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NEMASKA FIRST NATION

1 Lakeshore Road
Nemaska, (Quebec)
J0Y 3B0

Comité d'évaluation
REÇU LE
08 JUL. 2003
COME V

Tel.: (819) 673-2512
Fax: (819) 673-2542

TELECOPIER COVER PAGE

Date: July 7, 2003

By Fax: (418) 646-0266

Please deliver the following pages:

S.V.P. Donner les pages suivantes a:

Name/Nom : Michael O'Neill
 Firm/Entreprise : COME V
 City/Ville : Quebec
 From/De : Matthew Tawoush
 Faxed by : _____

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SPECIAL INSTRUCTIONS/INSTRUCTIONS SPECIALES

By Fax: (418) 646-0266

Mr. Michael O'Neill, Executive Secretary
Evaluating Committee
Secretariat des comites nordiques
Ministere de l'Environnement, Edifice Marie-Guyart
675, boul. Rene Levesque Est
6th floor, box 83
Quebec (Quebec) G1R 5V7

July 7, 2003.

Hi, my name is Diane Jolly and I am a member of Nemaska First Nation. I have no formal education background but I have always lived on the trapline all my life and continue to this day. I am a full-time trapper and a recipient for Income Security Program, (as a source of my income).

As mentioned during the Public Consultation tour, I am submitting my concerns to the Evaluating Committee regarding the road conditions of Route du Nord. The concerns that I will be sharing are solely based on my observations and the concerns shared by others and it's disturbing and danger to the public who are frequent travellers of the road and definitely needs improvement.

I just want to inform to the evaluating committee, what can happen, when travelling on the Route du Nord and the potential risks that associate with the road in terms of health and safety. I am to admit that its scary, to travel on this road, as does not give me the assurance of security due to its conditions, the road in some areas are in a bad shape. The long hauling of transport trucks has caused enormous strain on the road creating washboards and eventually weaking the road in some areas creating gutters. I have witnessed the dramatic conditions of the road and I just can not imagine, how people can cope with, when travelling on this road that could bring serious repercussions to the mental health of persons who may be suffering from respiratory problems by breathing a cloud of fine dust and at times you don't see the on-coming traffic nor someone behind you. People have the tendency of driving on the middle of the road, as there is no existing middle lane. It sad to say, since the opening of the Route du Nord, there has been an increasing numbers of vehicle accidents and we have witnessed to these terrible tragedies. We are very much aware, there are advantages and disadvantages of this road through social impacts and as long the road, stay as it is, there will be risks of eventual wear and tear of continuous mechanical breakdowns. (windshields, tires, towing, etc.)

To conclude of my statement, as they say there is a danger to every curve, something must be done for the well-being of the Public. I believe that before any development is been advanced in the territory, they should **paved (asphalt) the Route du Nord**, so that the Public of all walks of life can benefit economically and have a sense of security.

Translated by Matthew Tanoush for Diane Jolly, Members of Nemaska First Nation



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FAX COVER PAGE

Date: July 8/2003

Comité d'évaluation
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 City/Ville : Quebec
 From/De : Genevieve
 Faxed by : Genevieve

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July 8, 2003

(Attention: Michel O'Neil, secretary)

By fax: (418-646-0266)

Mr. Philip Awashish, Chairman
Evaluating Committee
675 boul. Rene-Levesque
6th Floor, Box 83
QUEBEC, Quebec
G1R 5V7

SUBJECT: Nemaskau Eenouch, the proposed Rupert River Diversion and the NBR Project

Mr. Awashish,

I am writing to you as an original member of the Nemaskau Eenouch, former Chief, Director of Operations, and Secretary/Treasurer of the community. It has recently been brought to my attention that the Evaluating Committee will be meeting shortly to review comments submitted on the draft directives for the impactt assessment on the proposed Eastmain 1A/Rupert River Diversion project.

Unfortunately, I was unable to attend the "visit" to our community, due to prior commitments but would like to take this opportunity to appeal to the Evaluating Committee to ensure that all issues relating to the forced relocation of the Nemaskau Eenouch are dealt with to the satisfaction of the members.

The Nemaskau Eenouch have a sacred attachment to their ancestral homeland and it is by this that they have re-established their community within the vicinity of their hunting territory and have continuously revisited their original community for well over a decade, if even for only a week every summer. Their most recent visit being the week of June 30 to July 4, 2003. There are some members who spend the summer at the original community.

Although, the Nemaska Eenouch were scattered for seven (7) years, to Mistissini and Waskaganish, their hearts and spirits never left their ancestral home.

The Nemaskau Eenouch never willing left their original community but were literally forced to move out. The impacts of the La Grande Complexe 1975 were felt and imposed upon the Nemaskau Eenouch prior to the official announcement by the Government of Quebec, in 1972. As history will recall the Nemaskau Eenouch were told they had to move out and their "homes" would be underwater, by a visit in 1969 by a Member of the National Assembly.

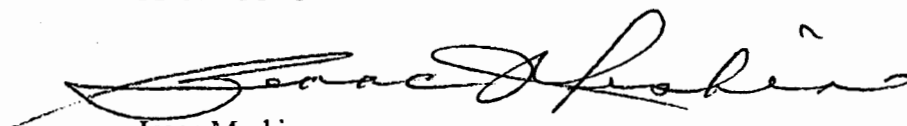
The forced relocation of the members of the original community and the "persecution" and "alienation" faced by the Nemaskau Eenouch during their seven (7) year exile is an issue that has never been settled much less an inquiry ever conducted. This relocation may have been the result of other factors but the most prominent in the minds, hearts and spirits of the Nemaskau Eenouch was the then proposed NBR Complexe, which they fought hard against. Now, their major concern is not the flooding but the drying up of THEIR LAKE. It is by their Lake that the Nemaskau Eenouch have maintained their unique and distinct identity

The results of the Referendum relating to the signing of the Cree-Quebec New Relationship Agreement of February 7, 2002 may have been by a majority support of the Nemaskau Eenouch who actually voted but their position in regards to the Members' Resolution 1999-15, adopted on September 2, 1999, has never changed. Many still believe that this was another imposition on the Nemaskau Eenouch by external authorities.

The Nemaskau Eenouch have a sacred trust imparted to them by their ancestors. Keep the River and the Lake alive for they gave you life.

Please do not hesitate to contact me should you require or need any additional information. I remain

RESPECTFULLY YOURS



Isaac Meskino
Director of Culture & Special Projects
Chairman, Archaeology & Cultural Heritage Advisory Committee
School Commissioner in Nemaska

Cc: Chief Josie Jimiken
Matthew Tanoush
Lawrence Jimiken



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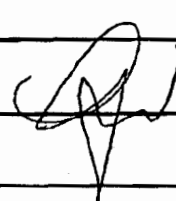
Name/Nom	:	<u>Michael O'Neill</u>
Firm/Enterprise	:	<u>Evaluating Committee</u>
City/Ville	:	<u>Quebec</u>
From/De	:	<u>George Wapachee</u>
Faxed by	:	_____

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SPECIAL INSTRUCTIONS/INSTRUCTION SPECIALES

Hello - I understand today is the deadline
for this


July 8, 2003

(attention: Michael O'Neill, secretary)

By fax: (418) 646-0266

Mr. Philip Awashish, Chairman
Evaluating Committee
675 boul. René Lévesque
6th floor, Box 83
Québec, Québec
G1R 5V7

Subject : Nemaska First Nation, the proposed diversion of the Rupert River, and the Nottaway-Broadback-Rupert or NBR project.

Dear Philip,

I am writing to you as a member of the Nemaska First Nation and as a former Chief of this community. I understand that the Evaluating Committee will be meeting shortly to review comments submitted on the draft directive for the impact assessment of the proposed Eastmain 1-A/Rupert diversion project.

I would like to use this opportunity to appeal to the Evaluating Committee to ensure that Hydro-Québec deals adequately in its impact statement with the circumstances surrounding the closing of the Nemaska Post, and the scattering of the Nemaskau Eenouch to Mistissini and Waskaganish in the late 1960's and with the treatment of the Nemaskau Eenouch in relation to the NBR project at the time of the negotiations of the James Bay and Northern Québec Agreement.

The Nemaskau Eenouch believe that their concerns as a community in relation originally to the NBR project, and now in relation to the proposed diversion of the Rupert River, have never been satisfactorily addressed. This continues to be a serious matter of 'unfinished business'. This problem was the subject of an important Band Member's resolution (#1999-15), adopted on September 2, 1999, which I believe should be examined carefully by the Evaluating Committee.

The Nemaskau Eenouch have specific concerns about the selection of both Category I and II lands in relation to the originally proposed NBR project which should be addressed by Hydro-Québec in the impact statement for the proposed diversion. These concerns involve the location of both Category I and II lands, and the community's objective of ensuring the conservation of the site of the original community on the shores of Nemiscau Lake. There are also specific concerns about the conservation of the fish resources of the Nemiscau Lake and the protection of Champion Lake. All of these issues should be discussed by Hydro-Québec with the Nemaskau Eenouch before the impact statement is written.

We will be taking a close interest in the impact statement and in its review by the Review Committee and by the Canadian Environmental Assessment Agency panel. It is likely that the Cree Nation of Nemaska will intervene during the review of the impact statement. In the meantime though, it is important that Hydro-Québec conduct the necessary research in order to understand fully the problems faced by the Nemaska Eenouch in relation to both the NBR project and the proposed Rupert River diversion.

It is true that the majority of the Nemaskau Eenouch supported the recent Cree-Québec New Relationship Agreement of February 7, 2002 largely on the basis of what is in the best interest of the Cree Nation. However, as the Nemaskau Eenouch, our position of September 2, 1999 still remains the same, and hopefully these new developments will give rise to finally giving closure to a contentious issue of the past.

Please do not hesitate to contact me if you need additional information.

Sincerely,



George Wapachee

cc: Chief Josie Jimiken
Matthew Tanoush
Lawrence Jimiken



NEMASKA BAND MEMBERS

Resolution #: 1999 - 15

Proposed By: George Wapachee

Action: CARRIED

Seconded By: John Mettaweskum-Tent

Against:

Subject: NEMISCAU SAKHEGUN

The Members of the Nemaska Band having met, in Nemaska Village, Quebec, this 2nd day of September, 1999.

PREAMBLE

THROUGH THE GRACE OF THE CREATOR, and prior to the arrival of the Europeans, the Nemiscau Eenouch have survived and lived an autonomous and harmonious stewardship on the lands comprising their traditional hunting grounds within the area in and around Lake Nemiscau/Nemiscau Sakhegun,

The cultural and ethnic identity of the Nemiscau Eenouch is derived from its close relationship and attachment to its traditional hunting territory and lands within the region surrounding Lake Nemiscau, lands which they have occupied since time immemorial,

"Nemiscau Eenouch" in the Cree language translates as "People from the Land of Plentiful Fish",

During the 1950's and 1960's, the Government of Quebec through its subsidiary, Hydro-Quebec made frequent forays into the historically occupied territory of Eenu Istchee, including the territory of Nemiscau Eenouch for the purposes of gathering early technical information to support the feasibility and development of the James Bay Hydro-Electric Project and more particularly, the Nottaway/Broadback/Rupert Complex (NBR),

Part of these forays involved gathering relevant information outlining the potential problems that could be encountered in the actual implementation of this development and at the same time, enacting the process of early 'neutralization' of these problems. It is the contention of the Nemiscau Eenouch that one of the potential problems identified was the original settlement of Nemiscau and the methods to be used to discourage the Nemiscau Eenouch from remaining in the settlement. This practice is a proven form of ethnic cleansing,

During the summer of 1968, a member from either the Quebec National Assembly or Parliament of Canada came into the original settlement of Nemiscau with a letter of warning informing the Nemiscau Eenouch that the whole area would be flooded, the Hudson's Bay Company (HBC) store would be closed and that the only option left was for the Nemiscau Eenouch to move out of the area,

The Nemiscau Eenouch made a special appeal to the Indians of Quebec Association for their assistance to retain their right to remain in their ancestral lands. The Association promised to help the Nemiscau Eenouch in every way possible,

This help never evolved,

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NEMASKA BAND MEMBERS

Resolution #: 1999 - 15
Page 2

In 1970, the Hudson's Bay Company ceased their operations soon after hearing of the letter of warning and the Nemiscau Eenouch, faced with the dilemma of not having a store for provisions and trading, began leaving by plane (air lifts) to either Mistassini or Rupert House. The Nemiscau Eenouch had been betrayed by a company that had encouraged dependency and their loyalty,

During the course of the early planning of the James Bay Hydro-Electric Project, the Nottaway/Broadback/Rupert Complex (NBR) had been a priority in the initial phasing of these developments that precipitated the many events which eventually led to the forced relocation of the original settlement of Nemiscau. This resulted in the major uprooting of a people from their traditional birthplace,

The Government of Quebec through its main subsidiary, Hydro-Quebec, with the advice of a major energy/engineering consultant firm, revised its original intent to develop the Nottaway/Broadback/Rupert Complex (NBR). The main focus then turned to the development of the alternative and more northern project of La Grande Complex. This sudden change caused a gross injustice and completely misled and misinformed the original settlement and the Nemiscau Eenouch, who by that time had completely left the area,

Following intensive negotiations, and opting for an out of court settlement, following an overturned court victory, the Grand Council of the Crees (of Quebec) representing the James Bay Cree sign the James Bay and Northern Quebec Agreement (JBNQA) on November 11, 1975,

Section 4.7.4 of the James Bay and Northern Quebec Agreement provides vague provisions for re-establishing a new community for the Nemiscau Band. These provisions do not stipulate that the new community would be located in the same site as the original settlement (Section 8.1.3.d). This particular provision/section was formulated to accommodate the opposition made by the Government of Quebec for such an eventuality, thereby further denying the Nemiscau Eenouch of their traditional birthplace,

Section 4.7.4 of the James Bay and Northern Quebec Agreement imposes the following conditions:

- 1) "At least ninety (90) persons of the Nemiscau Band, with a one (1) year delay after the signing of the final agreement, (JBNQA, November 11, 1975) will have to formally pledge themselves to permanently settle on Category 1 lands"
- 2) "Within a five (5) year delay from the date on which the final agreement is signed, (JBNQA, November 11, 1975) it must be established that the permanent residence of not less than ninety (90) members of the Nemiscau Band is effective on Category 1 lands.

Should one or another of these conditions not be adhered to, Category 1 and 11 lands set aside in the Nemiscau Region, shall have to be redistributed in the Mistassini and Fort Rupert Regions, proportionately to the members of the Nemiscau Band living there".

Condition 1) was respected in the summer of 1976 when one hundred and forty-seven (147) Nemiscau Band members signed the pledge to relocate,

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NEMASKA BAND MEMBERS

Resolution #: 1999 - 15
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Condition 2) was respected in 1980 but not without some dire consequences which today continue to be very problematic for the Nemiscau Band,

The James Bay and Northern Quebec Agreement has not established or confirmed funding mechanisms for the reestablishment of the Nemiscau Band within the Category 1 lands set aside for this purpose. The only documents that refer to this process are the infamous letters of undertaking from the Federal Government dated November 15, 1974 along with a subsequent letter dated November 11, 1975, which was inconspicuously transmitted by hand during the signing of the final agreement (JBNQA) with the position that no new or special funds will be allocated to the Nemiscau Band towards this reestablishment,

The position taken by the Federal Government effectively denied the Nemiscau Band the proper funding required to fulfill the five (5) year delay condition, a situation which then forced the Nemiscau Band to resort to accessing only the regular programs of the Department of Indian Affairs and Northern Development on a year to year basis. This dilemma forced the community members to live harmful and hazardous conditions due to the extended delays in the development of services and the delivery of these services,

In order to respect the final conditions imposed under the James Bay and Northern Quebec Agreement relating to the five (5) year delay period, the Nemiscau Band decided to reestablish themselves on the shores of Champion Lake where its Category 1 lands had been set aside,

In 1980, there was a serious epidemic of gastro-enteritis that caused the deaths of four (4) children within a four (4) month period. This was proven to be as a direct result of the unsanitary living conditions and the contaminated drinking water in the new site. By this time, in order to respect the conditions of the James Bay and Northern Quebec Agreement, the Nemiscau Band had been forced to relocate prior to the installation of appropriate housing and sanitary infrastructure in this site and the residents were in effect, living in crowded temporary tents,

The Nemiscau Band, through the course of its Relocation Program, has had to access substantial amounts of Cree funds that were used towards the reestablishment of its new community,

This forced relocation during the 1970's has had a traumatic and residual effect on all the members of the Nemiscau Band,

The effect of Post Traumatic Stress Disorder continues to be experienced by the parents and is still being felt today by the parents who were children during this period. In the attempt to create an environment conducive to healing, the Nemiscau Band since then has used its own funds to develop the Nemiscau Wellness Program,

Since 1986, the Nemiscau Band has had to spent over four (4) million dollars of Cree funds for the construction of a ten (10) kilometre Access Road into the new community despite repeated requests to the Government of Quebec and the Federal Government to fulfill this portion of their funding obligations and their fiduciary responsibility. In addition, the Nemiscau Band was obliged to cover the Operation and Maintenance costs for this Access Road for the last thirteen (13) years,

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NEMASKA BAND MEMBERS

Resolution #: 1999- 15
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In retrospect, the James Bay and Northern Quebec Agreement has significantly improved the lives of the members of the Nemiscau Band however there continues to be many outstanding issues that are yet unfulfilled and are demanding proper closure,

During the summer of 1998, Hydro-Quebec made another foray into Eenu Istchee and informed the members of the Nemiscau Band of its intentions to develop the EM-1 Hydro-Electric Project, as contemplated in paragraph 8.1.2. of the James Bay and Northern Quebec Agreement,

Hydro-Quebec has informed the members of the Nemiscau Band that the said project, including the addition and the modifications respecting the Eau Claire diversion, are not presently economically feasible and must therefore be revised in order to increase the generating capacity of EM-1,

Hydro-Quebec, as part of its objectives to increase the capacity of EM-1 and in order to make the project economically viable, propose substantial changes to the said project, more notably;

- 1) The construction of a diversion dam at Km. 314 of the Rupert River and thereafter diverting the waters of the Rupert River into EM-1 reservoir area, and/or,
- 2) The construction of a diversion dam at Km. 490 of the Rupert River and the diversion of the waters of the Rupert River into the Eastmain River and then into the EM-1 Reservoir.

The proposed changes are new and present substantial modification to the EM-1 Hydro-Electric Project identified in Section 8.1.2. of the James Bay and Northern Quebec Agreement and the project identified in 1995,

The proposed additions will have serious and negative impacts on the Hunting, Fishing and Trapping activities of the members of the Nemiscau Band,

More particularly, the proposed diversions/cut off of the Rupert River system will substantially reduce the flow of waters by as much as 50%. This water system is essential to maintain the wildlife and fish stocks in the Rupert River, the Nemiscau Lake/River and within the traditional hunting territory and area of primary interest to the Nemiscau Band. The Nemiscau Eenuouch depend on these lands and waters for their subsistence and livelihood,

The Nemiscau Band has never conceded their water rights nor the rights to the adjoining flows of water which provide the lifeblood to its traditional hunting grounds,

This new development will wreak unknown havoc on the sensitive ecosystem of the Rupert River and Nemiscau Lake/River basins. It will also severely impact the Nemiscau Band and its new community on Champion Lake which is directly connected to these river basin systems,

These new developments and modifications will further add to the questionable and prolonged status of the Notaway/Broadback/Rupert Complex as originally envisaged which had already disrupted and uprooted the lives of the Nemiscau Eenuouch since its conception,

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NEMASKA BAND MEMBERS

Resolution #: 1999-15
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During the meeting with the members of the Nemiscau Band in the summer of 1998, Hydro-Quebec informed the members that they would not proceed with this new development unless the following three (3) principles were respected:

- 1) That the project is environmentally acceptable;
- 2) That the project is economically viable;
- 3) That there be Cree consent to proceed;

There was no Cree consent obtained at the said meeting, nor was there any form of acceptance of the offer of a partnership approach in this new project. This offer was made to all the James Bay Cree, including the people of the Nemiscau Band, to act as co-developers in this new venture, in the spirit of mutual cooperation,

THEREFORE, BE IT RESOLVED:

THAT the PREAMBLE provides substance and historical facts of the continuing relationship between the Government of Quebec, Hydro-Quebec, the Federal Government and the Nemiscau Band, and shall therefore be considered to be part of this resolution.

THAT the members of the Nemiscau Band direct the various signatories of the James Bay and Northern Quebec Agreement to launch an independent inquiry into the events surrounding the forced relocation of the original settlement of the Nemiscau Band on Lake Nemiscau, including the events leading to the reestablishment of a new community on Champion Lake.

THAT this independent inquiry be implemented immediately and to be completed on or during the year 2000.

THAT the members of the Nemiscau Band hereby mandate the Grand Council of the Crees (of Eeyou/Eenou Istchee) to seek a moratorium on all further developments within the hunting territory of the Nemiscau Band, be it Hydro, Forestry and Mining development.

THAT the members of the Nemiscau Band reserve their right to seek appropriate compensation and damages further to the results of the said inquiry.

THAT the members of the Nemiscau Band have not given up any of their rights to Nemiscau on Lake Nemiscau from whence their cultural identity is derived from since time immemorial.

THAT the Chief and Council of the Nemiscau Band are hereby mandated to do all things useful and necessary to give effect to the foregoing.

Rose Wapochie
SECRETARY FOR THE MEETING

