



**BRIEF FROM THE
COUNCIL OF THE CREE FIRST NATION OF WASWANIPI**

**presented to
COMITÉ D'EXAMEN DES RÉPERCUSSIONS SUR L'ENVIRONNEMENT ET LE MILIEU SOCIAL
(COMEX)**

**FOR THE PUBLIC HEARING ON THE PROPOSED CONSTRUCTION OF TWO FOREST
ACCESS ROADS IN SECTIONS H WEST AND I ON WASWANIPI TERRITORY**

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1. INTRODUCTION

Forestry activities, logging and road building are issues of pressing concern for the people of Waswanipi. On behalf of our people, the Council of the Cree First Nation of Waswanipi, we thank you for this opportunity to present the COMEX with this brief on the proposed construction of forest access roads H west and I in the Broadback River Valley on Waswanipi's traditional territory in Eeyou Istchee. The people of Waswanipi oppose any new forestry activities in the last areas of intact boreal forest in the Broadback River Valley on our territory, for environmental, ecological, cultural and ethical reasons.

That said, it is also important to clarify that the Cree people of Waswanipi are not against the forestry industry. We do not oppose sustainable development and understand the industry's interest in harvesting wood for profit. However, this area of interest in the Broadback River Valley is in urgent need of protection not only to protect the Cree way of life but also for environmental and ecological reasons that need to be considered for Quebec.

SUMMARY OF WASWANIPi'S RECOMMENDATIONS TO COMEX

- We recommend that COMEX consider and reinforce the longstanding calls for protection of the Broadback River Valley and a permanent moratorium on forestry activity on Waswanipi's proposed protected area. (See Figure 1.)
- We recommend that COMEX take into consideration the lack of social acceptance for the proposed forest access road project on Waswanipi territory as per the statements and submissions received from the COMEX public hearing in Waswanipi.
- We recommend that COMEX consider that Quebec has not yet fulfilled its commitment in protect 50% of the land north of the 49th parallel for the Plan Nord (See Figure 2).
- We recommend that COMEX consider a close examination of the latest research on the role of the Broadback forest as a crucial element in federal and provincial efforts on the Woodland Caribou recovery plan.
- We recommend that COMEX consider the detrimental effects of climate change on the planet and the role of the Broadback forest as a carbon storehouse along, with Canada's commitment to the new Paris agreement on climate change to reduce greenhouse gas emissions.
- We recommend that the COMEX consider FSC principles, in particular principle 3, pertaining to indigenous people's rights of ownership and use of land (See Figure 3).

- We recommend that COMEX consider the Truth and Reconciliation Commission of Canada (TRC) recommendations published in 2015, in particular article 92 pertaining to the call for Canada’s corporate sector to adopt the *United Nations Declaration on the Rights of Indigenous Peoples* regarding activities involving indigenous people and their land (See Figure 4).
- We recommend that COMEX consider the *United Nations Declaration on the Rights of Indigenous Peoples* published in 2007, in particular articles 8.2.b, 20.1, 20.2, and 26. 1, 26.2, 26.3, 29.1 (See Figure 5).

2. ABOUT THE CREE FIRST NATION OF WASWANIFI

The name “Waswanipi” means “light on the water” in English, referring to a traditional night-time fishing method in which fish were lured to light by using torches fuelled by pine tar. In the past, fish were speared at the spawning ground at the mouth of the Waswanipi River. You see, our connection to the land is central our way of life, and has been since time immemorial.

Our traditional values and teachings have helped us welcome and include all people, living things and the riches of the land for sharing and mutual growth. Our traditional values of sharing and respect have led us to compromise 90% of our territory for forestry activities. An intact forest is necessary for the practice and preservation of our Cree way of life and as the southernmost community, Waswanipi, has borne the brunt of logging, road building and other developments.

In the 1950s, the Waswanipi region opened up to outside development as the Chibougamau copper boom resulted in the opening of a railway and a highway that skirted the shores of Waswanipi Lake. Thousands of workers migrated to the surrounding region as mines opened in Desmaraisville and Matagami, and sawmill operations began in Miquelon—all on Waswanipi lands. Over time, we became a minority on our own land. Soon, some band families began moving to these new settlements in search of jobs. By 1960, we had about 400 Waswanipi band members, but we were widely scattered across Matagami, Senneterre, Miquelon, Desmaraisville, Waswanipi River and Chapais.

And thus began our long history with the industries.

Northern Quebec has always been very sparsely populated, and the indigenous people living there moved about a great deal. There were no permanent year-round settlements until trading posts were established in the late sixteenth century along the coasts of the James Bay and Hudson Bay and only in the late eighteenth century in the inland country near Waswanipi. Waswanipi was known as a country rich in furs. Beginning in the fur trade era, we have built and maintained a relationship with newcomers and new occupants of the land, in a mutually beneficial exchange of knowledge, partnerships and sharing of resources.

3. THE CREE WAY OF LIFE

For generations, our way of life has been passed down and celebrated by the practice of traditional activities such as hunting, trapping and fishing, and various ceremonies; and by applying the teachings of our responsibility as caretakers of the land.

The Crees of Waswanipi have occupied the traditional Cree territory of Eeyou Istchee since time immemorial. All of our stories, teachings and traditional ways connect us to the land. It is important to recognize that a large portion of words used in the Cree language specifically describe the territory, the climate, wildlife and very specific interactions between these elements. Without an intact forest, these important components of our culture as the Cree people of Eeyou Istchee will be lost.

The environmental disturbances on the Waswanipi traditional territory create a barrier between our ancestral right to the practice of our culture and the preservation of our language. The teachings passed down from generation to generation, such as those related to hunting, fishing and trapping, require an undisturbed environment. Of the original 62 traplines that were allocated to the Crees of Waswanipi, only three remain untouched by forestry activity today. The tallymen, who are assigned to each trapline and responsible for managing and protecting the resources on their ancestral territory (forest, rivers, lakes, animals, fish and everything that provides for the communities), cannot allow any further development on these traplines.

Cree values and teachings have been adapted for centuries to ensure a balanced and sustainable way of life for the Cree, the environment and the wildlife. At the rate the forest has been logged, it is not only species that became endangered but also the continued existence of Cree culture.

Although we live in a modern community, our Cree way of life still connects us very strongly to the land, and we continue to pass on the values that teach us to take only what we need from the land and ensure the sustainability of our forests, rivers and wildlife.

In past decades, there has been growing demand for resource extraction on our territory, resulting in major disturbances to the environment and wildlife and the Cree way of life. Today, the same resources that have brought together Quebec and the Cree are now compromised.

4. THE WOODLAND CARIBOU

The Broadback forest is an essential refuge for threatened species, including the Woodland Caribou, which an important part in maintaining the balance of the boreal forest ecosystem and play a major role in many traditionally nomadic First Nations in northern Quebec, including the Cree.

In a 2012 study commissioned by the Grand Council of the Crees on the current status of the Woodland Caribou, researchers found that the population is declining and only three caribou herds remain: the Assinica, Nottaway and Temiscamie. Other findings point to the fact that there is insufficient undisturbed habitat to support viable caribou populations because of forest harvesting, wildfires, roads, hydroelectric corridors, and mining and outpost cabins. Of the 65% of undisturbed range (habitat) needed for the caribou to survive, 33.2% of the Nottaway range, 51.6% of the Assinica range and 47% of the Temiscamie are already disturbed. The Woodland Caribou Recovery Task Force Scientific Advisory Group concludes that all three caribou populations are declining, given the insufficient critical habitat to support viable populations.

This scientific group made four major recommendations:

- prevent further incursions into remaining intact forests;
- cease subsistence hunting (which the Cree have already been respecting);
- engage in active habitat restoration;
- approve the proposed Nemaska and Waswanipi protected areas (Rudolph, 2012).

The existing forestry model is unsustainable because of excessive harvesting and expectations. While the Quebec government has not yet announced a recovery strategy plan, the Crees of Waswanipi have developed a plan for the Woodland Caribou that is awaiting implementation.

In light of the third annual review of government action by the Canadian Parks and Wilderness Society (CPAWS) for the conservation of Canada's boreal Woodland Caribou released in December 2015, we, the Cree First Nation of Waswanipi, have called upon the Quebec government to implement the Recovery Strategy for the Woodland Caribou and create protected areas on the last 10% of intact boreal forest on Waswanipi territory.

The Woodland Caribou were identified as endangered by the Committee on the Status of Endangered Wildlife in Canada as early as 2002, the same year the Baril-Moses agreement was signed. And although often assumed that the caribou population is declining because of predators and hunting, the main reason is, in fact, landscape transformation. The CPAWS review confirms and clearly indicates that the biggest threat is habitat fragmentation.

Developments on the land have significantly disturbed the natural habitat of many species living in the boreal forest, including the Woodland Caribou. The CPAWS review also shows that there

are currently too few jurisdictions in Canada displaying leadership in protecting this endangered species.

With the status of the Woodland Caribou now a national crisis, we can no longer ignore the need for more protected areas. As it stands, 90% of Waswanipi's territory has already been logged or fragmented by forestry roads. The Cree of Waswanipi have already engaged in discussions with the Quebec government to create a protected area in the Broadback forest.

The CPAWS review points to the urgent need to implement caribou recovery plans across Canada. As stated in the report, although 5,000 km² were already allocated as protected areas for the Woodland Caribou in Quebec, the conservation efforts are moving too slowly to ensure the protection and recovery of this species because of ongoing pressure from industry.

Because the federal *Species at Risk Act* states that all provinces and territories are required to have plans for the recovery of Woodland Caribou populations by 2017, and as part of Quebec's Woodland Caribou recovery strategy, we have been reiterating our request to the Quebec government to protect the Broadback forest.

The Woodland Caribou is a migratory animal that depends on the integrity of the boreal forest for survival. Both traditional knowledge and modern scientific research show that the Woodland Caribou do not typically cross the many forestry roads that now fragment the territory of Eeyou Istchee, nor do they return to areas where logging has occurred, even after trees have been replanted. Although we are not opposed to development, opening this last pristine area of boreal forest to logging activities would have detrimental effects on this endangered species.

It would be irresponsible for the Cree, the industry and Quebec to consider jeopardizing the small but vital remaining virgin forest in the Broadback for a disposable, temporary monetary takeaway. In order to have a long-term and sustainable development relationship with the land and its riches, we must first ensure a sustainable environment for everything that contributes to a balanced ecosystem, including the Woodland Caribou. As humans, our boundaries end when we begin crossing the boundaries of other living beings on the territory we share, and our time to act is now, together.

5. CLIMATE CHANGE

Climate change has become a serious global problem. There is now enough research and data to demonstrate the urgent need for preserving the critical ecosystems that help fight climate change, such the remaining intact forests, including the Broadback.

Preliminary results of a scientific study announced in October 2015 by Quebec Environment Minister David Heurtel shows that the potential of the boreal forest, soils and wetlands to sequester atmospheric CO₂ is higher than previously thought. The old-growth trees, bogs and soil in the Broadback's intact landscape actually absorb tonnes of greenhouse gases that would otherwise harm the environment.

The Broadback forest is needed to help mitigate climate change and to serve as a critical carbon storehouse. In contrast, soil disturbance resulting from road-building and logging can release stored carbon into the atmosphere, adding to the burden of greenhouse gases.

Together, protecting the remaining 4,600 km² of the Broadback forest; in addition to the 9,134 km² of forests and lakes already protected will secure more than 13,000 km² of ancient boreal forest in the Broadback area, which stores some 462 million tons of carbon. Protecting the Broadback can serve to ensure emission reductions by protecting forest areas that were previously designated for commercial logging.

We now know that virgin forests are among our best tools to fight the detrimental effects of climate change, so we have an opportunity to take a leadership stand together to protect our last intact forests.

Following the COP21 conference in Paris in December 2015, the governments of 195 countries, including Canada, signed a new agreement on climate change. With this agreement, Canada has pledged to cut its emissions by 30% from 2005 levels by 2030, in addition to Quebec's commitment to protect 50% of the territory in the Plan Nord, and the woodland recovery plan Quebec has yet to release. All of these underscore the importance of leaving the last 10% of boreal forest on Waswanipi's ancestral land untouched by forestry, logging and road-building.

As Cree people and caretakers of the land, we invite COMEX and the forestry industry to stand with us to protect the last of the virgin boreal forest in Quebec, and work together to find economic and ecological alternatives to ensure a sustainable future for the industry, the environment, the Woodland Caribou and the Cree way of life.

6. OUR CHOICE: A MORATORIUM ON FORESTRY ACTIVITY IN THE BROADBACK FOREST

On behalf of the people of Waswanipi, the Council of the Cree First Nation of Waswanipi calls for a full permanent moratorium on forestry activities in the last areas of intact boreal forest in the Broadback River Valley on Waswanipi's ancestral territory.

For the preservation of the Cree way of life, for the survival of the Woodland Caribou and the global fight against climate change, we need to last of our intact forest to remain untouched by forestry.

The Cree people of Waswanipi are open to further meetings with the industry and Quebec to find economic alternatives to harvesting the last boreal forest on Waswanipi's territory.

Our message is clear: no more forestry activities in the Broadback River Valley without our consent.

7. FIGURE 1 – TIMELINE OF EVFIGURE 2 – GOVERNMENT COMMITMENT TO PROTECT 50% OF THE



TERRITORY FOR THE PLAN NORD (PlanNord & Quebec, n.d.)

PROTECTION OF THE ENVIRONMENT AND BIODIVERSITY CONSERVATION

The revamped Plan Nord offers an opportunity to establish and specify conservation measures to protect 50% of the land north of the 49th parallel from industrial activities, including a measure to establish protected areas.

As part of this process, the Quebec government's target is to ensure that, by 2020, 20% of the area covered by the Plan Nord comprises protected areas, with at least 12% boreal forest north of the 49th parallel.

Steps will also be taking to implement a mechanism for the priority allocation of the remaining 30% of the area for non-industrial activities. This part of the north will be dedicated to the protection of the environment, safeguarding of biodiversity and promotion of various types of development.

The government intends to continue to establish provincial parks as part of the implementation of the Plan Nord.

In environmental protection, the government will continue to act in compliance with the conventions, laws, regulations and specific agreements on the environment that apply in the area covered by the Plan Nord, while respecting its constitutional obligation to conduct consultations with Aboriginals.

It will ensure that development projects are only implemented following strict environmental analyses that respect the processes in place and the populations concerned, giving priority to a support/advisory approach.

The government will act with efficiency, diligence and rigour with respect to all the authorizations needed for project development and will apply all the required supervisory mechanisms. Concrete initiatives will be proposed to improve the transparency and application of the processes to make them more efficient.

This vast and little-known area is fragile and evolving rapidly, especially as the result of climate change. To deal with the difficulties this creates, the government will continue to work with its northern and scientific partners to define ways to adapt to climate change.

Priority actions for 2015-2020 in the area of the environment

By 2035, dedicate 50% of the area covered by the Plan Nord to non-industrial purposes, protection of the environment and safeguarding of biodiversity:

- a total of 20% of protected areas in the area covered by the Plan Nord by 2020, of which at least 12% will comprise boreal forest north of the 49th parallel.
- a mechanism for the priority allocation of the remaining 30% of the area for non-industrial activities.
- extend geophysical and ecological knowledge of the land base.
- elaborate and conduct ecological planning exercises and increase the weight of ecological information in the decision-making process
- improve the transparency and accessibility of the public consultation process of by using new technologies and developing communications tools.
- continue to develop provincial parks.

FIGURE 3 – FSC PRINCIPLES

THE 10 PRINCIPLES

The 10 FSC principles require the forest owner or manager to do the following:

Principle 1:

Compliance with laws and FSC principles – to comply with all laws, regulations, treaties, conventions and agreements, together with all FSC principles and criteria.

Principle 2:

Tenure and use rights and responsibilities – to define, document and legally establish long-term tenure and use rights.

Principle 3:

Indigenous peoples' rights – to identify and uphold indigenous peoples' rights of ownership and use of land and resources.

Principle 4:

Community relations and worker rights – to maintain or enhance the social and economic well-being of forest workers and local communities

Principle 5:

Benefits from the forest – to maintain or enhance long-term economic, social and environmental benefits from the forest.

Principle 6:

Environmental impact – to maintain or restore the ecosystem, its biodiversity, resources and landscapes.

Principle 7:

Management plan – to have a management plan that is implemented, monitored and documented.

Principle 8:

Monitoring and assessment – to demonstrate progress toward management objectives.

Principle 9:

Maintenance of high conservation-value forests – to maintain or enhance the attributes that define such forests.

Principle 10:

Plantations – to plan and manage plantations in accordance with FSC principles and criteria.

<https://ic.fsc.org/en/certification/principles-and-criteria/the-10-principles>

FIGURE 4 – TRUTH AND RECONCILIATION COMMISSION OF CANADA RECOMMENDATIONS

BUSINESS AND RECONCILIATION

Article 92. We call upon the corporate sector in Canada to adopt the United Nations *Declaration on the Rights of Indigenous Peoples* as a reconciliation framework and to apply its principles, norms and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to meaningful consultation, building respectful relationships and obtaining the free, prior and informed consent of Indigenous peoples before proceeding with economic development projects.

http://www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf

FIGURE 5 – UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

Article 8

2. States shall provide effective mechanisms for prevention of and redress for:

(b) Any action that has the aim or effect of dispossessing them of their lands, territories or resources

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources they possess by reason of traditional ownership or other traditional occupation or use, as well as those they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.