



The Cree First Nation of Waswanipi
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Mr. Luc Lainé, Chairperson
Environmental Impact assessment Committee (COMEX)
Édifice Marie-Guyart, 6th floor, Box 83
675 René-Lévesque Blvd East
Québec (Québec)
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RE: FORESTRY ROADS H & I EXTENSION PROJECT ENVIRONMENTAL IMPACT ASSESSMENT

Mr. Lainé,

The present letter is to inform you of the Cree First Nation of Waswanipi's position regarding Forestry Roads H & I Extension Project filed with COMEX in January 2021 by EACOM and its partners. We already presented our concerns regarding the environmental assessment of the proposed Forestry Roads H & I (the "Roads"). Your Committee has considered part of our representations and issued conditions to the project including the limit of the Roads' penetration on traplines W-04 and W-05C (Condition 1¹).

The proposal to extend the Roads as submitted last year by the promoters no longer meets Condition 1, which surprises and worries our community given the impact and repercussions of the extension of such infrastructure directly into the heart of these remaining virgin territories.

Social acceptance of these new roads is undoubtedly one of the first issues that developers will face in pursuing the Roads' expansion project. The community having already expressed its disavowal of the first phase of this project, the second phase will in our opinion exacerbate the resentment felt by members of our community concerning the impact of this project on the territory. Furthermore, the families directly affected by the Roads, namely the Ottereyes (W-04) and Saganash (W-05C) families, have already demonstrated their concerns within the first impact assessment and more recently through the pre-consultations organized by

¹ Conditions du certificat d'autorisation (Condition 1) Projet de construction des chemins forestiers H section ouest et I ENV-2017-01 (ROU-00237562-A0)

the Waswanipi Joint Working Group concerning the 2023-28 PAFIO. Direct consultations with these families revealed their reluctance to this project for several reasons.

Firstly, disturbances within these virgin territories will have a significant impact on the quality of wildlife habitats, on the access to the territories, and especially on the moose and woodland caribou populations. For these two species, the construction of forestry roads and their network as planned by the forest industry and the Minister of Forests, Wildlife and Parks (“the Ministry”) will have a major impact to these virgin territories.

These new accesses will facilitate the arrival of hunters and predators on these virtually untouched territories. This will have a marked impact on the population of these species and their habitats.

In the specific case of these two species, recent studies have shown significant population declines because of road construction and expansion².

The declines in moose populations are significant in Zone 17. As for woodland caribou, the extent of the road access is undoubtedly irreparable and reduces the potential of calving sites threaten by access given to predators so as the quality of the habitat. These studies and inventories have shown a clear decrease in the population because of intensive forestry management without concern for the access generated by the added forestry road and/or the degradation of habitat quality. As far as we are concerned, Zone 22, which includes the territory of the Roads H & I extension project, will be subject to an aerial inventory in the winter of 2023, as proposed by the joint hunting, fishing, and trapping committee, with the apprehension of a decrease in the moose population even in these so-called intact regions. The current ratio of 0.5 moose per 10 km² in Zone 17 is the lowest since aerial survey data has been recorded in this area.

Regarding the woodland caribou, a species threatened with extinction (COSEWIC 2014, 2002), the results of a recent study³ on telemetric collar data collected since 2003 on various subjects show that calving sites for woodland caribou remain by far the most sensitive sites for maintaining the species. These sites, listed following the analysis of the telemetric collar data, show that their locations are minimally more than 10 km from any forest road with good habitat conditions specific to the species’ needs. A simulation of sectors with a high probability index of calving sites for woodland caribou located high quality calving sites on the western shore of Salamander Lake, precisely in the heart of the Road H extension project submitted to your commission.

The results of these studies are of high importance for the Cree First Nation of Waswanipi, which has been striving for many years to maintain those remaining territories virgin or subject to specific wildlife forest management to preserve these two species habitats and /or many other species related to our traditional activities and Cree way of life. The Ministry’s

² Développement du réseau routier zone de chasse 17 1933-2020, Département de foresterie CFNW 2022.

³ Status of Woodland caribou (*Rangifer tarandus caribou*) critical calving habitat in the traditional territory of Waswanipi - Xavier Giroux-Bougard M. Sc. Environmental data specialist, January 2022.

apparent inability to produce management directives for wildlife habitats⁴ specific to these two species within the standards of the Paix des Braves in a timely manner remains unjustifiable, especially with respect to the woodland caribou.

The application of such wildlife directives in the Cree Wildlife sites of interest (nearly 372 different sites on the Waswanipi traplines) is still outstanding and demonstrates the extent of the urgency to maintain and protect wildlife habitats on the territory. The woodland caribou approach⁵ as proposed by the Ministry in the PAFIO 2018-23 exercise is an example of measures to protect the species. However, the continuation of the caribou approach for the next five-year period (PAFIO 2023-28) is uncertain. Its extension on the potential calving grounds of Salamander Lake will have a decisive impact on the very survival of the Assinica herd in our territory, which has been in dramatic decline for the last ten years.

Another major impact of the Roads extension project concerns its penetration within the boundaries of the proposed Mishigamish Cree protected area⁶. The area of this important natural park project for the Waswanipi community has been coveted by the forestry industry for several years. The southern portion of the Broadback River watershed within the Mishigamish Protected Area project is the last bastion of virgin forest in Waswanipi lands. This area is estimated to contain over 6 million cubic metres of forest⁷. It is understood that to maintain these virgin forests will have an impact on the supply of timber for the forest industry. The southern portion of the Waswanipi territory has reached its limits in terms of harvest expansion.

Rest assured that we are aware that our position limits the forestry development advocated by the promoters on the Waswanipi territory. But we deem appropriate to develop these territories according to our traditional practices of hunting, fishing, and trapping, and especially to sustain our resources at the heart of the Cree way of life.

The impact will not be only negative by the creation of this conservation area. A transition process has to be considered if we want to keep alive the millenary relationship between the Crees and the woodland caribou.

The protection of this forest would have a significant positive impact on biodiversity, water quality and the maintenance of the traditional Cree way of life. In addition, maintaining this protected area would also have a significant resilience effect on the climate change impact in addition to conserving important carbon stocks.

⁴ Agreement concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec, Chapter 3 Part III (C-3) - D) Wildlife Habitat Development Directives.

⁵ Approche de précaution pour la prise en compte du rétablissement du caribou forestier sur le territoire d'application du chapitre 3 de la Paix des Braves MFFP, October 2013.

⁶ Cree First Nation of Waswanipi Proposed protected areas update March 2012_ Cree Regional Authority March 2012.

⁷ Estimation du volume SEPM pour la partie sud du bassin versant de la rivière Broadback-Evans, Consultants forestiers DGR — Novembre 2019.

Yet the Government of Québec's flagrant failure to honor its undertaking to establish the Mishigamish conservation area as proposed by the community of Waswanipi for nearly 20 years⁸ unfathomably subsists, and is not only the core of the non-existent social acceptance of the Project, but also of its illegality – at least with respect to its portion projected within said area.

To that effect we believe worthy to quote this relevant excerpt of the Agreement to resolve the Baril Moses forestry dispute⁹:

21. Québec shall, acting diligently, formally designate and establish as a protected area and biodiversity reserve the Broadback River Protected Area, of an area of 9,134.81 (nine thousand one hundred thirty-four and eighty-one hundredths) square kilometers within the JBNQA Territory, as shown on the map appended as Schedule A.

[...]

23. Pending the formal designation of the Broadback River Protected Area referred to in section 21 as a protected area, Québec shall prohibit all forestry, mining, earthwork and construction work, and other industrial activities in this area.

[our underlinings]

In light of the preceding, and taking into consideration that the Committee must devote particular attention to the principle of protection of wildlife, physical and biological environments, and ecosystems, we demand that the Roads H & I extension project be postponed *sine die* until the conditions for the establishment of the Mishigamish protected area, the maintenance of moose populations in Zones 17 and 22 and especially the protection of the Assinica, Nottoway and Témiscamie herds of woodland caribou are guaranteed by concrete measures that respond to the interests of the community and its social acceptability.

Thank you if you have any questions don't hesitate to contact my office or email chief@cfnw.ca.

Yours sincerely,



Chief Marcel Happyjack
Cree First Nation of Waswanipi

⁸ Waswanipi Cree Protected Areas - Conceptual Outline - CFNW Chief Robert Kitchen, March 24, 2003.

⁹ *Agreement to Resolve the Baril-Moses Forestry Dispute Between the Cree Nation of Eeyou Istchee and the Gouvernement du Québec.*