

WHEREAS this Agreement promotes the emergence of a Cree expertise in the field of economic development, job creation, and economic spin-offs for the Crees and the population of Québec in general; [...]

Chapter 2 of the *Paix des Braves* emphasizes the importance of increased participation of the Cree in the development of the James Bay Territory:

2.1 Both the Cree Nation and the Québec Nation agree to place emphasis in their relations on those aspects that unite them as well as on their common desire to continue the development of Northern Québec and the self-fulfilment of the Cree Nation.

2.2 The Cree Nation must continue to benefit from its rich cultural heritage, its language and its traditional way of life in a context of growing modernization.

2.3 This Agreement marks an important stage in a new nation-to-nation relationship, one that is open, respectful of the other community and that promotes a greater responsibility on the part of the Cree Nation for its own development within the context of greater autonomy.

2.4 Québec will promote and facilitate the participation of the James Bay Crees in forestry, hydroelectricity and mining development in the Territory through partnerships, employment and contracts.

2.5 This Agreement has the following purposes:

- a) The establishment of a new nation-to-nation relationship, based on the common will of the parties to continue the development of the James Bay Territory and to seek the flourishing of the Crees and the Cree Nation within a context of growing modernization;
- b) The assumption of greater responsibility on the part of the Cree Nation in relation to its economic and community development and, in so doing, the achievement of increased autonomy with a greater capacity to respond, in partnership with Québec, to the needs of the Crees;
- c) The setting up of means in order to allow the parties to work together in regard to the development of mining, forestry and hydroelectric resources in the Territory for the period of application of this Agreement;

[...] [Emphasis added]

The Plan Nord must provide a means for implementing the undertakings given by Québec in the *Paix des Braves* to promote the participation of the James Bay Cree in the development in the Territory through partnerships, employment and contracts.

Section 6.3 of the *Paix des Braves* provides for the assumption by the Cree of certain obligations of Québec, under specific provisions of the *JBNQA*, with respect to economic development and community development. This assumption is made in consideration of the funding commitments provided by Québec in Chapter 7 of the *Paix des Braves*. However, section 2.9 expressly provides that nothing in the *Paix des Braves* restricts the rights of the Cree to federal and provincial programs, funding and benefits, as contemplated in paragraphs 2.11, 2.12 and 28.1.1 of the *JBNQA*.

4.1.3 New Relationship Agreement (Canada)

In 2008, the Cree and Canada concluded a New Relationship Agreement (“Federal NRA”). Section 2.1 sets forth its main purposes; these include the following:

- a) to establish the basis for a new relationship between Canada and the Cree Nation;
- b) to improve implementation of the *JBNQA* and to provide for the amendment of certain provisions thereof under the terms of Complementary Agreements as referred to in this Agreement;
- c) to commit Canada to recommend to Parliament amendments to the *Cree-Naskapi (of Quebec) Act*;
- d) to provide the process for negotiating an agreement and related legislation concerning a Cree Nation Government with powers and authorities beyond the scope of the *Cree-Naskapi (of Quebec) Act* and correlative amendments to the *JBNQA* and the *CNQA*;
- e) to provide for the assumption by the CRA, and subsequently by the Cree Nation Government, of certain responsibilities of Canada under the *JBNQA* for the Term of this Agreement; [...]

Section 2.3 of the Federal NRA makes clear that this Agreement does not affect Québec’s obligations toward the Cree under the *JBNQA*:

This Agreement ... does not affect the responsibilities of Québec towards the Cree Nation or towards the Crees under the *JBNQA* or any other relevant agreement or legislation of Québec adopted to implement the provisions of the *JBNQA*, nor does it amend the *JBNQA*.

4.2 Plan Nord Must Reflect Cree Position on Governance

Chapter 2 of this document sets forth the Cree position on governance. For now, it is enough to say that the Plan Nord and governance in Eeyou Istchee are inextricably linked. It will be hard, if not impossible, for the Cree to support the Plan Nord as long as we remain excluded from any meaningful role in the governance of our traditional territory. The Cree need to see meaningful progress in reforming the existing governance structures in Eeyou Istchee.

4.3 Nation to Nation Relationship

As already noted, the *Paix des Braves* sets forth the principle that relations between the Cree and Québec shall be on a Nation-to-Nation basis. The Plan Nord must respect this principle. In practice, this means that responsibility for the development and implementation of the Plan Nord must not be delegated by Québec to subordinate or regional entities. Québec must remain the direct interlocutor of the Cree for everything relating to the development and implementation of the Plan Nord.

4.4 Plan Nord Legislation Subject to Consultation with The Cree

Quebec is developing new legislation in connection with the implementation the Plan Nord. This legislation will inevitably affect Cree rights under the *JBNQA*, the *Paix des Braves*, the Constitution and other laws and agreements. The Cree must be therefore adequately consulted and accommodated regarding this legislation. It is essential that Cree be fully involved in the definition of the concepts and principles that will guide the drafting of the new legislation.

The Cree have not yet seen this draft legislation, nor has Québec opened consultations with us in this regard. To be clear: the Cree insist that we are properly consulted before any such Québec legislation is tabled. The experience with Bill 40 shows that it is too late to consult once the legislation is adopted.

4.5 Plan Nord Projects Subject to Cree Consent and Participation

All development projects stemming from the Plan Nord and situated in Eeyou Istchee will affect Cree rights and interests. They will therefore require consultation and accommodation of the Cree. These projects must provide for meaningful Cree participation and benefits through direct investments, partnerships, contracting and employment.

4.6 Plan Nord Projects must Comply with Environmental and Social Protection Regime and Principles of Sustainable Development

All development projects stemming from the Plan Nord and situated in Eeyou Istchee must comply with the environmental and social protection regime provided for in Section 22 of the *JBNQA* and applicable federal and provincial laws.

Proponents must demonstrate that these projects are environmentally and socially acceptable as well as sustainable in terms of the land, the resources and the culture and identity of the Cree of Eeyou Istchee. This may entail the application both of strategic regional environmental assessment and of health and social assessment.

It is not enough for projects to be assessed prior to implementation. For assessment to have meaning, projects must also be subject to effective monitoring systems.

4.7 Plan Nord – Program of General Application

Another key principle is that the Plan Nord is a regular program of general application to which the Cree have access as citizens of Québec. This is consistent with section 2.9 of the *Paix des Braves*, already noted, which expressly provides that nothing in that Agreement restricts the rights of the Cree to federal and provincial programs, funding and benefits, as contemplated in paragraphs 2.11, 2.12 and 28.1.1 of the *JBNQA*.

The Plan Nord therefore represents a source of new funding for economic and social development accessible to all the Cree communities. This funding is over and above the funding already committed under existing agreements such as *JBNQA*, *Paix des Braves* and other agreements and programs.

4.8 Objectives

The Plan Nord must promote the attainment of following objectives:

4.8.1 Support short and long-term economic and social development:

- Economic development from public and private investments;
- To ensure strong economic foundation and wealth creation and sharing.

4.8.2 Accelerate job creation for the Cree:

- Development of Cree technical, professional and managerial workforce.
- Fair share for Cree of well paid jobs.

4.8.3 Enhance Cree businesses.

4.8.4 Enhance partnerships and alliances among Cree businesses.

4.8.5 Enhance partnerships and alliances with Quebec and Canadian businesses.

- Enhance Cree expertise in economic development and job creation.

5

Chapter 5 – Environment



5.1 Introduction

Paramount among the many issues facing the Cree is the integrity of their land. This was true in 1975 when the Cree insisted on a comprehensive Treaty that included a land management regime that set out clear provisions for the maintenance of both the Cree traditional harvest rights and the land regime itself. The *James Bay and Northern Quebec Agreement* (JBNQA) is designed to ensure that inevitable development of the Territory occurs in an orderly fashion while guaranteeing the meaningful participation of the Cree. To accomplish this goal, Section 22 of the JBNQA sets out in an environmental and social protection regime and Section 24 establishes a Hunting, Fishing and Trapping Regime subject to the “Principle of Conservation” defined in paragraph 24.1.5 as follows:

“Conservation” means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native people, and secondarily the satisfaction of the needs of non-Native people for sport hunting and fishing.

The definition of conservation here, once directed at development itself, has become widely known as “sustainable development”. The Cree face the challenge, not to stop this development of the Territory’s natural resources, but to insist that the requirements of the JBNQA Treaty and of all existing laws, regulations and policies are complied with in a comprehensive manner.

5.2 Orientation – The Environmental and Social Protection Regime – Section 22 of the JBNQA

The Plan Nord must be implemented so as to be consistent with Section 22 of the JBNQA, and benefit from the best environmental practices currently known. Section 22 of the *JBNQA* establishes an environmental and social protection regime. This regime aims to protect the Cree people, their environment and their wildlife harvesting rights set out in Section 24 of the *JBNQA*. The guiding principles of the regime recognize the opening-up of the Territory for development, but not done to the detriment of the Cree. Section 22 of the *JBNQA* ensures the Cree’ direct involvement in decisions affecting projects and development.

Strategic environmental assessment (SEA) must be applied to the Plan Nord, in particular to the transport sector. SEA is a planning tool that can be incorporated systemically into the development of plans, policies or programs. The environmental and social impact assessment and review procedure’s approach set out in Section 22 is actually a “project by project” approach, and does not allow consideration for sufficient environmental, social and economic issues upstream from their implementation. Applying a SEA to the Plan Nord, and so to major development across sectors, is essential in order to have a better understanding of the cumulative effects of its implementation, thus giving a global overview of the major negative impacts. A SEA process would encourage better discussion on the main issues of the Plan Nord, and could better take into account the guidelines and principles established by the regime.

In short, it is crucial that the Plan Nord recognize both the rights and guarantees included in Section 22 of the *JBNQA*. A Strategic Environmental Assessment approach is needed for the Plan Nord, since it would ensure the assessment of the overall effects of the planned initiatives not only on the Territory, but also on the way of life of its occupants and its users.

6

Chapter 6 – Protected Areas



6.1 Orientation

The Cree position is that the footprint of past industrial developments in Eeyou Istchee must be taken into account in identifying the 50% of the area to be protected under the Plan Nord from industrial activity. Existing developments, whether reservoirs, powerhouses, related infrastructure such as roads and transmission lines, airports, mining projects and forestry projects must all be included in the 50% “non protected” area of Eeyou Istchee available for industrial activity under the Plan Nord.

It is essential that Cree be fully involved in the definition of the concepts and principles that will guide the Plan Nord. One key concept will be the definition of “industrial activity”, which will itself be central to the definition of “Protected Areas”. The Cree must be fully consulted in the preparation of any legislation to give effect to the Plan Nord, before this legislation is tabled.

The Cree have received a preliminary draft, dated November 22, 2010, of a consultation document from the ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) that presents its orientations regarding the notion of industrial activity and the mechanisms envisaged by the Government to protect from industrial activity an area equal to 50% of the Plan Nord territory .

The Crees' analysis of this document has been handicapped by the absence to date of an English version. However, one issue that must be raised is that the document suggests that the concept of the 50% protected area is to apply to the entire territory subject to the Plan Nord as a whole rather than to each region, such as Eeyou Istchee, included in the Plan Nord territory. The Cree take the firm position that this approach is unacceptable: The 50% protected area must apply within the each region included in the Plan Nord territory, not to the territory as a whole. Hence, the 50% protected area must apply within Eeyou Istchee, independently of the rest of the Plan Nord territory.

6.2 Definition of Protected Areas

In the Plan Nord², the Government undertook

... to exclude all industrial activities (forestry, mining, energy production) from 50% of the area covered by The Plan Nord, 12% of which will be set aside for existing and future protected areas.

But how will the "protected areas" and the other areas, where industrial activity will be permitted, be defined? Very little information on the ecosystems of Eeyou Istchee has been systematically compiled. There is a pressing need to strengthen our knowledge of these ecosystems, using both traditional Cree knowledge and scientific data and analysis. This knowledge is essential to informed decisions about determining "protected areas".

Despite our repeated requests, we have still not received the map showing the areas proposed to be "protected" from industrial development in the Plan Nord area. This information is critical in our strategic planning. It is also of critical importance in evaluating the impact of the Plan Nord on Cree rights under the *JBNQA*.

6.3 Past Industrial Development and Protected Areas

The first three "waves of development"³ of Eeyou Istchee resulted in significant industrial "footprints" in Eeyou Istchee, including the following:

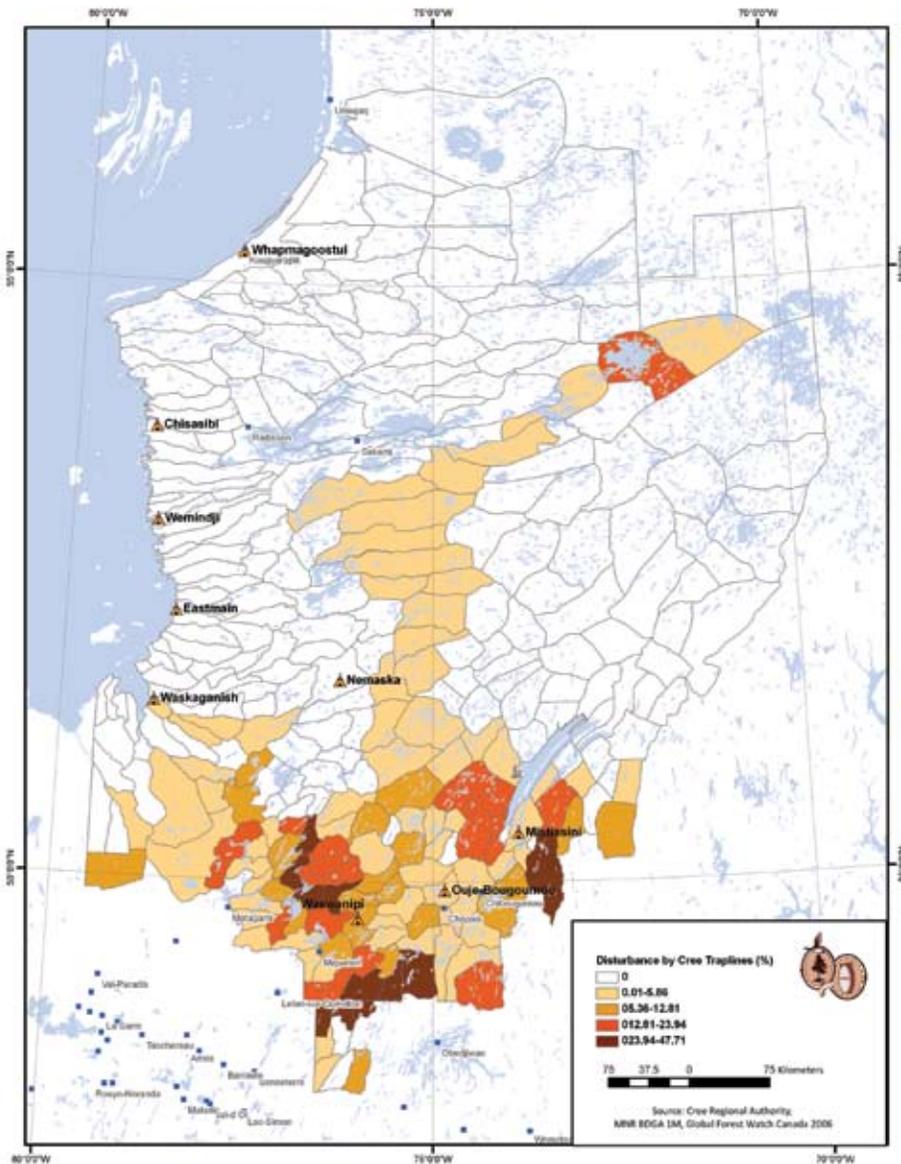
- Major hydro-electric development in Eeyou Istchee, with very extensive footprint (reservoirs, dikes, dams, powerhouses, transmission lines, roads, substations, etc.);
- 2,000 km of primary road network built for hydro-electric development;
- 12 airports in the Cree territory resulting from the combination of the JBRDA and the JBNQA;
- Roads and railroads penetrating the southern portion of Eeyou Istchee in the course of mining and forestry development (Matagami and the Chapais-Chibougamau sector);
- Another 1,000 km of primary roads built for use by the forestry sector (and another 10,000 km of secondary and tertiary roads have been built). This road network has had significant implications for the geographical distribution of mineral exploration activity;
- Extensive telecommunications facilities.

Much of Eeyou Istchee has already been transformed by industrial development during the three first waves of development, as shown in the maps presented below. This past industrial development must be taken into account in the protection of area from industrial activity.

² Government of Québec, Plan Nord, For a Socially Responsible and Sustainable Form of Economic Development, Working Document, November 6, 2009, p. 10.

³ See section 3.2 above.

Global Forest Watch Canada 2006



This map indicates that virtually all of the southern family territories have experienced some form of human based industrial development. This can mainly be attributed to the expansion of forestry in the 1990s. The development in the northern family territories can be attributed to hydroelectric developments.

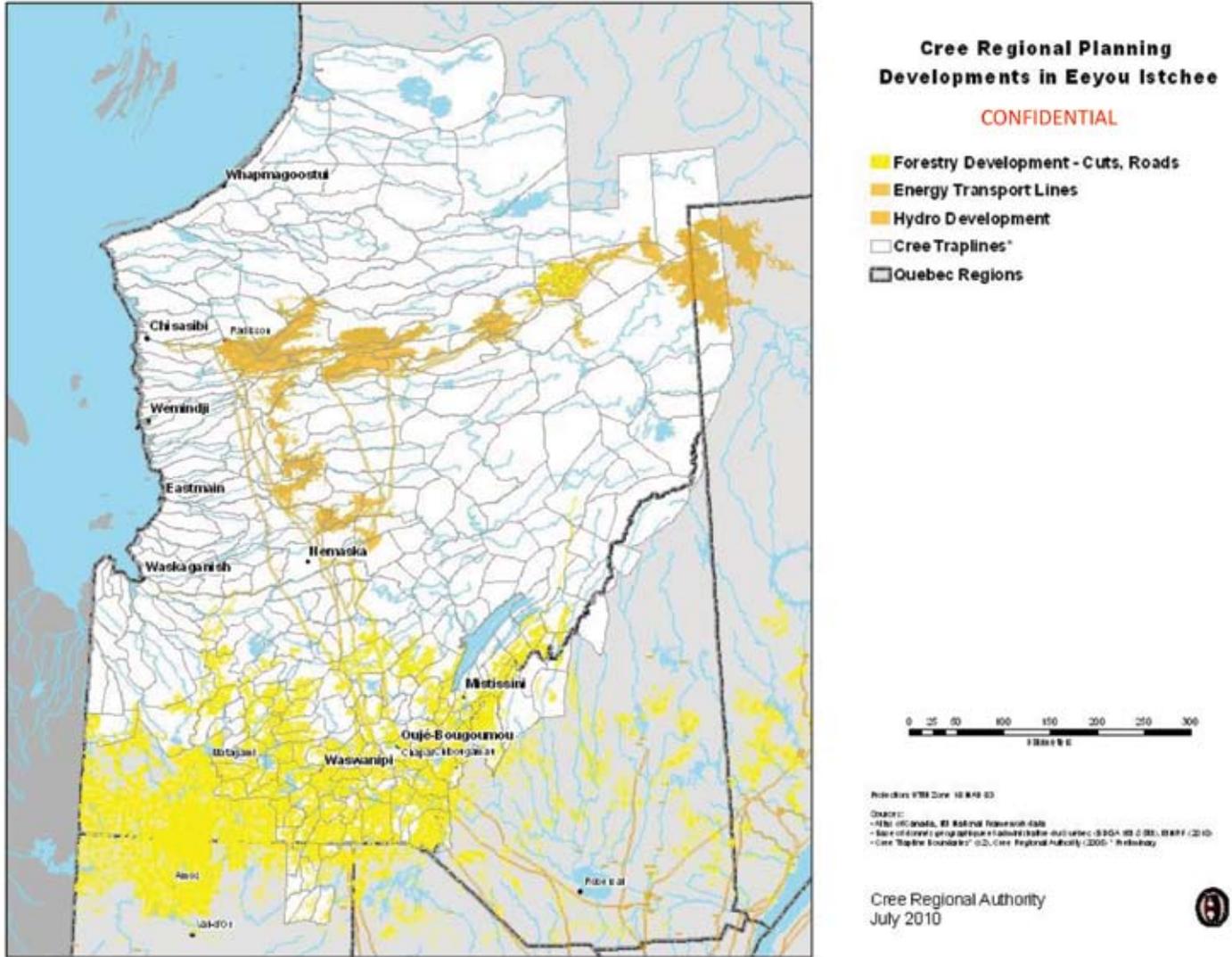
In the past decade this development has continued. Hydro Quebec's Rupert Eastmain 1A project, the Troilus mining project north of Mistissini, and the various reopening of small mines that were previously closed due to market fluctuations have augmented regional development.

In the broad context of the environment, industrial development has modified the landscape forever and continues to be a challenge to the Crees fundamental right to a land base that is capable of supporting their traditional activities as described in Section 24 of the JBNQA. On a map industrial development and its impact can be clearly seen.

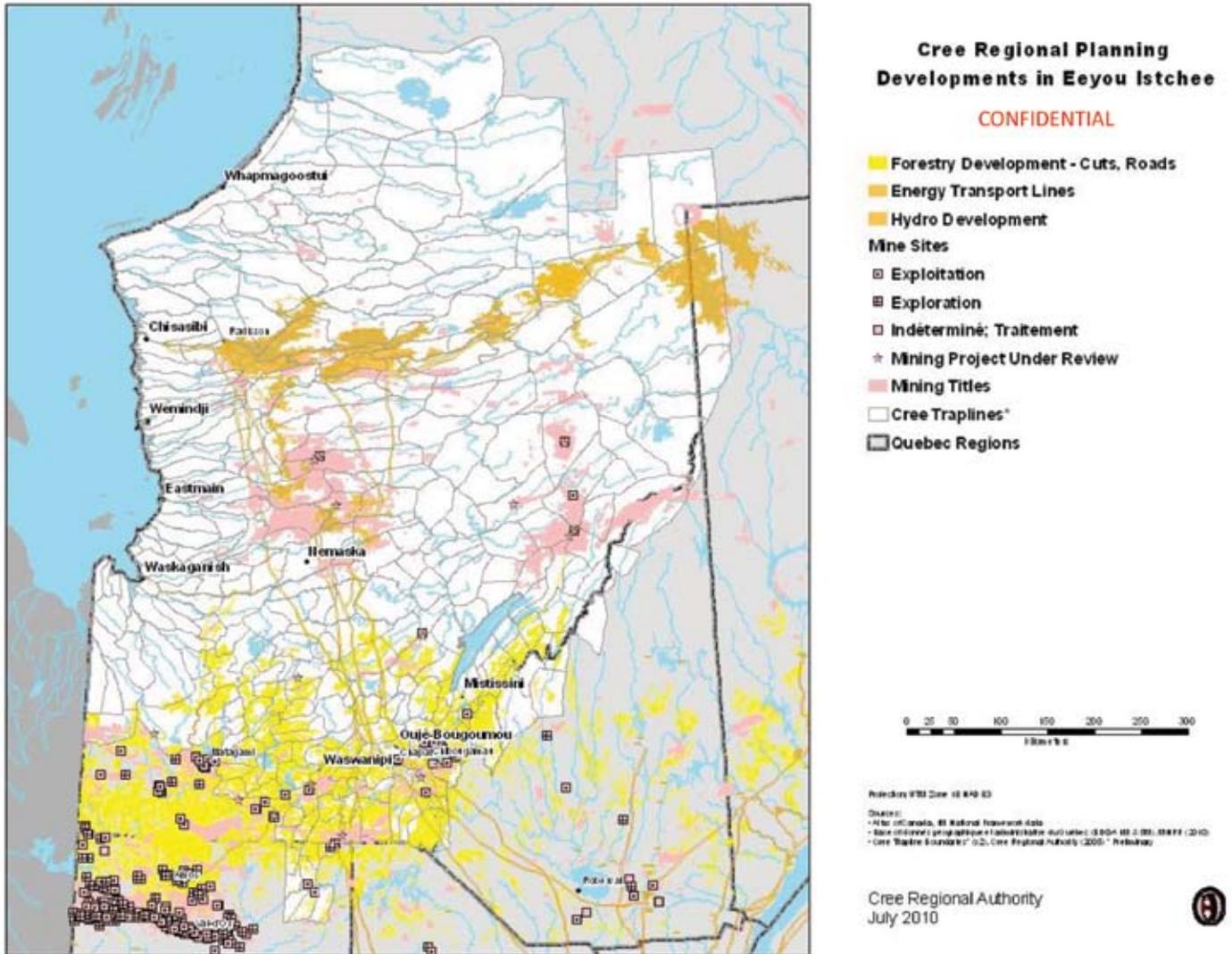
6.4 Current Development Impacts

The following maps show the impacts of different industrial and recreational activities within the Cree traditional family territories of Eeyou Istchee.

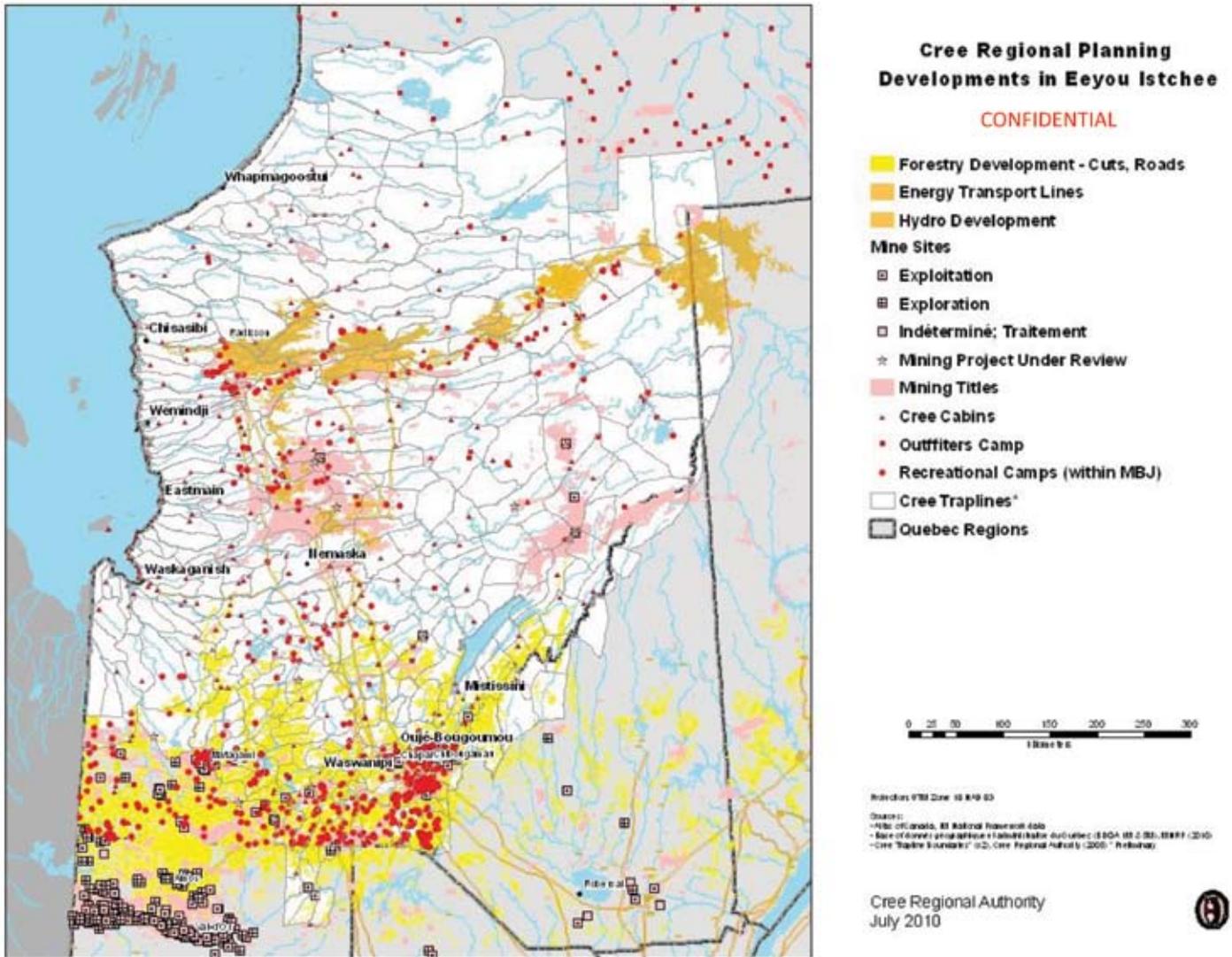
Map 6.4.1 – Forestry, Energy Transport Lines and Hydroelectric Development



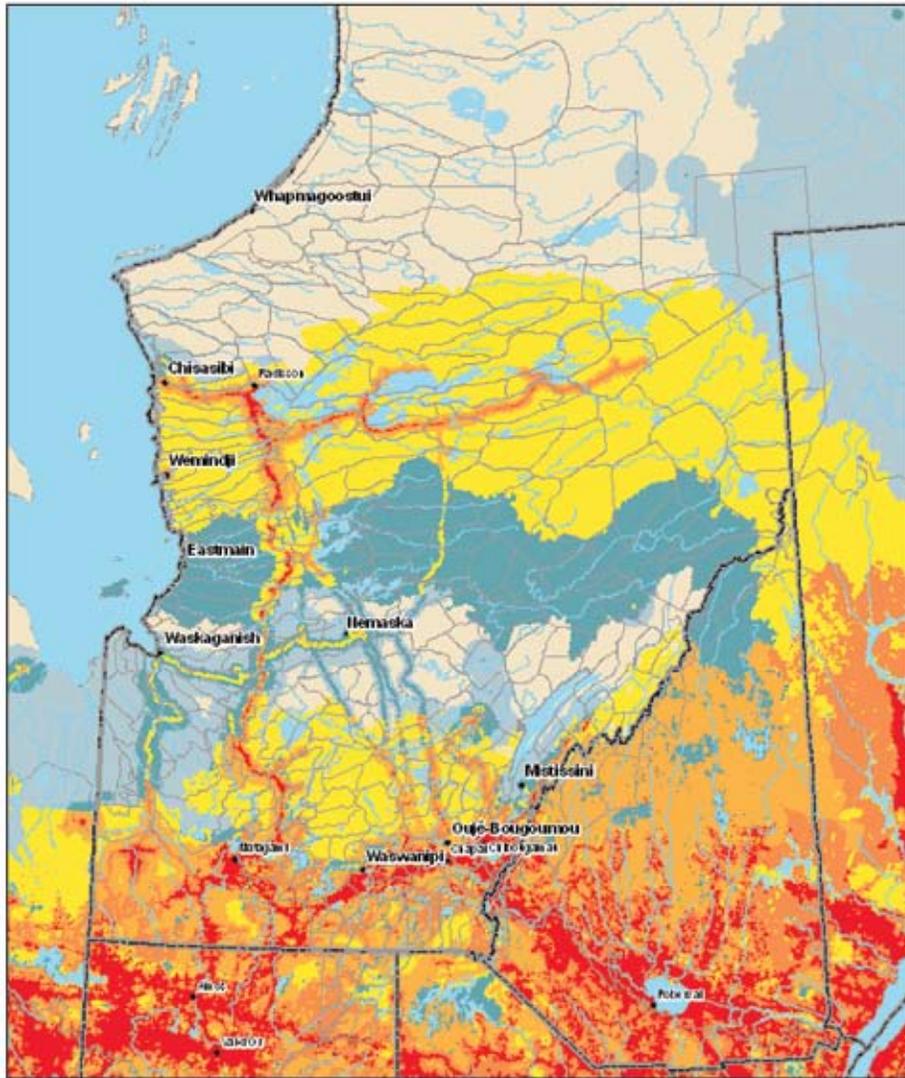
Map 6.4.2 – Forestry, Energy Transport Lines and Hydroelectric and Mining Development



Map 6.4.3 – Forestry, Energy Transport Lines and Hydroelectric and Mining Development with Cree Cabins, Outfitters Camps and Recreational Camps



Map 6.4.4 – Cumulative Impacts of Development



Cree Regional Planning Developments in Eeyou Istchee

WWF Cumulative Impact Pressure Map

This Cumulative Human Footprint (pressure layer) incorporates various pressures to biodiversity including Agriculture, Aquaculture, Fisheries, Forestry, Large Dams, Mining, Oil and Gas Well Development, and Transportation

Purpose: The Cumulative Human Footprint coverage was created for WWF-Canada's Nature Audit in order to illustrate the degree of pressure that major industry in Canada exerts on biodiversity throughout the nation and in northern extents of the United States.



Author: WWF-Cree 101111-03
 Source:
 -Atlas of Canada, 83 National Resources data
 -Base of 1:250,000 map of Cree Region (1:250,000) (1:250,000) (1:250,000) (1:250,000)
 -Cree Region Boundary (1:250,000) (1:250,000) (1:250,000) (1:250,000)

Cree Regional Authority
July 2010





6.5 Status of Protected Areas Within Eeyou Istchee

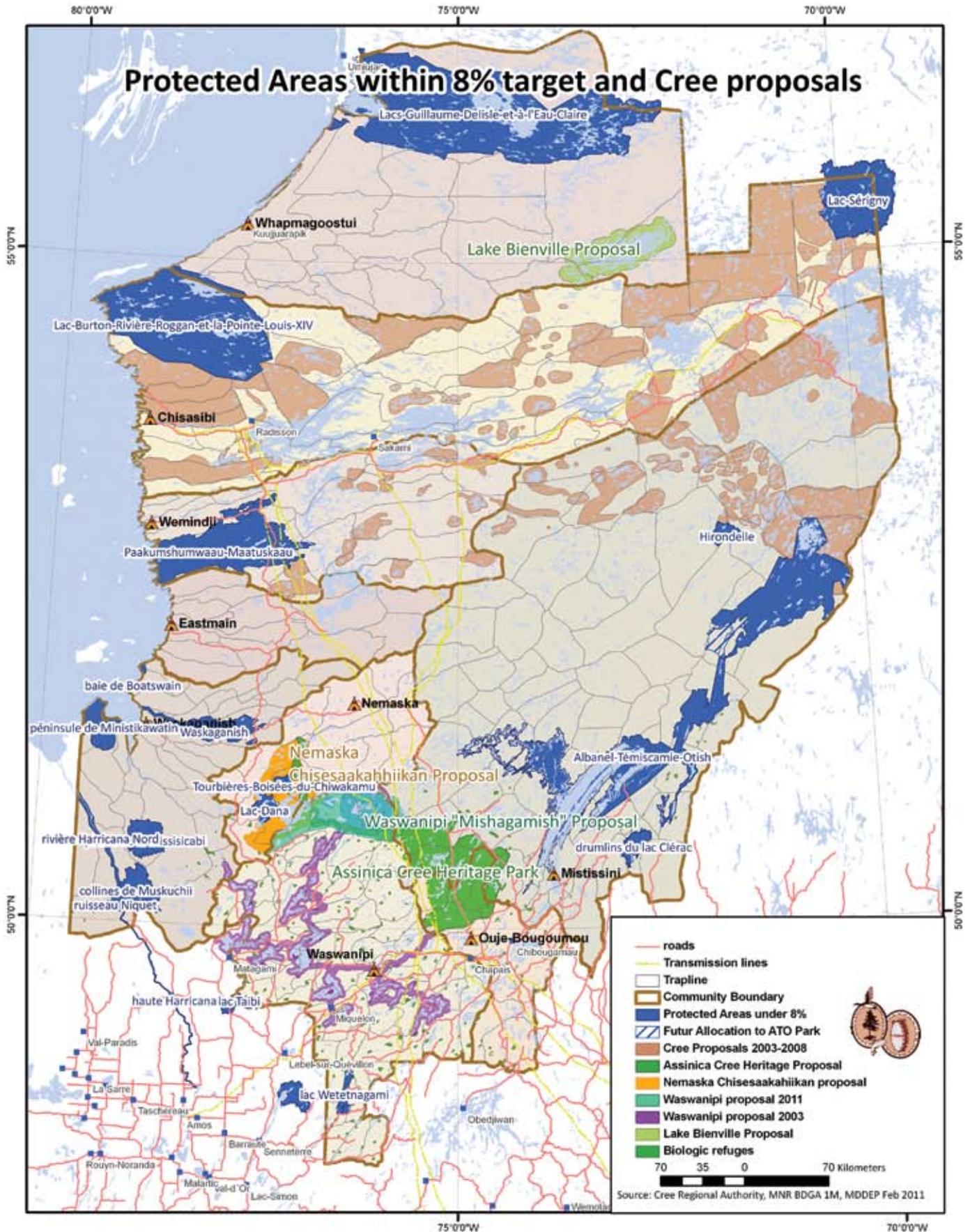
The Quebec Government set the goal for reaching 8% of ecologically representative protected areas following its commitment to the 1992 Rio summit. This goal was reached in 2008 by designating over 200 protected areas within Quebec. Over a dozen have been located within Eeyou Istchee. Although this represents approximately 11% of our Territory, the distribution is not even such that several ecological regions (south of the Cree territory for instance) are under represented. Each of these protected areas will have to undergo an environment and social review as set out in Section 22 of the JBNQA.

Seven protected areas within the Waskaganish territory have collectively completed the environmental and social review process and received its certificate of authorization early 2010. This certificate came with conditions that the proponent, the Ministry of Sustainable Development, Environment and Parks (MDDEP), must abide by the main mission of providing assurance for Cree input within the management of these biodiversity and aquatic reserves.

The environmental and social impact study for the Alabanel-Témiscamingue-Otish National Park (ATO) is presently under conformity, meaning that the review committee is determining if it has answered to the directives set out by the evaluating committee in 2003. Routinely, directives request the description the environment, both biophysical and social, possible impacts to the affected environment, mitigation measures and follow-ups by the administrator. Given the nature of the project—a protected park—this impact study delved more into the management of the park.

The next step for the MDDEP is to produce the impact study for the biodiversity reserves Taibi Lake and Wetenagami Lake within Waswanipi territory and Dana lake and Tourbieres boisées du Chiwakamu within Nemaska territory. A committee has been set up by the proponent MDDEP with members from both communities, a member of the Cree Regional authority and a member of the James Bay advisory committee on the environment. This committee will aid in the production of the impact study of these four protected areas. The remaining protected areas will undergo the same review process ultimately.

Map 6.5 – Protected Areas Within 8% Target and Cree Proposals



6.6 Quebec New Objective – 12% and Plan Nord

After reaching its goal of protecting 8% of Quebec lands, the Government of Quebec has set its sights on protecting 12% by 2015. It aims to include stakeholder and communities in the selection of these areas by means of consultations.

In response, the Cree Nation is preparing a regional proposal, which would then be submitted to the Government as a combined objective to preserve both environmentally and culturally relevant areas from future development. This task is still under development as the communities are working together to create areas that are of importance to all community members. The Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority has expressed its concern regarding past consultations and its willingness to work with the MDDEP on policy development and is eagerly waiting for MDDEP's protected area strategy for 2010-2015, which will outline the guidelines for the establishment of the 12% target.

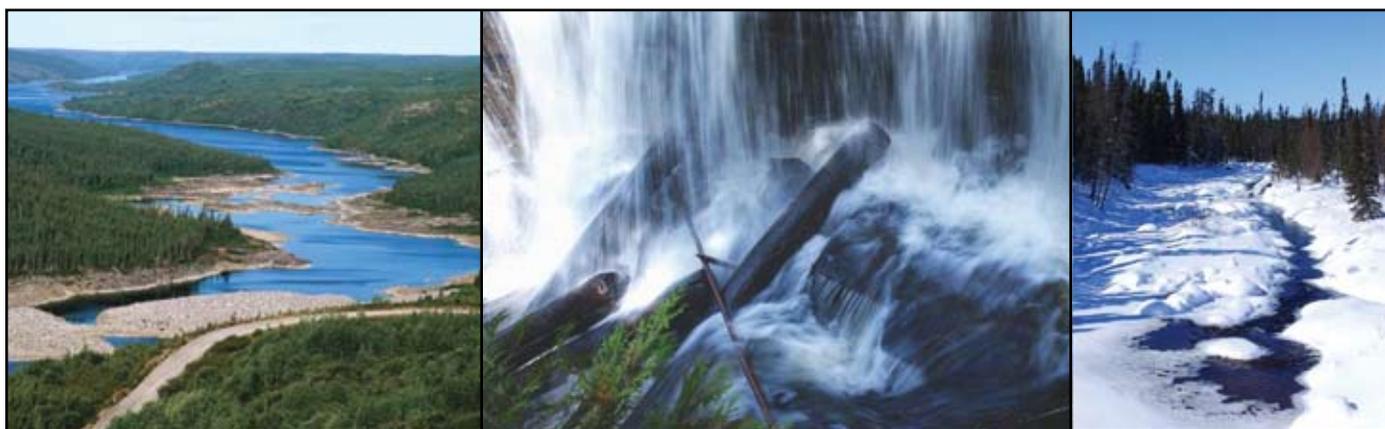
In addition to the 12% target, the Government of Quebec has also indicated their intention to designate a further 38% of the Territory (including Cote Nord and Nunavik) as being free from industrial development.

6.7 Cree Input on Management of Parks and Biodiversity Reserves

The Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority supports protected areas within Eeyou Istchee as a means to preserve their exclusive hunting, fishing and trapping rights under Section 24 of the JBNQA. As three national parks will be created within Eeyou Istchee, the modification of the *Parks Act* will ensure the continuation of hunting fishing trapping right of the Cree as the JBNQA takes precedence over park legislation. However, the creation of parks will increase the presence of tourists who will frequent the parks and the balance between tourism and hunting practice will need to be properly managed. This is the case presently with the creation of the ATO Park. The management of the park will be by both the Cree and Quebec. This will ensure the harmonization of Cree way of life as stipulated in Section 24 of the JBNQA with the economic benefits that the Park will provide for the Cree.

7

Chapter 7 – Water



7.1 Significance of Water

Neebee (Cree for “water”) and neebie management will always remain at the centre of the way of life, daily activities and ongoing development of the James Bay Cree in *Eeyou Istchee*. In terms of our history, culture and survival, *neebie* has always been, and continues to be, of crucial significance to Cree individuals, Cree communities and the James Bay Cree Nation. *Neebee* is vital to the well-being of our traditional territory and its flora and fauna, and to the integrity of our sub-Arctic environment as a whole. Since we view ourselves as an integral part of the natural environment, the importance of *neebie* to us has profound and diverse dimensions. The Plan Nord must take into account our unique relationship with water in Eeyou Istchee.

7.2 Stewardship

An integral element of our relationship with our lands, waters, resources and environment is the stewardship responsibility that we have for both present and future generations of Cree.

In summary, for the purposes of the Plan Nord, the principles that represent important elements of Cree culture, perspectives and background with respect to water are: (i) the profound relationship we continue to have with our lands, waters, resources and environment; (ii) our stewarding responsibility for present and future generations.

7.3 Ecological Issues Related to Water

A comprehensive review of technical aspects of the monitoring required for natural resource-based projects – hydroelectricity, forestry and mining – is necessary for the development of recommendations for future policy action in connection with the Plan Nord.

Public discussion is required on the kind of information needed, not just by the Cree population but by Québec as a whole, on the subject of both regional climate change and the hydrological consequences of northern hydroelectric development.

A thorough review of the adequacy of the basic framework for the collection of and access to hydro meteorological data in Northern Québec is required, including the adequacy of the existing run-off data.

A broad-based debate is urgently needed on the research priorities of the north, where a fair balance will have to be found between the needs and knowledge of the northern communities and those of the entire country.

The government of Québec needs to carefully re-examine its options and encourage the development (and approval) of installations which reflect the installation and operating constraints imposed by northern climatic and soil conditions. Collaboration is sought by the Cree communities to assist in the development of an adequate monitoring program coupled with a scientific and engineering review of the results.

7.4 Water and Wastewater Systems

There is much to be learned from a careful assessment of the performance of the wastewater treatment systems that have been built during the last twenty years. There is a need for government support of the development and assessment of technologies required for northern communities (both for water and wastewater treatment systems). The remote location, the small size of the communities and climatic conditions are all factors that must be taken into account.

7.5 Groundwater

The need for reliable research and documentation of groundwater resources in Eeyou Istchee must be expressly recognized. In particular, the effects of major developments such as hydroelectricity, mining and forestry must be fully assessed and monitored on an ongoing basis. In a territory as vast as *Eeyou Istchee*, the carrying out of adequate hydrogeological studies represents a major though important challenge.

In order to avoid groundwater-related problems relating to sand and gravel excavation, the mapping of surficial deposits must be completed for the entire territory.

Effective planning and measures must be initiated, in collaboration with the James Bay Cree People and its communities and institutions, to increase the level of protection of groundwater resources in *Eeyou Istchee*. This must be done in respect to all serious problems and challenges that may affect groundwater quality in the Territory.

In the context of a comprehensive groundwater policy, protected areas around groundwater sources must be appropriately defined. In addition, concrete preventive measures must be taken to avoid the contamination of groundwater resources likely to be used for water supply purposes. In this regard, the needs and concerns of Cree communities are an important priority.

7.6 Commercial Development of Water

Given the special relationship and stewardship responsibility of the Cree with respect to the water resources of Eeyou Istchee, any proposed commercial development of such water resources is highly sensitive for the Cree of Eeyou Istchee. Commercial water development could include, among others, bottling for commercial sale as well as bulk export proposals. Any such development must, at a minimum, be subject to (i) the Environmental and Social Protection Regime of Section 22 of the *JBNQA*, (ii) full consultation of the Cree, and (iii) Cree consent.

More specifically, any proposal for the diversion of the waters of Eeyou Istchee to other regions, such as the “Grand Canal Project”, are entirely unacceptable to the Cree of Eeyou Istchee.

8

Chapter 8 – Economic Development



8.1 Cree Orientations on Economic Development

Economic development within Eeyou Istchee is predicated on the following six principles, or “pillars”, for the foundation of a strong economy in Eeyou Istchee:

1. Enhance the quality of life of the Cree;
2. Protect environmental assets of Eeyou Istchee;
3. Honour Cree culture and identity;
4. Empower youth as future leaders;
5. Promote education and training
6. Ensure sustainability of ventures.

Economic development is an area of primary concern for the Cree of Eeyou Istchee. Economic development has been a key component of the major agreements concluded by the Cree over the past 35 years, including the JBNQA, the *Paix des Braves* (2002), and the *Canada / Cree New Relationship Agreement* (2008). In every instance, economic development activity has focused on job creation, development of large, medium and small businesses, culturally relevant commercial activity, and overall

wealth creation in Eeyou Istchee. Education and training programs highlight the importance of economic development. A corps of Economic Development Officers in all the Cree communities, and specific community based economic development funds all contribute to the objective of building a strong economy in Eeyou Istchee.

8.2 Cree Economic Entities

The Cree have established and are in the process of establishing regional and local economic development entities. The Plan Nord must maximize economic development opportunities and partnerships for the Cree economic development vehicles.

8.2.1 Cree Regional Economic Enterprises Company (CREECO)

Incorporated in 1982, CREECO is a wholly owned subsidiary of the Cree Regional Authority acting through the Board of Compensation. CREECO is the holding company for the following:

- Cree Construction and Development Company
- Gestion ADC
- Air Creebec
- Valpiro CREECO and its subsidiaries are committed to the following:
- Maximizing social and economic returns to the Cree Nation;
- Partnering with local community groups, so they can benefit from our regional company's expertise and capability; in turn are able to grow and access larger contracts and opportunities;
- Maximizing the spin-off by purchasing locally and regionally when possible; therefore, stimulating and encouraging growth in enterprises;
- Maximizing local hiring in each project;
- Working with human resources and educational entities to identify, integrate and train newcomers in the industry;
- Promoting the industry within the youth and providing orientation in order to insure continuity of professional / transfer of knowledge;
- Creating meaningful employment opportunities;
- Making a meaningful contribution to Cree development.

8.2.2 Cree Development Corporation

Chapter 8 of the *Paix des Braves* provides for the establishment of the Cree Development Corporation as an economic vehicle for Cree participation in the development of Eeyou Istchee. Sections 8.10 and 8.11 of the *Paix des Braves* list the following among the objects and powers of the Cree Development Corporation:

8.10 The CDC will be dedicated to the economic and community development of the James Bay Crees. The CDC will act as a modern development organization with the mandate of:

- (a) supporting the long-term development of each Cree community;
- (b) developing an original Cree expertise in the field of economic development and the management of development funds;
- (c) promoting and accelerating job creation for the Crees on the Territory;
- (d) making the Cree active partners of Québec in the economic development of the Territory;
- (e) assisting, promoting and encouraging the creation, diversification or development of businesses, resources, properties and industries with a view to stimulating economic opportunities for James Bay Cree and contributing to their general economic well-being.

8.11 The CDC will facilitate the establishment of partnerships between the Cree and Québec as well as with public and private enterprises for the carrying out of development activities on the Territory.

8.2.3 Cree Band Economic Development Entities

Each of the Cree First Nations of Eeyou Istchee has established one or more economic development entities. Certain of these entities have experience and expertise in diverse areas, including civil engineering works, infrastructure construction and operation, forestry and other activities. The Plan Nord must maximize the partnerships and business opportunities for the economic development entities of the Cree First Nations of Eeyou Istchee.

8.2.4 Eeyou Economic Group

The Eeyou Economic Group CFDC Inc. (EEG) was created in 1987 to provide independent, non political community-based support services to emerging and existing Cree entrepreneurs. The EEG's mission is to deliver professional business services to Cree clients that will help foster economic development throughout Eeyou Istchee. The Plan Nord must also maximize the partnerships and business opportunities for the Cree entrepreneurs served by the EEG.

8.2.5 Entities Mentioned in the Paix des Braves

Certain Cree economic entities have a specialized, regional mission. These specialized entities include the Cree Outfitting and Tourism Association, the Cree Trappers Association and the Cree Native Arts and Crafts Association. These entities are mentioned in the Paix des Braves in the context of the assumption by the Cree of certain obligations of Québec.

As already noted in 4.7, however, a key principle is that the Plan Nord is a regular program of general application to which the Cree have access as citizens of Québec. This is consistent with section 2.9 of the *Paix des Braves*, already noted, which expressly provides that nothing in that Agreement restricts the rights of the Cree to federal and provincial programs, funding and benefits, as contemplated in paragraphs 2.11, 2.12 and 28.1.1 of the *JBNQA*.

As already stated, the Plan Nord therefore represents a source of new funding for economic and social development accessible to all the Cree communities. This funding is over and above the funding already committed under existing agreements such as *JBNQA*, *Paix des Braves* and other agreements and programs.

With this in mind, it will be useful to present a brief overview of these three specialized Cree economic entities.

8.2.6 Cree Tourism and Outfitting Association (COTA)

8.2.6.1 Mission Statement

To develop and implement a collective vision for a world-class sustainable tourism industry in Eeyou Istchee, that is in harmony with Cree culture and values, and that involves a partnership among Cree communities, institutions and businesses.

8.2.6.2 Objectives

- Implement Section 28.6 of the *JBNQA*;
- Provide marketing booking and promotion services, where necessary, for Cree outfitting and tourist operations
- Provide business, management, accounting and professional services, where necessary, for Cree outfitters and tourist businesses;
- Conduct feasibility studies related to establishment or siting of individual outfitting or tourism facilities or a network of outfitting or tourist facilities.

8.2.7 Cree Trappers Association (CTA)

8.2.7.1 Objects

The objects of the CTA include the following:

- to represent and act on behalf of the Cree Trappers of Quebec with respect to problems involved in all sectors of the fur industry in Canada and to protect and defend their interests with respect thereto;
- to encourage the conservation of fur-bearing animals as a renewable natural resource and to encourage and promote humane methods of harvesting;
- to promote the sale and assist in the orderly collection and marketing of wild furs by its members in all markets of the world;
- to act as a regional council, group or association to solve and assist in solving all problems affecting the welfare of the Cree trappers of Quebec ;
- to assist the Cree trappers of Quebec through all means permitted by law to affirm, exercise, protect, enlarge and have recognized and accepted their rights, guarantees, claims and interests.

8.2.8 Cree Native Arts and Crafts Association (CNACA)

8.2.8.1 Mission

The mission of the Cree Native Arts and Crafts Association (CNACA) is to diversify and grow a sustainable arts, crafts and cultural economy in Eeyou Istchee involving partnership among Cree Artist Artisans and Cree communities that will preserve, promote and enhance the heritage of the Eeyou Nation while both encouraging contemporary means of expression and maintaining Cree Culture, Values, traditions and skills.

8.2.8.2 Objectives

The objectives of CNACA include the following:

- Develop and be responsible for and supervise programs for the development of the Cree natives arts and crafts industry;
- Facilitate the establishment of Cree central marketing service that shall assist individual Cree or Cree communities in marketing and related services for arts and crafts in all markets of the world;
- Facilitate the availability to Cree individuals or Cree communities of such material or equipment as may be required for the creation of Cree native arts and crafts;
- Coordinate efforts with other Cree entities when needed for the support and promotion of Cree native arts and crafts.

8.2.8.3 Clients

CNACA has four different categories of clients in delivering its mission and objectives :

- Cree Artists and Craftsmen as they create objects and expressions of emotions
- Cree people, especially youth, as they will be proud of their Arts and Crafts and of themselves
- Customers who will buy and support our arts and crafts
- General public as they will acknowledge Cree culture and Cree talents

9

Chapter 9 – Access to Territory



9.1 Orientations

The development of transport infrastructure, such as forestry and other roads, facilitates access to traditional Cree lands and increases pressure on the traditional activities of the Cree. The increasing number of vacation and outfitting camps also increases pressure on Cree territory, traditional activities and wildlife resources. To date, infrastructure development has been largely unplanned and incoherent. A comprehensive strategy for access to Eeyou Istchee must be developed in full consultation with the Cree.

Consistent with such an access strategy, the existing ground, water and air transport infrastructure in Eeyou Istchee must be improved in order to facilitate economic development. The Plan Nord should provide for the improvement of all transport infrastructure in Eeyou Istchee (taking into account the *Paix des Braves*). The improvement of the transportation infrastructure will:

- (a) increase safety and security for residents and users, and
- (b) reduce the cost of materials, supplies, consumer necessities and insurance.

The improvement or extension of the transportation infrastructure in Eeyou Istchee must be subject to (i) the Environmental and Social Protection Regime of Section 22 of the *JBNQA*, (ii) full consultation of the Cree, and (iii) Cree consent.

9.2 Access and Cree Harvesting Rights

On the one hand, access is vital for the continued development of Territory's resources. The historical patterns of development have usually occurred because of, or in conjunction with, improvements in the territorial transportation network. This network provides access to the forests, minerals, and rivers that are the staples of development in the north. The transportation network is also the essential component in the development of a thriving recreational tourism industry, whether it is tradition outfitting or eco-tourism. At the same time, however, increased access to the Territory raises sensitive issues regarding the access of non-Cree to the wildlife resources of the Territory in relation to the harvesting rights of the Cree under Section 24 of the *JBNQA*.

While enhanced access to Eeyou Istchee facilitates economic development, it also places immense pressure on the Crees hunting, fishing and trapping rights as outlined in Section 24 of the *JBNQA*. These rights and the customary system of land tenure of the Cree are central to their relationship with their Territory and to their distinctive culture. This tenure system—the Cree traditional family territory system—is explicitly recognized by the *JBNQA* and it applies throughout Eeyou Istchee in regard to both Cree and non-Cree users of the land.

The *JBNQA* divides the Territory into three categories of land. In general terms, Category I lands are under the exclusive control of the local Cree communities and Category II lands are subject to exclusive Cree harvesting rights. Category II lands are also subject to a land replacement provision in the *JBNQA* that calls for the replacement of these lands if development activities compromise their integrity for the purposes of the Section 24 rights of the Cree.

The Cree also have harvesting rights in Category III lands, sometimes called public or Crown lands, which are subject to the hunting, fishing, and trapping regime set out in the *JBNQA*. The salient points of this regime are the principle of conservation, the guaranteed levels of Cree harvest, the priority of Cree harvesting over non Cree sport hunting, and the regulation of the effects of non-Cree access to the Territory.

The Territory is further divided into the southern zone, the buffer zone, and the northern zone. The southern zone has the heaviest concentration of non-Cree settlement. Recreational hunting and fishing in this zone are, for the most part, subject to the laws of general application. In the buffer zone, provision is made for special rules, particularly in regard to fishing and moose hunting. In the northern zone, the harvesting regime of the *JBNQA* applies integrally.

The *JBNQA* provides for the regulation of the number of non-Cree permitted to hunt and fish in Category III lands as well as the places and times of such activities. This provides an important means of implementing the principle of conservation and of giving effect to Cree harvesting rights and guarantees so as to mitigate the negative effects of access.

9.3 Efforts to Manage Access

The Cree have had to face a fundamental problem of coordination between the administrative divisions of the Government of Quebec, which has affected the resolution of difficulties related to access. This problem is particularly acute at the Hunting, Fishing and Trapping Coordination Committee. Frequent requests have been made to Quebec to ensure that a suitably diverse representation was at the table. Unfortunately, Quebec has consistently viewed this table's mandate narrowly in terms of recreational fish and game management with a focus on monitoring the outfitting industry. As consequence, the Coordinating Committee has not been able to address the broader issues related to access such as road network planning, its impact on wildlife, and the impact of Quebec's liberal policy on vacation cottages or cabin leases.

Mindful of this gap in territorial access management, the Cree insisted that a new table be established within the framework of the *Paix des Braves* Agreement. In 2003, the Coordination Table on Access established pursuant to section 3.13.3 of the *Paix des Braves* issued its first report circumscribing the Crees concerns related to access. Briefly these concerns are as follows:

- (a) The increasing presence of non-Cree residents and users in the Territory increases the demand of wildlife resources and threatens the guaranteed Cree harvest and the Cree way of life;
- (b) The increasing concentration of non-Cree sport hunters in the Territory is creating security problems, which impinge on Cree harvesting practices. Many Cree have indicated that non-Crees who have camps on their Cree traditional family territories have threatened them;
- (c) There is a close relationship between existing forest roads and the selection of sites for the vacation leases by non-Cree;
- (d) There is a strong correlation between the granting of vacation leases and increased hunting and fishing pressure in Eeyou Istchee. Many vacation leases are specifically used as a base for hunting and fishing;
- (e) Cree families are unable to build temporary camps near non-Native camps although they have used these sites for generations;
- (f) The Cree have been denied access to certain lakes and rivers by non-Cree leaseholders. They have been unable to exercise their harvesting rights at these sites;
- (g) There is extensive poaching in the Territory by non-Cree with vacation lease cabins often being the source of illegal outfitting operations;
- (h) There seems to be no process for the identification and removal of illegal non-Cree camps in the Territory;
- (i) There is a heavy concentration of vacation leases in the territories of Waswanipi and Ouje-Bougoumou which is highly problematic;
- (j) There is at present, no means of regulating the number of non-Cree camps that are placed on each Cree traditional family territory.

In preparing its report, it was clear to the Coordination Table that that a major source of preoccupation related to forestry roads and the inevitable non-Cree cabins, both legal and illegal that follow after the roads are in place. This trend is not limited to the south or forestry roads, as it also occurred further north with the construction of the Eastmain 1A project and along the Trans-Taiga Highway.

Following its report, the Coordination Table on Access established criteria to guide the MNRW on the suitability of non-Cree vacation leases sites in the context of Cree use and occupancy of the Territory. Additionally, a consultation process was set up to allow the Cree greater input on the application of the criteria and assist the MNRW in removing illegal non-Cree squatter cabins.

Although these measures have improved the situation for the Cree somewhat, the MNRW still takes a narrow approach to access by only agreeing to apply the criteria and consultation process to Cree traditional family territories that fall south of the northern limit of the allocated forest. These means that the Cree traditional family territories in the northern portion of Eeyou Istchee—along the Trans-Taiga Highway or the Eastmain 1A Project for example—do not benefit from these criteria. Moreover, the criteria do not address the issue of vacation lease density per Cree traditional family territory. As a result several Cree traditional family territories such as O-61 and O-62 have in excess of 50 legal non-Cree cabins scattered throughout their area. With each new lease proposal, the tallymen of these Cree traditional family territories informed the MNRW that there are already too many leases. Without specific density limits in place, the MNRW has repeatedly ignored these tallymen and approved further leases.

9.4 Vacation Leases as Policy of Development

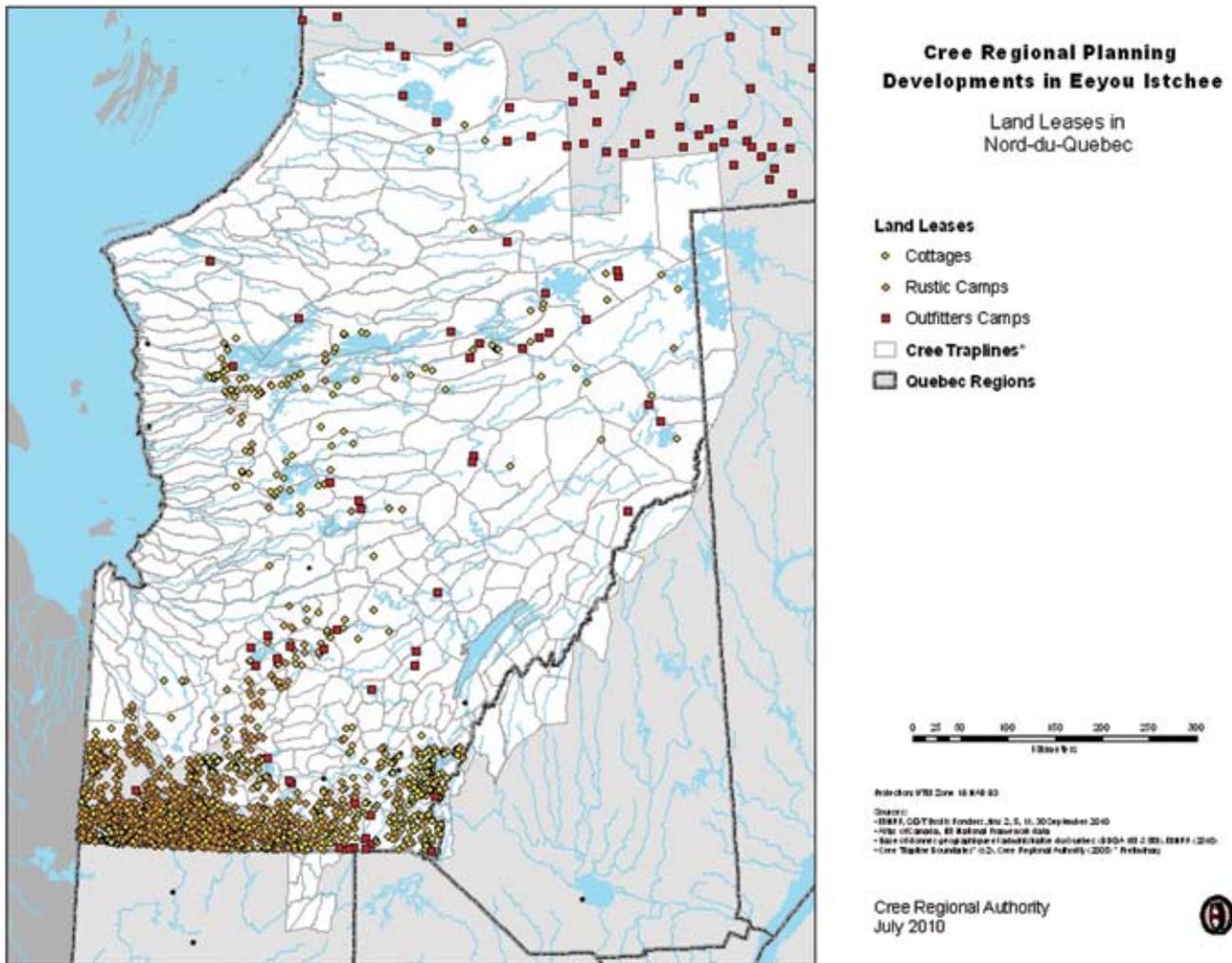
The lack of density limits on vacation leases is particularly frustrating to the Cree representatives on the Coordination Table on Access because the MNRW committed to continue working towards density limits when the criteria were first applied in 2005. Since then, the MNRW reorganized its bureaucracy based on regional management and broke off discussions on density limits.

The reluctance on the part of the MNRW to fully apply the vacation lease criteria and consultation process in the northern portion of Eeyou Istchee and to develop vacation lease density limits appears to be related to the Government of Quebec's desire to attract and retain non-Cree to the Territory. Liberal land lease policies open up thousands of lakes and rivers to recreational settlement at a modest annual fee. This is an appealing tool in the effort to settle the region and is well promoted by the Government of Quebec and the Municipality of James Bay.

At present, there are over 1,000 personal vacation leases in the Territory granting the occupants a permanent right to construct a cabin/cottage. In the scale of the Territory, this number of leases might appear low. However, with no orderly process of distribution in place (including the lack of a comprehensive land use plan for the Territory), the MNRW has permitted the majority of these leases to be clustered among the southern traditional lands of Waswanipi and Oujé Bougoumou. An illustration of this can be seen by examining the neighbouring area of Abitibi on the map which also has over 1000 thousand leases concentrated in a small area (see map below).

It is also important to note that once a cabin leased has been approved by the MNRW, it is very unlikely that the MNRW would allow any forestry roads providing access to be decommissioned. The result is that thousands of kilometers of unused or redundant forestry roads are kept permanent to support this network of vacation leases. This again illustrates the permanent nature of forestry and illustrates the compounding impact that these roads and cabins have on the Cree traditional family territory system.

Map 9.4
Land Leases in Eeyou Istchee



Another dimension of this issue relates to the political pressure that the vacation leaseholders exert on the governments to liberalize the exclusivity of the Crees hunting fishing and trapping rights. Further north on the Cree traditional lands of Chisasibi, Wemindji and Eastmain, where there are more restrictions on recreational harvesting activities, growing numbers of vacation leaseholders has resulted in lobbying for extended hunting seasons, licenses to trap furbearing species and hunt bear, each of which is exclusive to the Cree under Section 24 of the JBNQA. The efforts to amend the Hunting, Fishing and Trapping Regime highlight the potential political impact that enhanced accessibility may have on Cree rights in the future.

9.5 Conclusion and Recommendations

The Cree have long experience with the management and allocation of the wildlife resources of the Territory. They have a system of land tenure and stewardship, which is closely attuned to the ecology of the region. This collective experience is a valuable resource for wildlife management in the Territory, but presents unique challenges in regard to its integration into the future development of the Territory. In the regard to the Government of Quebec's Plan Nord project, the following recommendations should be considered in order to safeguard the Crees rights under Section 24 of the *JBNQA*.

- (a) The Government of Quebec must effectively implement in law the Cree traditional family territories as a system of land occupancy and management. This system must be considered as an integral component in land use planning on all categories of land.
- (b) The Hunting Fishing and Trapping Coordinating Committee's mandate should be enlarged to ensure that it takes an active role in overseeing the impacts that enhanced access will have on wildlife populations (especially those at risk) and the ability of the Cree to exercise their Section 24 rights under the *JBNQA*.
- (c) The mandate of the Coordination Table on Access should be extended to encompass all of Eeyou Istchee. Accordingly, the vacation lease consultation process with the Cree should also be extended to cover the entire Territory.
- (d) A moratorium must be put into effect on the issuance of new vacation lease permits until a suitable territorial land use plan is put into place. This land use plan would establish an organized system of distribution for vacation leases to safeguard the Section 24 rights of the Cree and address the current problem of vacation lease densities on Cree traditional family territories.
- (e) The Government of Quebec must make a definitive statement within its Plan Nord rejecting suggestions to amend the exclusivity of the Hunting, Fishing and Trapping Regime set forth in Section 24 of the *JBNQA*.

10

Chapter 10 – Community Development



10.1 Introduction

In order to participate fully in the opportunities associated with the Plan Nord, the physical, social and economic infrastructure of the Cree communities of Eeyou Istchee must be reinforced.

10.2 Cree Orientations on Community Development

The Paix des Braves provides, in Chapter 6, for the assumption by the Crees of certain obligations of Québec with regard to community development under the JBNQA in consideration of the funding commitments of Québec under Chapter 7 of that Agreement. The obligations regarding community development assumed by the Crees are specified in section 6.3 of the Paix des Braves. They concern electricity supply; certain training programs, job recruitment and placement services; community centres; essential sanitation services; fire protection; community affairs services; friendship centres outside the communities; and access roads to certain Cree communities.

At the same time, sections 2.8 and 2.9 of the Paix des Braves clearly state the principle of continued Cree access to Québec funding and programs, as provided for in the JBNQA:

- 2.8 The provisions of the James Bay and Northern Québec Agreement and of the existing agreements and existing financial arrangements will continue to apply in the absence of indications to the contrary in this Agreement. It is noted in particular that Québec will continue to fund for the Crees, pursuant to the provisions of the James Bay and Northern Québec Agreement, its share of the services and fixed assets stipulated in the James Bay and Northern Québec Agreement, including but not limited to:
 - a) health care and social services;
 - b) education services;
 - c) income security programs, including the income security program for Cree hunters and trappers;
 - d) public security and administration of justice;
 - e) the Hunting, Fishing and Trapping Coordinating Committee and environmental committees.
- 2.9 Without limiting in any way the previous provisions and simply for greater certainty, Québec further confirms that nothing contained in this Agreement shall prejudice, detrimentally affect or restrict the rights of the James Bay Crees as set out in paragraphs 2.11, 2.12 and 28.1.1 of the James Bay and Northern Québec Agreement. Consequently, Québec will maintain for the James Bay Crees access to regular programs subject to the usual application criteria of these programs.

10.3 Measures

For illustrative purposes, the following community development measures, not contemplated by the Paix des Braves, are required. These measures are not exhaustive.

10.3.1 Paving of Community Roads

At present, most roads inside the Cree communities are unpaved. This situation causes numerous problems. Wind and vehicles raise dust and sand into the air breathed by community members. This causes public health problems in terms of respiratory injury and disease. The rough surface of the roads damages vehicles and causes premature wear and tear, entailing additional costs for the Cree communities and individuals. Further, the Cree communities are now implementing drainage systems for surface runoff. These systems cannot function properly without paved roads. Sand from unpaved roads infiltrates and clogs the drainage systems, entailing not only additional operations and maintenance costs but also additional capital costs due to the need for premature replacement.

10.3.2 Erosion Control

Erosion control entails two main types of measures. The first is river bank stabilization. The Cree communities situated on or close to river banks are exposed to significant erosion from the river flow and currents. This erosion reduces the land available for housing and community development. It also poses a public safety hazard, by threatening to undermine the ground upon which houses and other structures are built. The second measure required is community landscaping. Without landscaping, surface water runoff is inadequately controlled. It tends to infiltrate houses and other buildings. This results in the formation of mould build-up, compromising the health of occupants and the structural soundness of the buildings.

10.3.3 Wireless Communications

Participation in the information economy requires access to state-of-the-art communications technology. Not all Cree communities have wireless communications coverage, and those that do, experience variable service. The wireless communications system requires extension to all the Cree communities and the quality of service must be upgraded in all the Cree communities. In particular, the latest generation of wireless technology (4th generation) must be implemented in the Cree communities as a matter of priority.

10.4 List of Projects

A more comprehensive list of community development projects will be submitted in due course.

11

Chapter 11 – Health And Housing



11.1 Introduction

In the context of the Plan Nord, health and housing must be considered both independently and in relation to each other. This Chapter first considers the relation between housing and health for the Cree and the current housing needs of the Cree. It then considers the health and social impacts related to the Plan Nord and projects related to it.

11.2 Over-crowded and Poor Housing

The housing stock in the Cree communities is generally old, over-crowded and in poor condition. There is a direct relation between these poor housing conditions of the Cree and the health and social issues confronting them. These issues include not only physical health problems, such as respiratory diseases, but psychosocial distress, including domestic violence and child and elder abuse. The housing needs of the Cree must be urgently addressed in the form of dramatically expanded and improved housing stock. Without dramatic action to address these needs, it will be virtually impossible to make meaningful progress on many of the most serious health and psychosocial problems faced by the Cree.

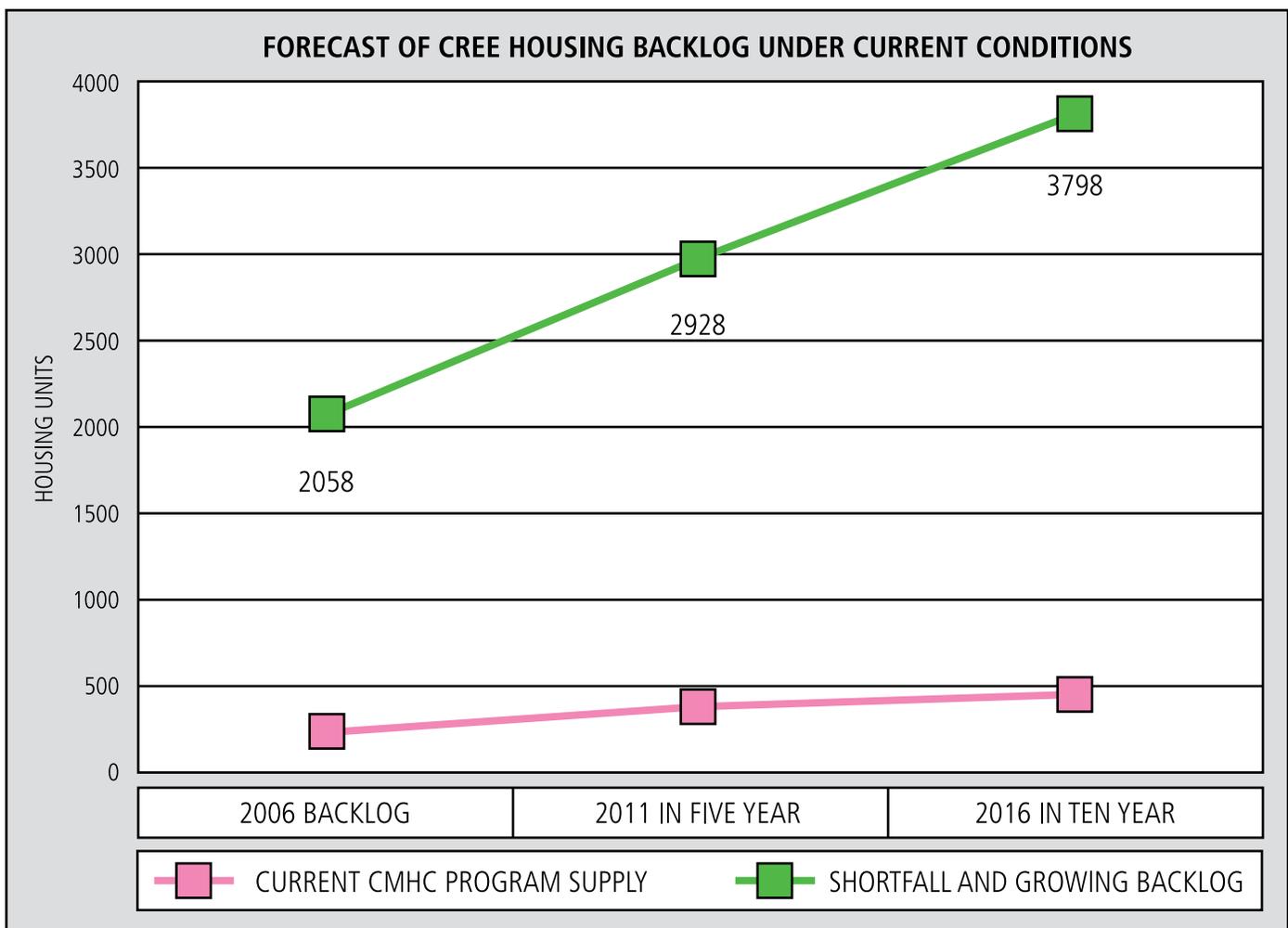
For example, in 1996, about one house in four needed major renovations in Eeyou Istchee, compared to one in twelve in all Quebec. The 1996 census data reported that the average number of persons per room was double the rate for Quebec (0.8 vs. 0.4).⁴ While only 1% of occupied dwellings in Quebec had more than one person per room, fully a quarter of houses in Eeyou Istchee exceeded this threshold.⁵ Each Cree First Nation establishes annually the number of new houses needed. The most recent needs assessment demonstrated the urgent requirement for 1,400 units in the nine Cree communities.⁶ Since the early 1980s, housing subsidies have met only one-half of the need for new housing units associated with the formation of new families. In sum, the current housing stock of 2687 units would have to be doubled in order to eliminate the backlog of housing demand in the Cree Nation and to replace substandard housing units.

The literature demonstrates that poor housing conditions are causally associated with poor health outcomes. More specifically, moulds and dampness are linked to respiratory diseases such as asthma, persistent coughing and bronchitis.

There is a high prevalence of mould and fungus, mainly in old houses. Some clinical syndromes have been described. In a survey of 417 heads of households from Chisasibi,⁷ 42% reported the presence of mould in their house, although the survey did not include a measure of severity. More than half of the houses did not have air exchangers and, among these houses, 77% reported mould problems. Over-crowding is clearly a problem, with an average of 7.2 persons living in each house, compared to 4 in all other aboriginal communities elsewhere in Canada.

11.3 Cree Housing Needs

In 1983, the backlog in housing to reduce overcrowding was around 500 units. In 1999 and again in 2005, we carried out an in depth housing survey which revealed that the backlog in housing had grown to over 1200 units.



More than one family, sometimes up to four families, lives in a single dwelling. This growth in the backlog is attributable to both the demographics of the Cree Population as well as the limited government programs to support housing.

The attached Cree population profile demonstrates the significant youth population and the accelerated need for housing as new families form. As illustrated below, over and above the immediate need for over 1200 units to alleviate the backlog, over the next five years, approximately 1600 Cree will turn 20. Consequently, if housing were provided to an assumed 50% target of this age sector, over 800 additional units would be required. We estimate the demand for this sector by assuming a house is required for every 2 adults who turn 20. We have decided to forecast and keep track of this growth in the hopes that the backlog, which has been growing steadily since the mid 1980s, will eventually be met.

COMMUNITY	TOTAL¹ POPULATION	FORECAST² HOUSING NEEDS (A)	CURRENT³ HOUSING STOCK (B)	2009 BACKLOG ESTIMATE (A)-(B)=C	FIVE⁴ YEAR GROWTH (D)	TOTAL FIVE YEAR REQUIREMENT (C)+(D)
CHISASIBI	3,987	1,178	792	386	195	581
EASTMAN	668	195	162	33	41	74
MISTISSINI	3,438	993	761	232	160	392
NEMASKA	744	216	180	36	34	70
OUJE-BOUGOUMOU	830	214	202	12	46	58
WASKAGANISH	2,514	696	436	260	144	404
WASWANUPI	1,999	558	409	149	109	258
WEMINDJI	1,401	415	305	110	63	173
WHAPMAGOOSTUI	841	228	187	41	571	98
TOTALS	16,422	4,693	3,434	1,259	849	2,108

- SOURCE:
1. MSSS Population Registry, September 15, 2009
 2. Forecast based on population age over 19 years old
 3. Inventory of Cree Services Premises and Residential Housing Units as at March 31st, 2009
 4. Forecast based on population aged 15-19 divided by 2

However, the reality is that housing starts have not kept pace with this growing need. Based on the above requirements, annual housing starts needed to meet this target are between 250 units per year to 500 units per year assuming a 10 year or 5 year housing delivery timeframe.

⁴ Harris-Giraldo, R., Soares K., Hebert A., Matowahom J. (2001). *The Effect of Housing Conditions on Health in the Cree community of Chisasibi, Eeyou Istchee, Northern Quebec, Canada: A Qualitative Study*, Cree Board of Health and Social Services of James Bay and First Nation of Chisasibi, 2002.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

11.4 Health and Social Impacts of The Plan Nord

11.4.1 Identification of Health and Social Impacts

How can one know in advance what the overall impact of the Plan Nord will be? Currently, according to the JBNQA (and in many other parts of the world), the potential health and social impacts of economic development projects are examined as part of a larger Environmental (and Social) Impact Assessment process.

11.4.2 Concerns

However, this approach raises certain concerns. There are growing concerns that the current Environmental and Social Impact Assessment process is unable to systematically identify nor effectively address important health and social impacts relating to economic development. Past experience in the region has shown that the consideration of health and social impacts as part of this process has been very weak at best and at times non-existent. A process for the identification of the health and social impacts relating to economic development and certain recommendations are set forth in Schedule 11.4.

12

Chapter 12 – Capacity Building



12.1 Introduction

The Cree of Eeyou Istchee must have access to well-remunerated employment opportunities associated with the Plan Nord. The Plan Nord must complement the Cree' own efforts to provide capacity building measures so as to enable the Cree to take full advantage of these employment opportunities.

12.2 Employment Demand and Supply

Capacity building is required to prepare the future for the Cree. Adult Education is needed to support economic, social development and employment in Eeyou Istchee.

- The demand, that is, the job opportunities available to Cree persons are planned to increase in the Cree Territory over the next five, ten and 15 years. In particular, job opportunities will continue to grow in the following sectors, amongst others: construction, mining, tourism and hospitality, hydro electric, health and social services, education, information technology (IT), Cree governance, environment and small business development. In addition, there will be significant opportunities for Cree persons in the next five to ten years to replace non-Cree persons who will retire or leave their jobs in education, health, and Cree government and governance related organizations.
- The supply issues, that is, the supply or number of Cree persons who require additional adult education or training is extremely large currently, and will continue to grow in the next 5-15 years. For example, a report commissioned by the Cree School Board estimated that there are approximately 3,500 unemployed Cree persons without either a primary or secondary cycle 1 or 2 level of education. In addition to this, there are well over 2,000 Cree persons who have the potential to:
 - complete a vocational or technical training program;
 - acquire additional skills/ knowledge to function together effectively in their jobs or have the potential to progress;
 - replace non-Cree persons once they acquire additional skills and training;
 - work in new Cree governance-related jobs once they acquire additional skills and training.
- Capacity building, or adult educational and vocational training programs, must be delivered in the most appropriate manner for Cree participants, including classroom, on-line, video-conferencing, and other pertinent delivery methodologies.

12.3 Institutions

12.3.1 Cree School Board

The Cree School Board has certain responsibilities in delivering general education services to its adult student clientele and in providing vocational education to both its youth and adult student clientele

12.3.2 Cree Human Resource Development Department (CHRD)

The Cree Human Resource Development Department (CHRD) of the Cree Regional Authority has the mandate to provide skills development, training programs and services and employment insurance services in the nine Cree communities and throughout the Territory. The goal of CHRD is to help Cree and non-Cree to prepare for, obtain and keep jobs. The CHRD Programs and Services can provide support and financial assistance to:

- Help individuals to:
 - improve their jobs search skills;
 - gain work experience;
 - upgrade their skills and vocational education;
 - start their own business;
 - encourage employers to hire them.
- Help employers to:
 - create new jobs;
 - upgrade their employees' skills.

12.3.3 Government

Government must cooperate with the Cree School Board and the CHRD in devising and delivering effective capacity building programs and activities for the Cree of Eeyou Istchee so as to enable them to participate fully in the employment and professional opportunities associated with development in all relevant sectors, such as mining, energy, forestry and others, in Eeyou Istchee.

13

Chapter 13 – Cree Culture And Identity



13.1 Cree Culture and Identity - Heartbeat of the Cree Nation

Culture and Identity are at the center of our concerns. Our culture has been subjected to increased pressure and stress, especially in a context of accelerated change where many major projects have impacted our Culture and Identity. The Cree orientations on the theme of Culture and Identity are set forth more fully in Schedule 13.1. For now, a summary of the Cree position is presented in this Chapter.

13.2 Underestimated Importance of Cultural Economy

Arts and Culture are often perceived as a soft and a weak sector when it comes to economic development. Far from this perception, Arts and Culture industries play a vital role in any society. A recent research from the Conference Board in 2008 has estimated the economic footprint of Canada's culture sector to be \$84.6 billions in 2007, or 3.8% of Canadian total real GDP. Another study in the region of Quebec undertaken by the Institute of Statistics of Quebec (ISQ) showed the contribution of culture at 4.8% of the regional GDP, more than construction (3,3%) or transport (3,1%). In comparison, the mining and forestry in Quebec contribute respectively 2.4% and 2,9% of the Quebec GDP. Cultural economy is of great importance to any society representing also an excellent diversification of the regional economy heavily dependent of natural resources which are cyclical by nature.

13.3 Unequal Funding of Arts and Culture in Northern Québec

Culture receives heavy support from public grants but the funds are not distributed equally across Quebec. According to data released by ISQ, the Government of Quebec has spent 943 million in this area during the fiscal year 2008. Montreal and Quebec account for 82% of the cultural expenditure of the Quebec government. While the average expense per capita is \$121.70, the region Nord-du-Québec receives only \$34.71 or 25% of the average expense. Of this low amount, only a marginal proportion goes to the Cree Nation. Thus an insignificant amount is now being invested in this area in Eeyou Istchee.

13.4 Demographic Trends: Importance of Transmission of Culture to the Youth

In 2031, the Cree and Inuit will also constitute more than 75% of the population, making Nord-du-Québec the only exception in Quebec where Aboriginal population is greater than the non-Aboriginals. The demographic trend in Eeyou Istchee presents specific challenges for the Cree culture. The very young demography is sensitive to Culture and Identity erosion. In fact there is an urgent need to capture and preserve the language, knowledge, traditions and skills of the elders pretty quickly while there is still time. There is a need to instruct, transmit, interest and attract young people to Culture and Arts.

13.5 Main Actors of Culture and Identity

The Cree Nation has several entities in the area of Culture and Identity: Department of Traditional Pursuits of Cree Regional Authority (CRA); Aanischaaukamikw Cultural Institute (ACI), Cree Native Arts and Crafts Association (CNACA); local cultural coordinator in each community. These stakeholders offer programs and services to the Cree and thus participating into the infancy of cultural economy in Eeyou Istchee.

13.5.1 Issues and Challenges in the Area of Culture and Identity

There are several issues in order to develop a dynamic cultural sector. Among the biggest issues are the ones that arise from the entire Cree Nation.

Living language and appropriate communication tools: There is no stronger evidence of a strong culture than living language. Years ago Quebec took action to protect itself with the Bill 101 to preserve their French language. Hence, a Cree Language Commission represents a means to preserve, to teach, to transmit, to develop culture contents and to use Cree language.

Proper heritage protection: Cree control over Cree archaeological and heritage sites in Eeyou Istchee is important. Housing of Cree archaeological material at Aanischaaukamikw will sooner or later present an issue as the building size is limited while in the meantime, there is a necessity to get historical material of Cree culture back into Cree Territory. There is also a need for the development of a historical and contemporary artefact collection and an archival collection.

Protection, support and promotion of Culture in a context of accelerated change: The Plan Nord is expecting to bring more and more people in contact with Aboriginal communities. This must be done with respect to traditions and culture of the Aboriginal People. The world must become more familiar with the knowledge, stories and legends of bearers of tradition in native and non-native communities and ensuring this information is disseminated widely. ACI is establishing itself and will need on-going support for its operations.

Production, creation, distribution of Arts, crafts and cultural contents: The Cultural economy in Eeyou Istchee is in the early stages of formal organization. The craft sector deals with lack of raw material supplying, training, authenticity, quality and proper intellectual property protection. The art sector requires programs and services in order to develop a stock of creators able to create and to perform in many areas: performing arts, visual arts, multidisciplinary and multimedia arts. The professional distribution of the arts and crafts is also greatly needed.

Governance of Arts and Cultural Development: The Cree Nation has been engaged in a process of building self-governance for decades. Many regional and communities entities are now set up. The Cree can take and share responsibilities with federal, provincial and regional entities. Collaboration among various Cree entities is important to serve the interests of the Cree Nation.

Funding the initiatives and operations: Currently, money is spread among many entities at federal and provincial levels. Meanwhile, the Cree Nation has established regional entities in order to support culture artists and artisans. CNACA and ACI are such entities. Various agreements could be undertaken with federal and provincial entities so that Cree organizations can manage programs and services for members. Local cultural coordinators are also in great need of funds for their projects and activities.

Collective intellectual property protection: The Royal Commission on Aboriginal Peoples said it years ago and the issue still remains pertinent: *"Intellectual property rights should allow Aboriginal people to control representations of culture and knowledge that belong to individuals or collectives. There has been controversy recently about copyright on oral traditions, legends and songs collected for publication....Finally, the existing law does not recognize Aboriginal peoples' understanding of the sacredness of knowledge. Copyright law is not broad enough to protect a song or a prayer that has a spiritual origin, the use of which should be restricted but over which individuals are reluctant to assert ownership. Only a new approach and new legal framework can address the need to protect the collective intellectual and cultural rights of Aboriginal peoples."*

Development of Cultural economy in Eeyou Istchee: As stated previously, the cultural economy makes a major contribution to any economy. However, virtually everything remains to be done in order to develop this sector in Eeyou Istchee. All the three actors of the cultural field (CRA, ACI, CNACA) and others Cree entities such as COTA, will play an important role in the cultural economy.

13.5.2 Orientations to Better Support Culture and Identity

To sustain the richness and cultural diversity of the North, it is essential to fully respect the spirit and substance of the *Act on Sustainable Development*, and in particular, the principles contained in the Act. These principles must be internalized and applied in all initiatives undertaken within the Plan Nord. In addition to its 16 principles, the following should be noted:

- The principle of improving, preserving and supporting the development of Culture and Identity of the Cree Nation;
- The principle of "subsidiarity", meaning that the management can be operated by Cree entities better capable of understanding and meeting the needs of their members, such as CRA, ACI, CNACA and local cultural coordinators;
- The principle of equity, not only intergenerational, but also fairness among Peoples, considering the very low support provided to date to Culture and considering the huge needs of this major dimension of Nation development;
- The principle of sustainable support for Culture and Identity would entail that some formula should be applied in respect of all investments related to the Plan Nord, whether public or private, in order to provide resources to promote Culture and Identity. The principle of sustainable support also calls for studies of the socio-cultural impacts of development projects in the North, prior to any project implementation. This should form part of the cost-benefit impact analysis of development projects in Eeyou Istchee.

Notwithstanding the general orientations of the Government of Quebec, it is important to consider the following essential measures which attempt, among others, to implement the above principles:

- Recurring operational support of indigenous organizations and entities dedicated to the cultural and artistic mission.
- The establishment of programs and services for developing cultural and artistic activities targeting specifically the Crees.
- Support for specific initiatives and projects in order to promote the major development of culture and arts.
- Support for Cree community initiatives in the field of culture and arts.
- Support from public-private co-operation to promote Culture initiatives in the North.
- Equitable and fair access to public programs currently in place to support culture and arts for the Cree. Such access should apply the principle of Northern factors ("modulation") for government programs and services now and in the future, so that they consider the specificities of people living in small, isolated communities spread over vast areas with much higher cost structures and their distinctive cultures and identities.

For these reasons, we recommend the following orientations in order to overcome the many challenges faced by the Cultural actors in Eeyou Istchee:

- Sustainable support for culture and identity through a global fund of 1% of all private and public investments in the North within an impact-benefit analysis on culture and identity of any project occurring in Eeyou Istchee.
- Establishment of a body to protect, preserve, and promote the Cree language.
- Signing of Cultural cooperation and funding agreements between Québec and Cree Cultural entities (CRA, ACI, CNACA) to support the development of Cultural content and the Cultural economy.
- Support for the management by the Cree of their Cultural development through the transfer of responsibilities and resources to the appropriate Cree cultural agencies.
- Consolidation or creation of multipurpose Cultural and artistic institutions and construction of Cultural centers to preserve, develop, and disseminate Culture and arts (museums, archiving centers, culture houses, libraries, local arts and crafts committees, etc.).
- Adapting current programs and services for the Northern factor to ensure fair access for clients/partners of remote regions for the benefit of the Cree.
- Create Cultural research and training centers and opportunities.
- Develop platforms for exchange and collaboration, particularly through the use of new technologies, to reach far-flung communities in large territories and connect access to the world.

13.5.3 Support for Cree Culture and Identity

Support for Cree Culture and Identity implies that the Plan Nord provide the Cree with their fair share of resources, taking into account the Northern factor, for the development of this important sector. These resources must be provided to the Cree in the form of an envelope, rather than on a project-by-project basis, to be managed by the Cree in accordance with their priorities for Culture and Identity.

13.6 Main Actors of Culture and Identity

The Cree Nation has several entities acting in the area of Culture and Identity.

13.6.1 Department of Traditional Pursuits of CRA

This Department of the Cree Regional Authority (CRA) provides professional advice to the nine Cree communities, in respect to the planning of local projects, and environmental protection. In addition, it supports Cree initiatives concerning the implementation of sustainable forestry practices, mining, and hydroelectric development.

The Traditional Pursuits Department works with the Local Environment Administrators and with the Cree members of the environmental and social protection regime set out in Section 22 of the James Bay Northern Quebec Agreement. The Traditional Pursuits manage all archaeology projects and everything related to traditional sites. As major natural resource and energy projects are currently or under way, the archaeology sites protection, the taxonomy of Cree sites and the preservation and transmission of traditional knowledge of the land become very important.

13.6.2 Aanischaaukamikw Cultural Institute

The meaning of the Cree word Aanischaaukamikw aptly describes the mandate of the Cree Cultural Institute: Aanischaaukamikw – a place for cultural continuity, the passing on of traditions, knowledge and values from generation to generation.

The development of Aanischaaukamikw can be traced back to several important Cree initiatives in the 1980s, with the strong support of the elders who understood so well the need to capture and retain Cree traditional knowledge. The idea of a Cree

Museum has been considered over a considerable period of time, and various options considered. These have included three extensive feasibility studies exploring different concepts, and testing the viability for such an initiative. Now, Aanischaaukamikw is becoming a reality and the Grand opening is scheduled for November 2011.

The mandate of Aanischaaukamikw is to foster and support the process of aanschaa, which means cultural continuity: the passing on of traditions, knowledge and values from generation to generation. It will be a continuously available repository where elders can contribute knowledge and wisdom to be shared with younger generations, and work towards the preservation, enrichment, understanding and sharing of Eastern James Bay Cree language and culture. Aanischaaukamikw will provide a forum for reflection on the integration of Cree values in contemporary life.

For the opening and on into the future, Aanischaaukamikw, in collaboration with the CRA, CNACA and others, is developing a sequence of eight inter-related programs:

- **Aanischa: A Community Network:** support for local cultural programs and for the coordinators.
- **Documentary and Resource Centre** will contain a full library and archives of material related to Cree history and culture, as well as a collection of Cree material culture (the "museum collections") including the finest crafts, historic and archaeological artefacts.
- **Traditional Knowledge / Community-based Research** will include research related to Cree traditional knowledge, as well as provisions for historical and heritage sites interpretation and an archaeological research unit.
- **Cultural and educational programs:** Skills workshops, demonstrations and on-the-land activities as well as a range of more traditional museum exhibitions, permanent, travelling and temporary are important parts of this developing program. Aanischaaukamikw materials will also be made available to a Cree and general public through a variety of different types of publications, both paper and electronic (web-based).
- **Language Programs:** the production of language tools including dictionaries, resources books and specialized lexicons that will aid in the protection of the Cree language, developed in collaboration with the Cree School Board.
- **Gatherings: the Gathering Space,** a well equipped theatre will be the venue for many gatherings of youth, elders, and communities.
- **A Showcase for Eenou/Eeyou Talents:** Aanischaaukamikw will promote and showcase Cree talent by organizing and providing a venue for exhibitions and shows of visual and performing arts, including music and dance.
- **Aanischaaukamikw and the world:** Aanischaaukamikw will use the internet to convey the richness of Cree culture to the world through a website.

13.6.3 Cree Native Arts and Crafts Association (CNACA)

Our visionary leaders have long expected CNACA to play a key role in the cultural economy of Eeyou Ischtee. In the Seventies, our leaders had envisioned arts and crafts as important as traditional lifestyle, tourism and culture. In that respect, CNACA was designed in sections 28.4 and 28.7 of the JBQNA in 1975:

28.7.1 Create an Arts and Crafts program including structure, services, modalities, functions and agencies;

28.7.2 After signature of the agreement and conduction of feasibility studies, create an Association who will administer and watch the good running of programs for the development of Arts and Crafts as well as a local committee in each Cree community;

28.7.3 The President of each local committee will be on the board of the Association;

28.7.4 The Association will set up a Central service for commercial distribution of Arts and Crafts as well as supplying communities in terms of equipments and materials needed to create objects;

28.7.5 According to feasibility studies' positive conclusions and under the eventuality of an Association being created, Canada, Quebec and Regional Cree Association will help the Association in its activities and objects production.

It took more than 30 years to become a reality and CNACA have been incorporated in August 2004. The mission of CNACA is : To diversify and grow a sustainable arts, crafts and cultural economy in Eeyou Istchee involving partnership among Cree Artist Artisans and Cree communities that will preserve, promote and enhance the heritage of the Eeyou Nation while both encouraging contemporary means of expression and maintaining Cree Culture, values, traditions and skills. CNACA pursues the following objectives:

- Develop and be responsible for and supervise programs for the development of the Cree natives arts and crafts industry;
- Facilitates the establishment of Cree central marketing service that shall assist individual Cree or Cree communities in marketing and related services for arts and crafts in all markets of the world;
- Facilitate the availability to Cree individuals or Cree communities of such material or equipment as may be required for the creation of Cree native arts and crafts;
- Coordinate efforts with other Cree entities when needed for the support and promotion of Cree native arts and crafts.
- Services and programs of CNACA are addressed to four artistic disciplines:

Traditional and contemporary crafts are production of objects that are strongly related to Cree culture and ways of life (traditional or contemporary): sleds, snowshoes, beadwork, printmaking, tamarack, traditional knowledge objects...

Performing arts are those that use the artist's body as principal mean of expression: dance, music, singing, theatre, circus.

Visual arts are the production of objects that are visual as primary aesthetic such as architecture, sculpture, painting, photography, plastic arts...

Multidisciplinary arts use crossover means of creation or that is original and difficult to classify: video, cinema, multimedia, storytelling, literature...

13.6.4 Cultural coordinators of each Cree community

For several years, Anischaaukamikw Cultural Institute and the Cree Regional Authority have been working intensively with the local cultural coordinators. CNACA will also work more closely with the cultural coordinators. The local cultural coordinator organizes cultural programs in his/her community. The relationship between Cree cultural institutions with the cultural coordinators help to ensure that the interests of the communities are fully considered in the development and planning of regional programs.

With the Cree way of life under siege from so many directions, many people wonder how to be Cree in this rapidly changing world. Local cultural coordinators have responded with projects that promote the celebration and transmission of Cree knowledge and skills. The role of the regional cultural organizations is, where possible, to provide support – training, financial and professional – for these projects; as well as to promote the sharing of ideas, information and resources.

Each community has a program of cultural content. But the actual resources and support for them are not sufficient. The Plan Nord represents an opportunity to better support them directly or through Cree regional entities such as CRA, ACI or CNACA.

14

Chapter 14 – Wildlife



14.1 Introduction

The Plan Nord must take into account the following factors:

- the notion of land use and occupancy by the Cree, which covers the whole Territory (special wildlife areas, special cultural areas, canoes routes, portages, etc) and their role as stewards of the land and wildlife;
- the intimate relationship with the land and the animals, and the importance of wildlife for the health, well-being and culture of the Cree;
- Respect and functioning of the Hunting, Fishing and Trapping Regime set forth in Section 24 of the *JBNQA*.

14.2 Orientations

As stated throughout this document, the connection of the Cree with the land is integral to their orientation on all facets of land use and planning as they relate to a proposed Plan Nord. An essential part of this connection is the role that wildlife plays in the Cree worldview. The health of the wildlife of Eeyou Istchee, particularly those species that have sustained the Cree, should be considered in any decisions made regarding the future development of the territory. Indeed, Section 24 of the *JBNQA* is a testament to the Crees' insistence that the connection between the land and wildlife become institutionalized in decision making for the Territory.

Apart from the Environmental Regime set out in Section 22 of the *JBNQA*, the two main bodies that were created to protect the interests of the Crees in wildlife management are the Hunting Fishing and Trapping Coordinating Committee and the Cree Trappers Association.

14.3 Hunting Fishing and Trapping Coordinating Committee (HFTCC)

Comprised of representatives from Canada, Quebec, Crees and the Inuit, the HFTCC's mandate is to oversee the management, supervision and regulation (in some cases) of the Hunting Fishing Trapping Regime under Section 24 of the *JBNQA*. Chief among its tools to accomplish this mandate is the ability to recommend to the Minister regulations related to the number and location of where both Cree and non-Cree can harvest wildlife. Attached to this role is the responsibility for the management of the recreational outfitting industry in the territory.

14.4 Future Orientations of the HFTCC

It is important to acknowledge that the HFTCC's mandate was established in 1975. As indicated elsewhere in this document, the face of Eeyou Istchee has changed significantly since this time. This change has and will continue to bring new challenges on the territory and the committee's ability to faithfully exercise its mandate.

Current examples of this can be seen in the MBI's purported unilateral adoption of by-laws which infringe upon the ability of the Cree to exercise their Section 24 rights. A further example is the developing tensions between the Cree and non-Cree recreational hunters who are both exploiting the Trans Taiga road corridor for caribou in the winter. It has been reported that the Cree in this area are outnumbered perhaps as much as twenty to one during peak times of the year. In the face of what appears to be dramatically declining numbers in the migratory herds of caribou, these tensions will be sure to grow in the future.

The same situation is developing in the southern sectors of Eeyou Istchee where forestry roads dominate the landscape. As highlighted in the Access section of this document, the growing number of non-Cree cabins or "Vacation Leases" are not only infringing upon the ability of the Cree to freely exercise their Section 24 rights on Category III lands, they are also imposing pressure upon existing wildlife populations. A common issue raised by Cree hunters in this region is that Vacation Lease cabins are often used as a source of illegal outfitting and/or poaching and that the scarcity of Wildlife Officers in the field offers no deterrence to these activities.

The MNRW's multi-stake holder "Forest-Dwelling Caribou Recovery Team has also recognized the pressure of human vacationing and recreational activities on wildlife populations. In developing its *Forest Dwelling Caribou Recovery Plan for Quebec (2005-2012)*, the team recommended that vacation and recreational activities be avoided in large areas set aside for the protection of the species (Action number 12). Having already tracked the extirpation of the Forest Dwelling Caribou from areas inundated by recreational users in Eeyou Istchee, this pattern is likely to persist into the future as development reaches further north if appropriate measures are not put in place.

With these developing scenarios, it is clear that the HFTCC's mandate will need to evolve to accommodate or address the challenges brought about by opening the Territory up to more development. Until recently, the HFTCC has largely been focused

on the management of wildlife. In the future, it is very likely that the HFTCC will be equally focused on the management of people and public security in the context of the Section 24 rights of the Cree.

Managing the human component of the Hunting Fish and Trapping Regime will not only require, as mentioned, more Wildlife Officers, it will also necessitate that the HFTCC be more directly involved in land use and land zoning planning and management. It will also be necessary to carefully monitor the impact of decisions made in these areas on the health of wildlife populations in the Territory and the corresponding impacts of the Hunting, Fishing and Trapping Regime.

14.5 Role of Cree Trappers Association (CTA) in Future Plan Nord Orientations

As the agency charged with promoting and protecting the welfare of Cree hunters and trappers, the CTA's role is pivotal in bridging the gap between the wildlife management responsibilities of the HFTCC and the ongoing ability of the Cree to exercise their Section 24 rights. To accomplish this, one important aspect of the CTA's mandate is to ensure that the activities of the Cree hunters and trappers are engaged as a strategy for managing wildlife in the territory. This involves the creation and management of programs to:

- track harvesting;
- relocate fur-bearing animals such as beaver;
- manage predators through routine hunting (e.g., wolves,) or targeted programs;
- monitor endangered or vulnerable species
- identify critical spawning, denning, or nesting sites prior to development (e.g., forestry, mining, hydro)

Given the immense size of Eeyou Istchee, and the wide-ranging presence that the Cree hunters and trappers have on the land, their ongoing wildlife management work, through the CTA's administration, will only become more essential in a Plan Nord development environment. The important stewardship role and contribution of the Cree hunters and the CTA must be factored into future territorial wildlife management strategies.

14.6 Other Considerations

14.6.1 Cree Traditional Family Territories

- The Cree of Eeyou Istchee have long had a system of management for Cree traditional family territories that functions very well. This system must fully applied by law.

14.6.2 Need to prepare future generation of Cree trappers

- Trapping and traditional activities are a key component of the Cree economy. Its future viability must be ensured in the context of the Plan Nord.
- Measures should be designed in collaboration with the Cree to train the future generation of Cree trappers in Eeyou Istchee.
- Financial support for such training should be provided in the context of Plan Nord.

14.6.3 Environment – Better understanding of northern wildlife and its habitats

- Ensure better integration and recognition of native knowledge and expertise.
- Ensure greater decision-making role in wildlife management & monitoring & conservation.

14.6.4 Economic – Wildlife development adapted to the North

- Ensure that any resource development is respectful of Aboriginal cultures, way of life and agreements.
- Ensure adequate control and protection of wildlife resources.
- Encourage native entrepreneurship and partnership in wildlife resource development.

14.6.5 Social – Aboriginal communities at the heart of development

- Encourage cultural preservation and continuance of traditional activities, values and principals.
- Promote harmonious use of wildlife resources by building awareness and education about wildlife its habitats and the values of wildlife for Aboriginal communities.

14.6.6 Need for Conservation Agents in view of increased access

14.7 Woodland Caribou

The Ministry of Natural Resources and Wildlife (MNRF) has yet to provide assurances that they are willing to prioritize the health of the forest ecosystem ahead of the current wood supply requirements. An example of this is how the MNRF is currently addressing the issue of endangered forest dwelling woodland caribou in the Territory.

Forest dwelling woodland caribou have been recognized as a “vulnerable species” within the framework of Quebec’s legislation on endangered species. Accordingly, a recovery committee was established to provide advice on how this species should be managed for its protection and recovery. Despite releasing a recovery strategy plan in 2009 that details specific measures to safeguard the species, the MNRF has yet to amend current forestry management plans that were approved prior to the release of the recovery strategy. Given that woodland caribou have been considered a keystone species in gauging the health of the boreal ecosystem, this inaction on the behalf of the Ministry strongly calls their commitment to eco-systemic forestry into question.

15

Chapter 15 – Bio Food



15.1 Orientations

“Bio-food” comprises non-timber food products (e.g. berries, mushrooms). These bio-foods present the following potential:

- Fresher, more nutritional food products;
- Improve dietary health of the Cree and other residents in Eeyou Istchee;
- Generate revenues for Cree harvesters of bio-foods;
- Export potential (e.g. mushrooms to Japan);
- Possible opportunities for Cree jobs and businesses.
- Medicinal value of certain herbs and plant products.

The Plan Nord must provide for the following:

- Protection of harvesting rights of the Cree for bio-foods;
- Financial support for Cree harvesters of bio-foods.

16

Chapter 16 – Tourism



16.1 Introduction

Although the Cree have been involved in the tourism industry for many years, often as guides and outfitters offering hunting and fishing packages; it remains a relatively new industry. The tourism industry has great potential to create employment for the Cree and to provide a venue to share Cree culture with the world; however, it will require resources and energy to develop the infrastructure and environment to help entrepreneurs flourish.

The Cree require support from Québec for the implementation of tourism infrastructure (hotels, lodges) of appropriate type, number and quality in the Cree communities within the next ten years in order to be in a position to develop the full potential of the tourism industry in Eeyou Istchee.

16.2 Background

Eeyou Istchee is unique in Canada because there are two regional tourism associations created to provide support and services directly to the Cree people. The first is the Cree Outfitting and Tourism Association (COTA) that was created under section 28.4 and 28.6 of the *JBNQA*. It is the only Aboriginal Tourism Association in Canada protected by a Treaty and is therefore an important tool for tourism development.

The second association is Eeyou Istchee Tourism (EIT) that was created in July of 2007 when Quebec officially recognized COTA as the 22nd Regional Tourism Association (RTA) in the province and signed an initial three-year agreement. Since the RTA's roles and responsibilities were significantly different from those of COTA, a decision was made to separate COTA from the new RTA as a means of safeguarding COTA's independent scope of action and to ensure a focused and efficient implementation of RTA's specific mandate. Therefore, a separate entity, Eeyou Istchee Tourism (EIT) was created.

In addition to working with the Cree communities, COTA and EIT have also been working with James Bay Tourism. It is the regional tourism association for the non-Cree communities in the territory. Concrete projects such as the Desjardins Grand Prix en Tourisme and the Eeyou Istchee / James Bay Tourism Guide have been organized together and have been successful in building alliances and partnerships between the Cree and Jamésien and in raising the awareness of tourism in the region. EIT and James Bay Tourism have also started to share a human resource when the new Marketing Coordinator position was filled in the summer of 2010.

16.3 Issues

Tourism is a relatively new industry in Eeyou Istchee and it is in the early stages of development. This provides the opportunity for development to happen sustainably and it also creates a number of challenges. It will require significant human resources, financial resources, technical resources and intact natural areas to flourish. The programs need to be flexible and adaptable to the region and substantial enough to provide the support required. We need to create an environment and develop infrastructure that will encourage and support entrepreneurs in the development of high quality tourism products for not only Quebec markets but also international markets. The three following sections provide examples of some of the challenges faced and proposed solutions.

16.3.1 Product Development:

One of the challenges to developing a sustainable tourism industry in Eeyou Istchee is the need for market ready products. In order to attract visitors, there needs to be a pool of high quality market ready products that can be packaged together and offered to the market. The challenge is that at present, there are not enough tourists coming to Eeyou Istchee to keep entrepreneurs interested in starting a tourism business but the reason that there are not more visitors is that there are not enough products and supporting infrastructure to offer high quality packages.

COTA and EIT continue to work together to develop programs to help individuals and communities meet the challenges of starting a tourism business. For example, programs were developed to provide support to Cree individuals and communities to develop tourism products and services that will form the foundation of a sustainable tourism industry. Several projects have focused on helping people gain a better understanding of experience-based tourism and related product development and have helped to clarify market readiness: when are you truly ready to "open the doors" and begin to welcome customers? They include the Best Practices Tour, Footsteps and Paddlestrokes, the Business Builder Toolkit, and Entrepreneur Coaching. These projects were successful and received very positive feedback from the participants; however, under current funding programs it is very difficult to raise funds for subsequent years because it is then deemed regular operations. This makes it impossible to provide support to the individuals that need it. Programs such as the Best Practices Tour need to be repeated on a regular basis so that new and potential entrepreneurs, particularly youth, can benefit from such first hand learning experiences.

There have also been issues with funding programs that do not meet the realities of the region with regards to funding the development of cultural tourism products. For example, it is very difficult to raise funds to construct traditional Cree dwellings necessary for authentic Cree cultural experiences. The material is not purchased from a hardware store and therefore, there are no invoices to submit. However, it is these types of authentic Cree dwellings that tourists want to visit; therefore it will be important for any programs under Plan Nord to accommodate this type of project.

16.3.2 Human Resources

There is a need for qualified human resources at both the local and regional level. Given the high proportion of youth in Eeyou Istchee, there is an opportunity for the Cree to encourage youth to choose tourism as a career and seek the education and training required. The challenge today is to find tri-lingual individuals with the technical expertise required to help develop the industry. Resources to design and deliver school programs and programs targeted at youth are required to help avoid the human resource challenge in the future.

There is also a need to have on-going tourism training in the region. Currently there are programs available but they are often developed in the south and are only available in French. Therefore, Plan Nord programs should consider the possibility of developing train the trainer programs that will allow the Cree deliver the training themselves in the territory.

16.3.3 Marketing

At the present time, little work has been done with the travel trade. In the future, the Cree tourism industry will need to develop relationships with various tour operators to help market to international clients. This will need to be an educational process that will allow the Cree to learn and develop products to meet the needs of the different markets targeted. It will require a considerable amount of time and commitment on everyone's behalf. If Quebec wants to develop tourism in the North, programs will need to be developed to provide the resources required to build a respectful and mutually beneficial relationship between the Cree and the travel trade.

16.4 Specific Sectorial Objectives

16.4.1 Cree Outfitting and Tourism Association (COTA)

16.4.1.1 Mission Statement:

To develop and implement a collective vision for a world-class sustainable tourism industry in Eeyou Istchee, that is in harmony with Cree culture and values, and that involves a partnership among Cree communities, institutions and businesses.

16.4.1.2 Operating Principles

- The protection and preservation of Cree way of life.
- The recognition of a stewardship role regarding the environment.
- The development of high quality and authentic Cree tourist products and experiences.
- The encouragement of business opportunities through partnerships.
- The development and implementation of operational norms and quality standards.
- A respect for individual initiatives and their role in economic development
- A commitment to work together and communicate cultural pride.
- A respect for values, including spirituality, self-reliance, and sharing.
- Honesty in communications and in the operations.

16.4.1.3 Objectives

- Implement Section 28.6 of the *JBNQA*;
- Provide marketing booking and promotion services, where necessary, for Cree outfitting and tourist operations;
- Provide business, management, accounting and professional services, where necessary, for Cree outfitters and tourist businesses;
- Conduct feasibility studies related to establishment or siting of individual outfitting or tourism facilities or a network of outfitting or tourist facilities.

16.4.1.4 Industry Development

- Promote partnerships among Cree businesses, communities and institutions.
- Represent the interests of COTA's members at meetings with governments, government agencies, commissions, other organizations and non-native developers.
- Support the development of Cree tourist products that exceed market standards by creating quality standards and by recognizing success with awards.
- Ensure the participation of the Cree Nation in the development and promotion of tourism and outfitting activities.

16.4.1.5 Community Awareness and Capacity Building

- Place a priority on increasing awareness of tourism as a sustainable economic development opportunity.
- Increase the capacity of local and regional institutions to provide services by improving access to information.
- Support and undertake training and skill development initiatives that recognize Cree skills and industry standards.
- Support and encourage human resources development related to tourism.

16.4.1.6 Marketing

- Increase market share by researching the feasibility of regional projects that promote the communities.
- Conduct product development and market research that includes visitor statistics and product inventories.

16.4.1.7 Communications

- Ensure effective communications with Cree stakeholders including governments, Tallymen, communities and industry.
- Promote COTA's vision, objectives, activities and accomplishments.
- Promote a positive image of the membership.
- Develop alliances and coordinate with other tourism organizations and indigenous organizations to work toward common goals.
- Serve as a liaison between Cree tourism and outfitting operators, the tourism industry and the markets they serve.
- Incorporate current technology to increase the ease and efficiency of communications and reduce the associated costs.

16.4.1.8 Financial Development

- Actively seek funding and other resources from governments, the private sector and others.
- Develop, where appropriate, revenue-generating activities.

16.4.2 Eeyou Istchee Tourism

As defined in the formal agreement between EIT and the Government of Quebec, the RTA's role focuses on marketing the region and tourism operators, supporting the development of the tourism offering in the region, improving the availability of tourism information, and coordinating with other RTA's to help shape the province's tourism policy.

16.4.2.1 Objectives

- To position and promote Eeyou Istchee as a premier destination for aboriginal tourism, outdoor adventure tourism, and outfitting
- To support the coordinated development of market-ready tourism products and upgrade of existing products in support of tourism industry growth and regional economic development
- To improve regional tourism infrastructure and enhance access to tourism information
- To develop a sustainable tourism industry that will have a positive impact on the region's cultural life and on youths and Elders.

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Chapter 17 – Transportation



17.1 Introduction

In 2000, the ministère des Transports du Québec (MTQ) undertook consultations with the Cree, Inuit and Jamésiens with a view to the development of the *Transportation Plan of Nord-du-Québec*. All nine Cree communities were visited over a two-week period in June 2000. The MTQ met with the band councils and community members to present its process for the development of the Transportation Plan and to hear the concerns and priorities of the Cree regarding transportation in Eeyou Istchee. This consultation led to the release by MTQ in April 2002 of a document entitled *Preliminary – Transportation Plan of Nord-du-Québec*, followed in February 2005 by the document *Analysis – Transportation Plan of Nord-du-Québec*.⁸ Many of the issues and priorities mentioned in these documents remain current today, six years later. The text that follows is based largely on the results of the consultations as presented in the *Preliminary – Transportation Plan of Nord-du-Québec*.

⁸ http://www.mtq.gouv.qc.ca/portal/page/portal/ministere_en/ministere/plans_transport/nord_quebec.

17.2 Values, Apprehensions and Aspirations

The *Preanalysis* notes the following apprehensions and aspirations regarding transportation in the Nord-du-Québec region. Although expressed around ten years ago, they remain pertinent today.

- **Aspiration No. 1: Need for greater local and regional control over sustainable socio economic development.**

One concern here is that decisions affecting the economic development of the region have tended to be made in the south. This gave rise to the aspiration, shared by the Cree and Jamésiens, for greater local and regional control over economic development in the James Bay region.

However, as noted in Chapter 2, current governance structures in the James Bay region exclude the Cree from meaningful participation in economic, land and resource planning in Eeyou Istchee. For the Plan Nord to have any credibility for the Cree, these governance deficiencies must be promptly addressed.

- **Aspiration No. 2: Need for access to the territory to take into account the protection of the environment and human establishments.**

In general terms, the *Preanalysis* states that “This aspiration reflects the apprehension that certain human activities on this vast territory are harmful to the ecosystems, to traditional activities and to tourism development and to residents’ safety (vandalism and violence).”⁹

While noting that this concern is widely shared in the region, the *Preanalysis* states that it is of particular concern to the Cree communities given the impact of increased access to the Territory on Cree traditional activities:¹⁰

This aspiration is ubiquitous in the territory; it is strongly expressed in particular for reasons related to traditional activities, in the Cree communities of Eastmain, Chisasibi, Nemaska, Waskaganish, Waswanipi, Whapamagoostui and Wemindji.

The same strong concerns exist today in all the Cree communities, including, in addition to those mentioned above, Mistissini and Oujé-Bougoumou.

- **Aspiration No. 3: Need for lowering the cost of living and the assurance of a fair distribution of services.**

According to the *Preanalysis*, this aspiration expressed the communities’ apprehension as to not having the same quality of life and services as the rest of Québec’s population. This aspiration was widespread in the Territory and particularly strongly expressed in Inuit villages and also in Radisson.¹¹ This concern is certainly shared by the Cree communities of Eeyou Istchee.

⁹ *Preanalysis*, page 11.

¹⁰ *Ibid.*, page 11.

¹¹ *Ibid.*, page 11.

17.3 Regional Issues and Major Concerns

17.3.1 Air Transport

Among the regional issues relating to air transport is the need to improve and develop airport infrastructure in the Territory. This includes the extension and paving of airstrips and the improvement of airport facilities. The impact of such measures on the socio-economic development of the Territory should be evaluated in terms of such factors as cost of goods, job creation, quality of perishable foods and improvement of service.¹²

17.3.2 Surface Transport

Among the regional issues relating to surface transportation noted by the Preanalysis are the following:

17.3.2.1 Responsibility for Road Maintenance, Function and Classification

Both the Cree and the Jamésien communities wished

... to know who would have the financial responsibility for the roads, for deciding on their function and level of services. There is an obvious desire to know who is responsible for the roads, how are maintenance standards designed and how are contracts granted.¹³

The concern was expressed that regional companies should carry out road maintenance and have priority for such contracts.¹⁴

17.3.2.2 Dust on Gravel Roads

The *Preanalysis* notes the long-standing requests of the Cree communities for measures to address the problems caused by dust raised by traffic on local roads. These problems include negative impacts on health and safety as well as material costs to vehicles and electronic equipment.¹⁵

17.3.2.3 Quality of Road Network

The *Preanalysis* notes that the Cree communities were concerned that access roads to their villages were not in good condition, causing transportation delays and increased risk for the health (and safety) of patients travelling to regional hospitals.

In addition, the Cree community of Oujé-Bougoumou, like the municipalities of Matagami and Chapais-Chibougamau, drew attention to the degradation of certain sections of the highway network, in particular, Highway 113 between Lebel-sur-Quévillon and Chapais and to the need to carry out improvement and maintenance work on the affected parts of the road network.¹⁶

At this time, improvements and maintenance work are also required, in particular, for Highway 167 from Lac Saint-Jean to Chibougamau and the Route du Nord from Chibougamau to Nemaska.

¹² *Ibid.*, page 14.

¹³ *Ibid.*, page 14.

¹⁴ *Ibid.*, page 14.

¹⁵ *Ibid.*, page 14.

¹⁶ *Ibid.*, page 15.

17.3.2.4 Roadside Emergency Telephones

The *Preamble* noted that roadside emergency telephones were available only on the Matagami Radisson Highway, but not on the TransTaiga Highway, the Route du Nord or the access roads to the Cree communities.

In order to promote the security of road users, emergency telephones should be installed in adequate numbers and with proper spacing throughout the regional road network.¹⁷

17.3.3 Marine Transport

17.3.3.1 Community Marine Transport Infrastructure

The *Preamble* notes the concern of the Cree communities for the implementation of adequate marine transport infrastructure facilities in order to promote local and regional economic development and to reduce the cost of transportation of cargo.¹⁸

17.3.4 Transportation Management and Planning

The *Preamble* stresses the need to consult and involve the local communities in the process of transportation management and planning in the Nord-du-Québec region. It devotes an entire chapter to an intensive consultation process carried out with the Cree, Inuit and Jamésiens over four months in 2000, prior to the preparation of the *Preamble*.¹⁹ It also notes the need to include the population in the planning of transportation projects.²⁰

In order to promote the socio-economic development of the Nord-du-Québec region, it is essential that the population be included in the planning process and implementation of the various projects, especially those related to transports. The development of local expertise in transportation and its logistics are also of the highest importance.

¹⁷ *Ibid.*, page 15.

¹⁸ *Ibid.*, page 17.

¹⁹ *Ibid.*, Chapter 1, pages 3-9.

²⁰ *Ibid.*, page 21.

17.4 Specific and Local Requests

The consultations carried out by MTQ in 2000 identified local priorities and requests for each of the transportation modes; these remain largely pertinent today. Certain priorities, not identified by the MTQ in 2000, are also indicated below.

The Cree request the implementation of the specific transportation projects identified in this document within the next ten years. Special emphasis must be placed on (1) the paving of access roads to the Cree communities and of streets and roads within the Cree communities; and (2) the construction or upgrading of air terminals and landing strips for all nine Cree communities

17.4.1 Air Transport

Among the specific requests formulated by the Cree in relation to air transport were the following:²¹

- Intervention to reduce dust on runways in certain airports in James Bay;
- Intervention to reduce costs of operation and conservation;
- Establishment of small aircraft service to transport people from Whapmagoostui to reach their hunting, fishing and trapping grounds;
- Improvement of airport terminals at
- the landing strip, equipment and installations at the Chisasibi airport;
- Improvement of the landing strip at the Waskaganish airport;
- Improvement of airport emergency equipment (e.g. generators);
- Construction of an airport in Mistissini;
- Installation of fire fighting equipment as required at Cree community airports;
- Improvement of the landing strip and security measures at Wemindji.

In addition, more recent consultations with the Cree communities for the Plan Nord Working Group on Transportation have indicated the following priority for air transportation for the Cree communities:

- Construction or upgrading of air terminals and landing strips for all nine Cree communities.

²¹ *Ibid.*, page 22.

17.4.2 Surface Transport

The *Preanalysis* sets out certain specific requests and priorities regarding surface transport identified by the Cree communities. These relate to networks, infrastructures, operations and management.²²

- Intervention on access and local roads for the Cree and Inuit communities so as to reduce dust;
- Improvement of the James Bay road network (this must include the access roads to the Cree communities);
- Improvement of road signs as well as safety equipment on access and local roads among the Cree villages;
- Installation of gates or control zones to limit access to certain areas of the territory (trapping, hunting and fishing zones) to tourists and other users in the James Bay territory;
- Construction of sidewalks and ramps for persons with reduced mobility in Cree communities and Inuit villages;
- Improvement maintenance of the Matagami-Radisson Highway and access roads to Cree communities;
- Review of the classification, status and function of some roads in the James Bay road network;
- Establishment of roadside check points along the James Bay road network and the Matagami-Radisson Highway;
- Improved access to the territory by developing a road link between Matagami and Lebel-sur-Quévillon (N-805);
- Training of Cree Aboriginals to carry out inspection and maintenance of the James Bay road network, especially the access roads to the communities.

This list should be updated to include the paving of all access roads to the Cree communities as well as of streets and roads within the communities.

Any new roads in Eeyou Istchee, such as the proposed extension of Route 167, must be subject to

- full, prior Cree consultation and consent;
- full Cree participation in the planning of any road corridors;
- the environmental and social protection regime provided for in Section 22 of the *JBNQA*.

17.4.3 Marine Transport

The marine transport priorities identified in the *Preanalysis* for the Cree communities are the following:²³

- Construction of a marine infrastructure in a James Bay coastal village;
- Construction of a wharf at Wemindji;
- Installation of navigational signalling at Wemindji;
- Installation of a wharf at Mistissini.

This list should be updated to include the construction of sea port facilities at Wemindji / Chisasibi and Whapmagoostui.

17.4.4 Public and Emergency Transport

The following specific requests and priorities regarding public and emergency transport identified in the *Preanalysis* are pertinent to the Cree communities:²⁴

- Intervention to improve public transport;
- Improvement in traffic control on the access roads to the communities;
- Improvement of emergency services along the James Bay road network;
- Improvement of public transport serving the airports.

²² *Ibid.*, page 23.

²³ *Ibid.*, page 25-26.

²⁴ *Ibid.*, page 26.

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Chapter 18 – Energy



18.1 Cree Orientations on Energy

The territory of Eeyou Istchee possesses considerable undeveloped renewable energy potential, primarily wind and hydroelectric. The Cree are open to the development of the renewable energy resources of Eeyou Istchee, subject to certain principles and conditions:

- (a) A plan must be put in place by the Cree and Québec that would permit the Cree to participate as partners in at least 1,000 MW of renewable energy projects in Eeyou Istchee over the next ten years.
- (b) The conclusion of an Impact and Benefit Agreement between the Crees and energy proponents should be made a legislative requirement for undertaking any energy project in Eeyou Istchee.
- (c) Energy development projects must be environmentally and socially acceptable, and subject to the Environmental and Social Protection Regime of Section 22 of the *JBNQA*.
- (d) The interests of the Cree Nation as a whole, of the various Cree First Nations and of the Cree tallymen and hunters must be protected in the development of the energy resources of Eeyou Istchee.
- (e) The Cree must be full partners in the development of energy projects in of Eeyou Istchee.
- (f) A block of renewable energy must be set aside for development by the Cree in Eeyou Istchee. The amount of this Cree block is to be determined in negotiations between the Cree and the Government of Québec.

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Chapter 19 – Mines



19.1 Introduction

Mining holds clear promise for the economic development of Eeyou Istchee. Large areas of our Territory are subject to mining claims. The pace of mining exploration and development is increasing. The challenge is to reconcile mining development with effective Cree participation and with the principles of sustainable development and environmental and social protection.

19.2 Cree Nation Mining Policy

The Cree of Eeyou Istchee support and promote the development of mineral resources in the James Bay region of Northern Quebec. The Cree recognize the increased economic and social opportunity offered by the mining sector, subject to ensuring that their unique social and environmental regime is adhered to. Accordingly, the Cree have developed the Cree Nation Mining Policy, which provides guiding principles for the conduct of mineral exploration and mining activities within a sustainable manner and in a manner that is respectful of Cree rights and interests.

The purpose of the Mining Policy is to develop a standardized, consistent and effective approach for Cree involvement in all mining related activities occurring on the Territory, including but not limited to, exploration, extraction and the closure of mining projects. Under this Policy, the Cree undertake to support and participate in resource development within our Traditional Territory, provided that (i) our rights are respected, (ii) appropriate measures are taken to protect the environment and our traditional activities and (iii) benefits flow to our communities.

The Cree position is that no mining developments may occur in Eeyou Istchee unless they are socially acceptable to the Cree communities, as demonstrated by the conclusion of agreements with our communities. The Cree must be active partners, not just passive bystanders, in these developments.

19.3 Principles

The Cree Nation Mining Policy is based on three principles or “pillars”:

19.3.1 First Pillar – Promotion and Support of Mining Activities

This pillar is based on ensuring the protection of rights, interests and benefits of all Cree, collectively over their lands and resources, and for Cree contribution in mining activities. Mining proponents can expect to receive guidance from the Cree based on their traditional, technical and scientific expertise on land and mineral resources.

19.3.2 Second Pillar – Mining and Sustainable Practices

Mining activities must be compatible with Sustainable Practices. In essence, mining projects must contribute not only current benefits but also to the development of longer-term alternative employment and business opportunities in non-mining related sectors, and to the productive, traditional and alternative use of the land beyond the life of a mine. These objectives are based on sustainable development of the Eeyou Istchee, in accordance with:

- (a) the principles derived from the Eeyou Astchee – Eeyou Estchee Natural Resources Declaration issued in 1995;
- (b) sustainable mining initiatives within the national and international mining industry standards;
- (c) the application of the Environmental and Social Protection Regime of Section 22 of the *JBNQA* and mining agreements principles under the *Paix des Braves*.

19.3.3 Third Pillar – Transparency and Collaboration

This pillar is based on the establishment of a direct relationship between mining proponents and Cree entities and communities, collaborative and flexible approaches and shared-decision making processes, the support to the mining community through the Cree Mineral Exploration Board and a collaborative relationship between mining proponents and the local Cree families, including the tallymen, and Cree entrepreneurs.

19.4 Legislative Requirement for Impact and Benefit Agreement

The conclusion of an Impact and Benefit Agreement between the Crees and mining proponents should be made a legislative requirement for undertaking any mining project in Eeyou Istchee.

19.5 Training and Professional Development

Mining developments in Eeyou Istchee will provide significant employment opportunities for the Cree within the very short term. In order to enable the Cree to take advantage of these opportunities, capacity building measures, including professional training and development, as well as recruitment, job placement and support measures must be put in place. In this regard, Québec and the mining companies must provide the financial and technical support to Cree interveners, including the Cree School Board and Cree Human Resources and Development, to implement these measures.

19.6 Mining Development and the Environment

19.6.1 Context

The James Bay Territory has been an important source of resources for the Quebec's mining industry since the early 1950s when copper, gold and silver deposits were first exploited in the Chibougamau Chapais area. With consistent worldwide demand for minerals, it is anticipated that mineral exploration and exploitation will be an important source of economic development in the Territory for the next 20 years. Evidence for this can be seen in the existing number of active claims that currently exist (see map below).

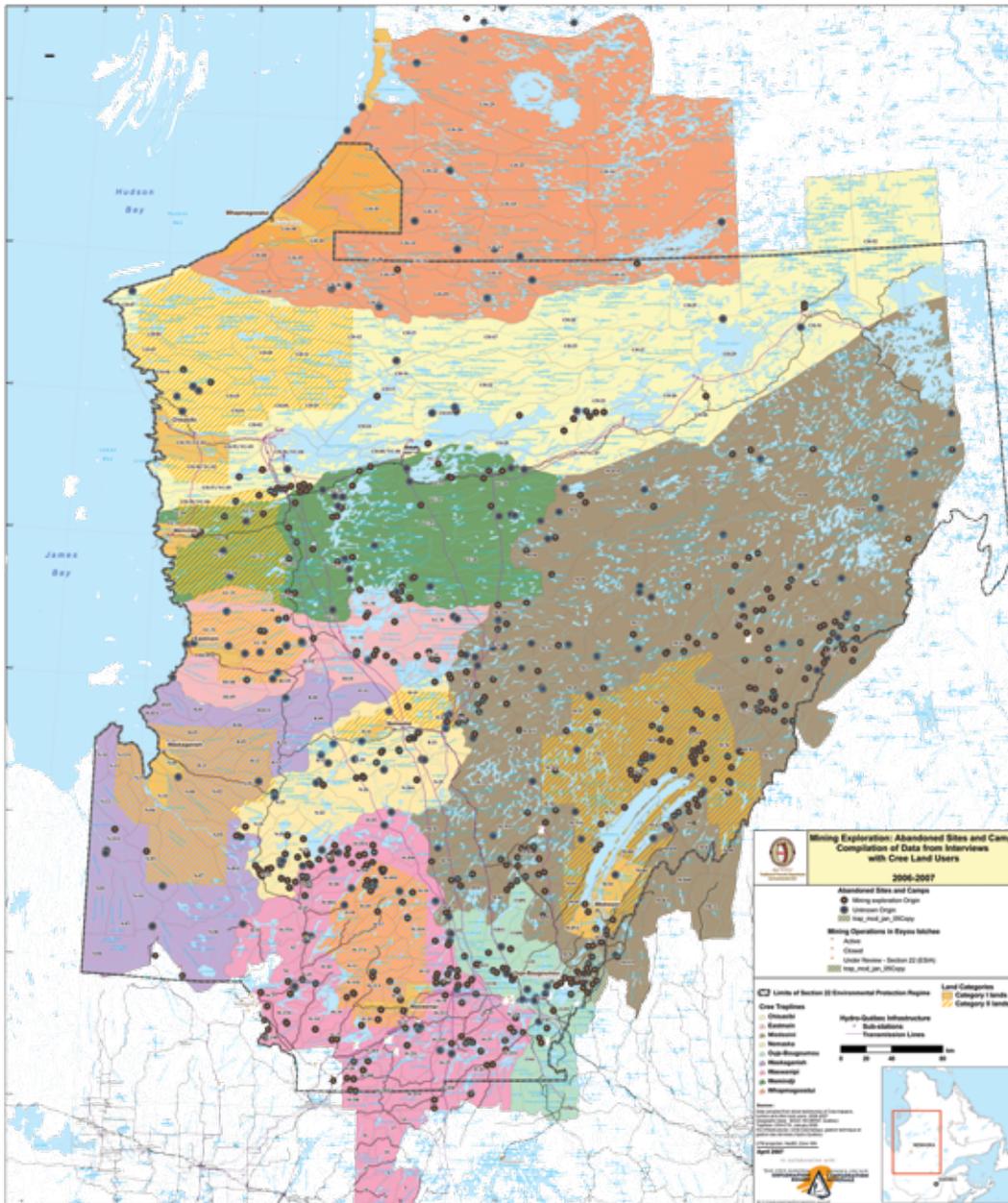
Looking forward then, the Cree intend to ensure that these future mining activities are conducted in a manner that protects and maintains the integrity of the environment. This Chapter will relate mine development in the Territory to its impacts on the environment. Appropriately, it will review the lessons learned from previous mining activities in the Territory and recommend new visionary goals that will strategically help to fulfill the mission of the department for the future.

19.6.2 Mining Activities

Mining activity is not new to the Territory, especially around the Chibougamau and Chapais. Unfortunately, the heritage left from these exploitations to the environment has set a negative impression to the Cree land users. Resolving issues from past mining developments will create a trustful platform for future sustainable mining activities. The issues in need of resolution are:

19.6.3 Clean-up of Former Mining Exploration Sites

An inventory done in the Eeyou Istchee Territory resulted in a substantial number of exploration sites containing hazardous materials potentially affecting the environment (see map below). CRA would like to follow a proposal developed to characterize these sites with the final objective of cleaning them. This inventory supports the need of a public disclosure process for mining activities especially small scale exploration activities that have the potential for long term impacts.



19.6.4 Restoration of Mining Sites

The closed or abandoned sites around the Chibougamau region are of major concern due to water contamination affecting the watershed. A collaborative working relationship has been established to facilitate transparency process through the evolution of the restoration plans. Cree participation is essential to provide technical support to the Cree community and to promote Cree involvement from the preliminary stages of the design of mine restoration plans.

19.6.5 Follow Up on Accidental Spills

The dyke failure from the former Opémiska mine resulted in the spill of water and tailings into the waterway. A monitoring program was developed to analyze and follow-up the impacts of this spill on water and fish. The CRA established a communication system with government entities to participate on the monitoring and restoration plan. Cree representation on monitoring programs and committees are essential to follow up on legacy mining projects to ensure environmental quality over the region.

19.6.6 Visionary Goals

The experience of the Environment and Remedial Works Department of the Cree Regional Authority over the years has targeted the main challenges impeding full protection of the environment in the Territory. These challenges have become our visionary goals, which will help achieve better compatibility between environmental protection and mining activities. Fulfilling these goals will not be possible without first establishing new standards and/or regulations.

19.6.6.1 Disclosure of Mining Activities

A process for public disclosure to local Cree government, Cree regional authorities and Tallyman should be established for any mining activity, including exploration, from the early stages of the plan. Furthermore, a process for evaluation of social and physical impacts of the exploration activities previous to licensing must be put in place to avoid abandoned exploration sites potentially affecting the environment.

19.6.6.2 Responsible Restoration Plans

Responsible restoration plans must include accountability measures for any environment disturbance caused in the region. Thus, Cree participation on responsible restoration plans is a vital part of the accountability. The creation of working relationships and committees have helped access information of restoration plans, nevertheless the goal of this collaborative approach is to participate jointly in the development of restoration plans from the early stages.

19.6.6.3 Regional Monitoring Committees

Monitoring committees must be obliged to seek direct participation of Cree representatives and regional authorities. The committee should elaborate programs on a regional area to track environmental and socioeconomic performance and relate them to mining activities. Monitoring programs that include Cree representatives will be key elements to avoid accidental spills and to track cumulative environmental and social impacts in the region.

19.6.7 Conclusion

Future mining activity in the Territory must be consistent with the Cree way of life and protection of the environment in the Territory as established in Sections 24 and 22 in the JBNQA. Outstanding environmental impacts of past mining activities in region have, in some cases, created a climate of mistrust within the Cree Nation. Rigorous attention to environmental evaluation, restoration and monitoring of the past mistakes will set a basis for trustworthy mining activity in the future. Cree and non-Cree Governments must work together to inspire public trust for mining activities by vigorously supporting environment protection. Strategic environment protection includes transparent communication and Cree participation on any mining activity, restoration plan and/or monitoring program for the Eeyou Istchee Territory.

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Chapter 20 – Forestry



20.1 The Forest Industry and The Cree

Economically, for the Cree to thrive in the regional forest industry, they must either have significantly more access to the regional timber allocation (a difficult challenge given the diminishing state of the regional wood supply) to compete in the traditional lumber market, and/or explore innovative opportunities to develop secondary manufacturing products in specialty wood markets.

In order for either of these conditions to exist, the Government must confront the reality brought on by the diminishing timber supply in the region. In the past ten years the territorial timber supply has been reduced by 1.7 million cubic meters. Without a corresponding reduction in the region's industrial capacity, the remaining forestry companies have been placed in a precarious supply situation competing vigorously with one another for the remaining supplies—the region is at 100% allocation. This climate presents major challenges for companies to invest in secondary or alternative manufacturing opportunities, particularly if they are still attempting to recoup previous investments made when more timber was available.

20.2 Forestry and Cree Traditional Activities

The Cree have continuing environmental concerns over forestry development. In the 35 years that have passed since the *JBNQA* was signed, the Cree have witnessed forestry operations grow from about 100 km² of total cutting per year to a peak of nearly 800 km² in 2001. Corresponding with these cutting operations has been the development of a vast network of forestry roads in the southern portion of Eeyou Istchee. It has been estimated that the existing forestry road network comprises of between 15,000 and 20,000 km of road with another 7,000 km planned for the next 3 years. These forestry activities continue to have an indelible impact on the physical landscape of the Territory and on the Cree relationship with it.

The adoption of the Adapted Forestry Regime and its underlying spirit marked the first time that forestry companies had to seriously consider the Cree presence on the land. Prior to this, forestry cutting involved large swaths of clear-cuts totaling many square kilometers with only marginal separations between the cut blocks. In addition to the scale of clear-cutting, there were no limitations on how much activity could occur on a given Cree traditional family territory. Often this meant that Cree traditional family territories had over 60% of their forests stands cleared in a few years.

On the whole, the reforms brought about by the Adapted Forestry Regime have provided a greater measure of sustainability and accountability in terms of the Crees' traditional activities. Under the Regime, the Cree now have a direct role in the management of forestry activities with their input influencing where, when and how these operations are conducted on their traditional family territories. It is in this manner that the goals of provision 3.4 mentioned herein have largely been met.

20.3 Adapted Forestry Regime and Bill 57

The *Paix des Braves* and Complementary Agreement No. 14 to the *JBNQA* establish the "Adapted Forestry Regime" in Eeyou Istchee. The objective of this Adapted Forestry Regime are to fix particular rules and procedures applicable to the Territory to meet the goals of improved taking into account of the hunting, fishing and trapping activities of the Cree and improved conciliation of forest activities with such Cree activities. The Forestry Regime is to evolve over time taking into account the principles set out in the *Paix des Braves* and subject to Cree consent.

In 2009, the Government of Québec tabled Bill 57 with a view to the reform of the general forestry regime applicable in Québec. This Bill, entitled the *Sustainable Forest Development Act*, received royal assent on April 1, 2010. Bill 57 is meant to replace the existing *Forest Act* by a completely new Act, the relevant provisions of which come into force in 2013.

Bill 57 is a complete reform of the forestry regime. For example, it introduces the concept of "regionalization", different planning methods, changes the role of Québec in forestry planning, it introduces the concept of "ecosystemic cutting" and creates forestry zones for "tree-farming".

As noted in the Status Report on the Implementation of Forestry-Related Provisions 2002-2008 of the Cree-Québec Forestry Board, the Adapted Forestry Regime works very well. Accordingly, the Cree take the position that Québec must demonstrate to the Cree the Adapted Forestry Regime should evolve on the basis of Bill 57 and that Cree consent is required for this purpose.

20.4 Recommendations

The Cree recommend the following measures with regard to forestry in Eeyou Istchee in the context of the Plan Nord:

- (a) To modernize the forestry industry in the Territory, the Government of Quebec should aggressively promote opportunities for investment in alternative forest products, and/or secondary manufacturing.
- (b) To create an appropriate climate for innovation, the Government should work towards reducing the overcapacity of primary production in the Territory. This would create flexibility in the timber supply, relieve competitive obstacles to investment in innovation, and provide the Government with further potential allocations to encourage companies willing to invest in new competitive manufacturing alternatives.
- (c) To ensure that the Cree place in the industry continues to grow, the Government should make available further timber allocations (following from recommendation 2) to the Cree or companies willing to establish partnerships with Cree companies.
- (d) With the demographic changes occurring throughout the Territory and the loss of the traditional labour pool, the Government should work with the GCCEI and its entities to develop culturally specific training programs to encourage Cree to work in the forest industry.
- (e) The Government should continue to support the Adapted Forestry Regime.
- (f) The Government should suspend all forestry management plans in Forest Management Units known to hold forest dwelling woodland caribou. During this suspension, the Ministry of Natural Resources and Wildlife (MNRW) should embark upon open consultations with all parties in the creation of a woodland caribou recovery plan. These consultations should be through the framework of the recovery strategy and the Adapted Forestry Regime.
- (g) The Government should postpone its plans to implement an eco-systemic approach in the Territory in from 2013 to 2018. During this postponement the Ministry of Natural Resources should negotiate with the Cree on establishing a suitable number of eco-systemic forest management test cases. Where appropriate, these test cases could also serve as applications of a woodland caribou recovery plan.
- (h) Before acting upon any of the scientific panel's recommendations regarding the northern limit of allocation, the Government should conduct a comprehensive environmental assessment through Section 22 of the JBNQA.
- (i) To provide greater transparency to the decision making process on the northern limit of allocation, the Government should instruct the scientific panel to give an interim report on its progress to the Cree Quebec Forestry Board. The Board should also be requested to provide input on this progress.
- (j) Forestry operations north and south of the northern limit of allocation should be considered as "industrial" under the Plan Nord deliberations on the 50% protection scheme.

20.5 Legislative Requirement for Impact and Benefit Agreement

The conclusion of an Impact and Benefit Agreement between the Crees and forestry proponents should be made a legislative requirement for undertaking any forestry project in Eeyou Istchee.

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Chapter 21 – The Future



21.1 Research and Development

At present, the technical and economic potential of various resources in Eeyou Istchee, as well as the possible environmental, social and health impacts of the development of these resources, are not well known or understood. In order to permit the Cree to develop a strategy permitting them to participate fully in the Plan Nord, it must provide to the Cree:

- (a) Technical and financial assistance to establish the research and development capacity, including institutional capacity, to evaluate the technical and economic potential of various resources in Eeyou Istchee as well as the possible environmental, social and health impacts of the development of these resources;
- (b) Access to all studies and data in the possession of the Government or its agencies and mandataries that evaluate the technical and economic of the different resources of Eeyou Istchee identified by the Cree as presenting an interesting potential.

21.2 Identification and Monitoring of Industrial Activity

The Cree consider that monitoring is required to verify the nature, scope and impacts in all sectors of industrial activity, such as mining, energy and forestry, affected by the Plan Nord in Eeyou Istchee. This is demonstrated by the uncertainties relating to the definition of the "50% Protected Area" associated with the Plan Nord. What industrial activity has taken place in the past? Where, by whom, with what environmental, social and health impacts in the Territory? At present, it is impossible to answer these questions with any assurance of accuracy. A rational development strategy, such as the Plan Nord purports to be, requires the establishment of baseline information to determine the "before" and the "after" of existing industrial activity and of future industrial activity associated with the Plan Nord.

The Cree must have the means to identify and evaluate the impacts of industrial activity associated with the Plan Nord over the short, medium and long term. The Plan Nord must therefore provide the Cree with the technical and financial assistance required to establish the institutional methods and mechanisms needed

- (a) to identify the environmental and social baseline prior to industrial development,
- (b) to identify the impacts of industrial activity associated with the Plan Nord over the short, medium and long term;
- (c) to monitor the compliance of such impacts with the *JBNQA*; and
- (d) to forecast activities and impacts and to plan accordingly for remedial and other measures.

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Chapter 22 – Implementation



22.1 Introduction

If the Plan Nord is to become a reality, it must be more than just a plan. It will only become tangible through implementation. Implementation assumes the existence of structures charged with the mission of carrying out the various components of the Plan Nord. In Eeyou Istchee, implementation must be carried out in partnership between the Government, the Cree and other stakeholders. It is therefore pertinent to ask what will be the funding mechanisms and organizational structures to be put in place by the Government and the Cree to implement the Plan Nord.

22.2 Access to Resources

The Cree must have our fair share of any funding provided by Government in connection with the Plan Nord. This funding must be allocated among the partners on an equitable basis. The formula for this allocation must be determined in consultation with the stakeholders, including the Cree of Eeyou Istchee.

22.3 Funding Envelope

Plan Nord funding should be provided to the Cree in the form of an “envelope”, rather than on a project-by-project basis. The Cree must be responsible for the management of this funding envelope.

22.4 Government Structures

The structures to be put in place by the Government for the implementation of the Plan Nord remain unclear. However, preliminary indications are that the Government intends that the existing mechanisms for the development of the Plan Nord, including the sectoral tables, the Aboriginal Table, the Partners Discussion Table, the sectoral responsibilities of the various line ministries (e.g. MRNF, MDDEP, Agriculture, Culture, Tourism, MAMROT, Transports) and the coordinating role of the Department of Natural Resources and Wildlife will remain in place for the implementation of the Plan Nord. It has also indicated that the tables mentioned above will meet once a year over the 25-year life of the Plan Nord.

These indications lead to the following questions:

- (a) Given the sectoral approach entertained by the Government for the implementation of the Plan Nord, will there not be a tendency for a cumbersome bureaucracy to grow up over the 25-year life of the Plan Nord?
- (b) If so, will this not require the Cree to put in place their own complex organizational structure in response? This seems likely, and it will require the investment of considerable energy, time and resources. Who will assume the burden of these investments?
- (c) If the actors mentioned above are to meet only once a year, how effective can they really be in the implementation of the Plan Nord? Their role would seem to become largely symbolic, rather than operational.

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Chapter 23 – Conclusion



As stated at the outset, in order for the Cree to support the Plan Nord, it must provide the Cree with concrete and tangible results. The Cree supported the Paix des Braves because it provided them with real benefits. The same must be true of the Plan Nord. It cannot simply be a process. It must yield concrete results for the Cree. For the Cree leadership to convince the Cree of Eeyou Istchee to support the Plan Nord, we need a **real commitment** from the Government of Quebec that the Plan Nord, as it relates to Eeyou Istchee, is another Paix des Braves for the Cree.

Schedule

Schedule 11.4 Health and Social Impacts of The Plan Nord

1. Three-Step Process

Measures are needed to address these concerns in anticipation of the Plan Nord. Each year there are over a dozen new projects proposed on the Cree territory that are reviewed by the James Bay Advisory Committee on the Environment (including COMEX and COMEV), and this number will dramatically increase with the implementation of the Plan Nord. It is therefore necessary to put in place a more effective process for examining the potential health and social impacts of economic development projects in a more explicit, comprehensive and systematic way.

How can this be done? The Cree propose a three-step process.

- STEP 1: List all who could be affected;
- STEP 2: Determine potential impacts;
- STEP 3: Make recommendations.

STEP 1: Whose health and social well-being could be affected?

Examples of groups who could potentially be affected by the proposed development project include the following:

- Workers employed by development projects
- Workers employed by spin-off businesses
- The spouses, children and families of workers
- Hunters with trap lines on/near project sites
- Communities downstream from project sites
- Providers of health and social services
- The entire Cree Nation
- Other populations

STEP 2: What are the likely health and social impacts for each group?

This step is answered in three parts:

Part 1: How are the determinants of health affected?

What are the main determinants (or underlying causes) of health and how will these be influenced by the proposed development project?

- Lifestyle factors - Diet, exercise, engaging in safe behaviours (at work, at home and at play), absence of harmful behaviours (alcohol, tobacco, drugs, gambling), etc.
- Physical environment - Air, water, land, food, housing, etc.
- Social environment - Income and education, employment and working conditions, social support and social cohesion, early childhood development, gender, self-determination, traditional way of life, etc.
- Health and social services - Availability, accessibility, quality, effectiveness, efficacy

Part 2: Which health and social outcomes are likely due to the influence of the economic development project on the determinants of health?

- Health status

Physical health (e.g. mortality, disease, disability, quality of life, etc.)

Mental health (e.g. anxiety, depression, violence, substance abuse, etc.)

Social health (e.g. community cohesion, social support systems, etc.)

Spiritual health (e.g. traditional way of life, relation to the land, etc.)

- Health inequities

Within the population

Between the population and Quebec overall

Part 3: Is the individual or group more likely to benefit or be harmed as a result of the economic development project?

- Benefit

Improved health, greater prosperity, increased social support, fewer health and social inequities, etc.

- Harm

Poor health, increased social stressors, deteriorated sense of well-being, unable to follow traditional way of life, growing health and social inequities, etc.

STEP 3: Make recommendations to maximize benefits and minimize harm

The potential benefits of the economic development project, in the case of a hypothetical mining project, would mostly stem from employment opportunities and increased income which could lead to improvements in the health status of workers and their families.

However, there are also many potential harms including:

- occupational health and safety risks;
- inability to manage increased income leading to harmful behaviours such as alcohol and drug abuse and gambling;
- negative impacts on spouses and children including long periods of absence leading to more abuse and neglect;
- disputes among hunters with trap lines on or adjacent to the project;
- potential water and air contamination of downstream communities;
- added strains on over-burdened health and social services workers;
- lack of transparency and fair distribution of profits leading to increased health inequities within the Cree Nation; and
- lack of equal opportunities for employment leading to increased inequities with non-Aboriginal groups.

Prior to approving any development project, those who may be affected should be consulted in a meaningful way and proponents should be obliged to demonstrate that their plans for the project as well as their ongoing operations and management:

- promote the Cree way of life (i.e. minimize disruption to hunting, family life, traditional diet, etc.);
- consider suggestions of the Cree in the design of the project and in promoting workers' rights (e.g. dry camp, recreational facilities, computers for workers to keep in touch with family, etc.);
- minimize potential risks to the environment and to the health of communities even if this entails greater costs and/or delays;
- coordinate the emergency response plans in advance with Cree authorities and determine the lines of communication and the division of responsibility in case of an emergency;
- conform to government regulations for the duration of the project including planning for and financing the restoration of the land and the long-term environmental surveillance not only at the project site but also in the surrounding communities in case of unanticipated contamination; and
- make transparent and respect agreements for profit-sharing and provide training and equal opportunities for employment and spin-off economic opportunities for the Cree Nation.

2. Conclusion and Recommendations

To make truly informed decisions, each development project must be assessed on a case-by-case basis, and the consultation process needs to be more transparent and participative, even if this entails greater time and cost.

The value of this type of analysis will depend to a large extent on the quality of the information that is provided and synthesized from multiple sources, including:

- Detailed plans of proponents and governments;
- Input and advice from health authorities;
- Two-way communication with communities;
- Inform about the economic development plans;
- Learn about the potential impacts on people's lives.

Who will bear the human costs of economic development in the North?

The Northern populations are already at a disadvantage due to their remote location and suffer considerable health and social inequities as compared to the rest of Quebec. Profiting from the natural resources and tourism potential in the North at the expense of these Northern populations would be unjust, further increasing inequities rather than helping those who need it most.

Can health and social services cope with the increased demand?

There is a need to try to mitigate the potential negative health and social impacts of economic development not only for the welfare of the population, but also to avoid over-burdening the health and social services system.

Can health and social services cope with the increased demand?

The institutions created through the provisions of the JBNQA, such as the Cree Board of Health and Social Services of James Bay, have to be examined to see if their mandate and jurisdiction need to be redefined and whether resources available will be adequate to do the additional work that will likely arise from health, social and public health challenges relating to new and ongoing development projects in the North.

Better knowledge can assist with more informed planning for the future.

Better and more systematic assessment of potential health and social impacts relating to the Plan Nord is an important first step in determining what challenges we will face and how best to plan to meet these new challenges.

The three-step approach proposed here to assess health and social impacts of development projects is intended to maximize the benefits, minimize harm, and ensure that the distribution of benefits and harms within and between communities is fair.

