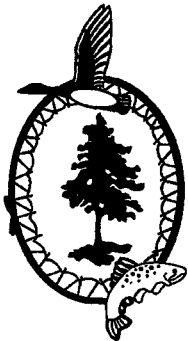


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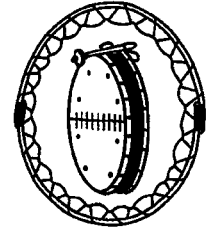
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Grand Council of the Crees (Eeyou Istchee)

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CREE REGIONAL AUTHORITY  
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REÇU APRÈS  
LES AUDITIONS

**BRIEF PRESENTED BY  
THE  
GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE)/  
CREE REGIONAL AUTHORITY**

**FOR THE QUEBEC PARLIAMENTARY COMMISSION:  
THE ENERGY SECTOR IN QUEBEC-  
CONTEXT, ISSUES AND QUESTIONS**

Presented to :  
The Committee on Labour and the Economy

April 2005

Mistissini  
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Whapmagoostui  
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We thank the members of the Commission permanente de l'économie et du Travail for the attention they bring to the submission of the Grand Council of the Crees (Eeyou Istchee) / Cree Regional Authority. The Grand Council of the Crees (Eeyou Istchee) / Cree Regional Authority includes nine (9) first Nations known as Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemaska, Waswanipi, Mistissini and Oujé-Bougoumou. Close to one-half of the electricity produced in Québec comes from our traditional territory.

We understand from the Québec government document entitled *The Energy Sector in Québec, Context, Issues and Questions*, that the government hopes to obtain opinions and proposals from the public on the future energy orientations and initiatives of the Québec government. In this document, it is stated that Québec's energy strategy will be developed with the ultimate goal of meeting energy needs in Québec using the most appropriate means available. In this regard, it is stated at page 13 of the document that: "*there is a need to increase the pace of new hydroelectric development, but the widespread reliance on electricity in the residential sector and the industrial sector should be re-examined in the current context*". It is also stated that, in addition to, among others the fossil fuels and the natural gas, other sources of energy (including thermal sources such as biomass and cogeneration, wind energy, bio-fuels, geothermal energy, solar energy, etc) must also be examined in depth and that the energy-efficiency will remain a key element in the short- and long-term planning of energy consumption in Québec.

### **The History of the Development of Energy Resources on Eeyou Istchee**

For three hundred years after the initial arrival of Europeans to our shores, the Cree Nation participated in the larger world economy through the fur trade. While we were at times exploited as the providers of raw materials at below market prices, but it is also true that with

some modification we were able to continue our aboriginal practices and occupation of our lands throughout this period. These practices were not just a quaint aboriginal pastime. They were activities that comprised our economy, sustained our people, and were at the time an important industry derived from renewable resources on the land.

In the 1950s, industrial development began to come to the Cree Territory in the form of mining and modest-scale forestry activities. Some Cree people obtained employment in these activities, which they combined with continuing their traditional way of life in the bush. Those most directly impacted had their traditional family hunting territories in the path of development and were as a consequence pushed out of the way. They continue to this day to suffer economic and social hardship as a result.

Early industrial development in the southern part of the Cree Territory did not respect the principles of sustainable development and did not involve the Crees in land-use and management decisions nor did substantial benefits of development come to the Crees. The necessity of respecting high environmental standards and sharing the benefits of such development with the long-term permanent residents of the Territory was not recognized. The standards of the day were low. Cree involvement in development was marginal at best. As the Crees gradually became sedentarized they experienced third-world conditions in their communities that gradually sprung up around the trading posts where there was little infrastructure to support the needs of the Cree population. Nevertheless, the promoters of resource development projects provided the infrastructure necessary for non-Cree workers who came from the south. Once again, the Cree communities were sometimes forced to relocate to make way for the workers and their families. This was the classic colonialism found in the third world and elsewhere.

This situation continued until the early 1970s when the second wave of industrial development in the form of hydroelectric development came into the Cree Territory. As in the past, this invasion of projects was started without our consent.

Mega-hydroelectric developments brought massive environmental impacts and promised to displace the majority of the Crees from their traditional Cree hunting lands. The total area of the reservoirs proposed in the early 1970's equaled the area of the state of Vermont – 25,000 sq. km. This was once again development in the north to serve the south. Hydroelectric development built transportation infrastructure in the Territory to facilitate the movement of the southern workers and their families into the central and northern parts of the Cree Territory. The new type of development was based on the short-term presence of thousands of workers as required by the project construction. In the operations phase company-owned facilities were manned on a short-term rotational cycle by workers from southern Québec.

The hydroelectric vision of Hydro-Québec therefore excluded the Crees from involvement in the ongoing operation of installations and from the making of land-use decisions. In spite of promises made in the 1975 James Bay and Northern Quebec Agreement for Cree jobs and economic involvement, our involvement after the construction of projects was limited to a minor role in decisions affecting hunting, fishing and trapping. During project construction, Crees found employment in line cutting, clearing, rock washing, road construction and in some of the related support activities. However, the Crees were not able to benefit to any appreciable extent from the long-term employment and ongoing revenue benefits created by the operation of hydroelectric projects. The profits of electrical energy production were in this way expropriated to the benefit of southern Québec.

When hydroelectric development came in the early 1970s, we, Crees, organized to fight this threat to our way of life on Eeyou Istchee, the Territory. I will not repeat the history, except to say that after six months of testimony we received a decision from the Québec Superior Court, which stopped the construction of the La Grande Project. This decision was first set aside by the Appeal Court in an unprecedented move and then overturned only one week later in a controversial decision which stated that even though Cree rights would be prejudiced, it was in the interests of the larger population of Québec to continue the construction. While the bulldozers destroyed our lands, we were asked to negotiate the nature of our rights. We negotiated the James Bay and Northern Québec Agreement under the reality of ongoing and real impacts to our families and with our self-appointed fiduciary, the Government of Canada, taking a less-than-honorable position of "alert neutrality". This was of course the way they spin-doctored their violation of this fiduciary obligation to us through the whole negotiation process. In the eyes of the Cree Nation at that time, Québec and Canada had ganged up against us.

The development in the north has tended to be development which has been undertaken not in concert with the residents of the north, but in large part in spite of (or even against) them.

Thus, for years we have confronted industrial development in our traditional territories and we have resisted it for two reasons:

1. We saw that development was done at great expense to our traditional economies and way of life. The damages were too great as it diverted many rivers and flooded thousands of square kilometers of land;

2. Industrial development on our lands clearly only benefited others, who lived mostly in the south. We did not benefit in any substantial way. Few of us found permanent jobs in development, and our communities lacked badly needed services such fire protection, sanitation, clean water, shelter, community facilities and employment.

### **La Paix des Braves Agreement**

In 2002, the Government of Québec and the Crees signed La Paix des Braves Agreement, an historical agreement that put behind us 26 years of adversity and redirected our energy and imaginations to our common effort, in real partnership with Québec, to plan for a future that would include the Québécois and the Cree People.

For the first time an agreement was not based on damages or exchanges or surrenders of rights, but rather upon the recognition of our status in our territory and our right to benefit from its resources. The Crees not only became part of the development process, but also became part of the decision making process and of the planning process for future development on our traditional territories.

One of the main purposes of La Paix des Braves Agreement is to assure that the Cree people benefit from the resources on their lands. In signing La Paix des Braves Agreement, Québec undertook to include us in the development of the land in a meaningful and respectful way – by including us in the economy of our territory, by including us in planning for the future, by including us in development, and by including us as a People with rights.

La Paix des Braves Agreement stopped the presumption that has unfortunately prevailed during so many years – that the aboriginal peoples are expected to move out the way

of development so that others may enjoy the benefits of these resources. La Paix des Braves Agreement recognizes the Crees as essential partner in the development – the rational political and social centre for the development in the Eeyou Istchee Territory. That means that the development of energy projects on our lands must be determined in real partnership with us while taking fully into consideration Cree values and aspirations and fully evaluating and weighing the impacts that proposed developments are expected to have on our health, society and culture.

With the Government of Québec as our partner, we intend to work in cooperation to plan the course of development on our traditional lands. Peace is possible only when both parties can see a future for their peoples and when continuing their relationship with the other helps in the achievement of viable economies and ways of life. We, the Crees, have never taken a position of being anti-development as such. We understand and need industrial development. However, we always stand by the principle that development on our lands must include our future and be a sustainable building continuation of our way of life. The Paix des Braves Agreement is based on this principle.

### **The Development of Energy Resources in Eeyou Istchee Territory**

Successive governments have always seen our traditional territory, the Eeyou Istchee, as a territory in which to develop massive hydroelectric projects. This vision has dominated the last 30 years development in our Territory. As a result, half of Hydro-Québec's generating capacity comes from the massive installations built on our traditional territory.

In La Paix des Braves Agreement the Crees gave their consent to the EM1 project, a project with an installed capacity of 480MW. We also agreed not to oppose the EM1A Rupert

project, a project with an installed capacity of 770 MW, but to leave the decision of whether or not it would go ahead to the environmental and social review process for the proposed project, a process created to ensure a high quality professional review of the proposed project to ensure that if it does proceed it will respect the environment and the economic, social and cultural integrity of Cree local communities. Consent to proceeding with the review was also given under a guarantee from the Québec government and Hydro-Québec that the proposed Nottaway-Broadback-Rupert project, a project that would have affected 6,500 sq km of our lands, would be definitively abandoned and cancelled if the new project is in fact approved. The EM1A/Rupert project, if approved, would add a powerhouse beside the presently being constructed EM1 powerhouse and add water from the Rupert River through a diversion of part of the flow of the Rupert River into the EM 1 reservoir. This means that if EM1-A/Rupert is approved, the Nottaway River will not be diverted and the Broadback River will not be converted into a sluiceway with hydroelectric dams crowding its course. It will up to the Provincial Committee and Federal Commission responsible of the environmental and social review of the proposed project to determine, through public hearings, whether the proposed project should proceed.

However, the increase in hydroelectric development projects on Eeyou Istchee has raised serious concerns. Each time a large-scale hydroelectric project is developed on our territories, a parcel of our lands, the lands on which we exercise our traditional activities, disappears or is affected. To date the Crees have paid the environment and social costs of the development of half of the energy resources of Québec.

The development of any energy project generates benefits and causes damages. We cannot blame the Quebec population residing near proposed energy projects, such as Le

Suroît, to oppose the construction of these projects. However, the cancellation of these projects has the direct impact of increasing the urgency for more development of hydroelectric projects on our lands.

The Crees should not have to endure alone the negative impacts stemming from measures adopted to secure Québec's energy supply, while the Québec population benefits from the advantages that large-scale hydro-electric projects bring, such as: low electricity rates, the creation of employment through low-priced energy supplied to industries and the ability of not being required have energy projects close to urban environments, etc. The disadvantages must also to be shared by the Québec population and these same benefits must also be opened to the Crees.

As real partners, the Crees must be involved in all energy development projects located in our lands and not only in large-scale hydroelectric projects. The Cree Nation intends to play a central role in deciding whether or not proposed energy development projects should proceed and what kind of projects should be implemented in the Eeyou Istchee Territory, including wind energy developments and other energy alternatives. As such, any energy project proposed for our lands must be based on the principle of sustainable development requiring long-term social and economic sustainability and participation of the Cree people. Without the application of these principles, the development cannot proceed.

The Cree Nation favours the diversification of energy sources as a way to meet the demand for electricity. In this regards, we are of opinion that the Government of Québec should adopt various measures to favour, among others, the development of wind power as a complement to hydroelectric power. In the future, the wind energy projects combine with other

sources, may become a viable alternative to the flooding of our lands and the damming of our rivers.

The Eeyou Istchee territory is recognized for having good exploitable wind energy potential and the government should recognize this potential in its new energy policy. Presently several Cree communities in collaboration with various potential partners are exploring the possibility of implementing wind energy facilities within their traditional lands. These initiatives have received the support of the Cree Nation. As an example of these initiatives, a Chisasibi company, Yudin Energy Inc., a partnership company composed of the Cree Nation of Chisasibi and a non-native private company, has developed a commercial proposal to build wind capacity along the La Grande system.

The Québec government announced that it intends to increase wind-generating capacity substantially in the short term. The government has asked HQ to purchase additional wind power capacity. This option should be offered in Eeyou Istchee.

In another respect, at page 13 of the document entitled "The Energy Sector in Québec – Context, Issues and Questions", it is stated:

*"(...) energy efficiency alone cannot compensate for increasing demand, in particular because of the cost of energy efficiency measures and the fact that energy efficiency depends to a large extent on individual consumer choices."*

The new Québec energy policy should favour the adoption of stronger energy efficiency measures. In the past, the government of Québec and Hydro-Québec have always maintained

that only the energy surplus were allocated to the exportation. Recently, this position has been modified and Québec as well as Hydro-Québec now promote energy development for exportation purpose.

By investing to reduce the demand for energy in Québec, the government could fee-up energy for export. Investment in energy efficiency measures that cost up to the marginal value of the saved energy on the export markets would make Québec industries and homes more energy efficient and would allow them to indirectly benefit from the export markets. Moreover, with such measures, substantial long-term employment would be created in Québec.

Moreover, in this way Québec could benefit from the profits made in export markets and the sacrifice of Quebec rivers for export would only be required after all other alternatives are maximized.

We would be glad to reply to questions.

Meegwetch.

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