



ᐱᐃᐃᐃᐃᐃ ᐃᐅᐱᐱᐅᐅᐅᐅᐅ  
THE CREEES OF THE  
WASKAGANISH FIRST NATION

P.O. BOX 60 WASKAGANISH, QUEBEC  
J0M 1R0  
TEL: 819-895-8650  
FAX: 819-895-8901

FACSIMILE TRANSMITTAL SHEET

PLEASE DELIVER THE FOLOWING PAGES:

TO:	M. MICHAEL O'NEILL	FROM:	Chief Robert Weistche
COMPANY:	Secetaire, COMEV	DEPT:	
CITY & PROVINCE:	QUEBEC (Que.)	DATE:	July 08, 2003
FAX NUMBER:	418-644-8222	TOTAL NO. OF PAGES EXCLUDING COVER:	12
RE:		FAXED BY:	1

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    FOR YOUR INFO

NOTES/COMMENTS:

*Originals will be mailed.*

IF YOU DO NOT RECEIVE ALL THE PAGES PLEASE CALL THE NUMBER PROVIDED ABOVE.

**Confidentiality note:** The document(s) accompanying this transmission contain information belonging to the Waskaganish First Nation, which is confidential and / or legally privileged. The information is intended only for the use of the individual or named above. If you are not the intended recipient, you here hereby notified that any disclosure, copying, distributing or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please advise our office immediately.

*Meegwetch!                      Merci!                      Thank you!*



## **1 Introduction**

We the Cree people have used the land and waterways for hundreds, if not thousands of years. We know of a deep spiritual connection to the land and the peace that we feel when we are there. We have relied on the Rupert River continuously. Our people used it for navigation of goods during the days of the Fur Trade, or to travel to Smokey Hill, to harvest the whitefish who came to spawn. I, too, have seen this river when I participated on a river trip last summer. I have walked to portage trails our people once walked, feeling a sense of loss already, though the project hasn't even started.

Members of the panel should tour this river system to view the powerful rapids, the beauty of places rarely seen, and to get a sense of the spiritual connection that we have with this great land. Then perhaps you will understand that this process may lead to sacrificing one of the most beautiful rivers on this continent.

In the Draft Directives the economic components seem to play a large role but there are other considerations that must be part of this process, some of which this document will address.

## **2 Initial position of principle**

Chapter IV of Boumhounan Agreement, and precisely its article 4.1, states that «The project will be subject to the environmental and social impact assessment regime of the JBNQA and all required governmental authorizations». Therefore, when we ratified the Boumhounan Agreement, we haven't accepted the Eastmain 1-A and Rupert Deviation Project. By this ratification, we merely consented to an open participation to its process of assessment, and we agreed to the amounts of compensation that we are to receive, if the project is authorized.

The truth is we cannot accept nor reject a project of such magnitude and importance for our people, on which we have not received all the necessary information. Hence the community of Waskaganish reserves its right to approve or reject this project, as long as:

- a complete description of all its components hasn't been disclosed by the proponent;
- the project's full environmental, social and economic impacts haven't been described, qualified and quantified;
- acceptable mitigation measures, if necessary, haven't been proposed and negotiated with us.

Therefore, the community of Waskaganish puts very high emphasis in the process of assessment initiated by the Preliminary Directives. Since the purpose of this process is to allow a complete evaluation of the project's environmental and social acceptability, we intend to focus our attention on the whole process.

### **3 Comments on the Preliminary Directives**

First, we'd like to mark our appreciation for the Directives' writers work. We especially want to emphasize the writer's considerations to many aspects of the project. These Directives impose on the proponent a very detailed description of the project's technical components, of its impacts and their possible mitigation measures. This is a remarkable document.

However, some of the matters considered in the Preliminary Directives should be discussed more thoroughly. Respectfully, we'd like to point out these parts of the Directives which, in our opinion, should be reformulated and made clearer to the proponent.

#### **3.1 Traditional knowledge**

##### **3.1.1 Definition of the concept according to the Directives' "Guiding Principles"**

We have noticed with much interest that, at many places in the document, there is mention of the importance of taking into account the traditional Cree knowledge. In particular, among the Guiding Principles (Part 1, 3.3), one can find this important

statement (page 5): *«Traditional knowledge and expertise is evolving with new experience and understanding, and therefore it would be inappropriate to limit Cree contributions to this assessment to what is commonly known as "Traditional Ecological Knowledge", although this will be a very important component.»*

This extension of the concept «Traditional knowledge» includes all aspects of modern life. Though we are proud of our Cree traditions, Cree culture is neither stagnant nor uniquely centered on traditions. The Cree way of thinking is constantly adapting because our culture is in constant change. It deserves to be heard, and incorporated.

We also note the importance the Preliminary Directives allow to the use of Cree traditional knowledge throughout the process of assessment (pages 4-5):

*«The Crees of the region in which the Project is proposed have substantial and distinct knowledge, which is essential to the understanding and assessment of the impacts of the Project, and the mitigation of these impacts. For much of the information requested by the Directives, traditional knowledge will have as important a contribution to make as scientific and engineering knowledge. The Proponents shall fully consider traditional knowledge and expertise in preparing the Impact Statement.»*

However, in spite of these statements, we have reasons to be concerned. The Directives ensure that our traditional knowledge will be heard, but it doesn't make sure it will be considered. Actually, we doubt that at the end of the assessment process, our traditional knowledge will be taken fully into account. This concern is three-fold:

- What are, under the terms of the Directives, for the Proponent and its consultants, the means of access to Cree traditional knowledge?;
- Some obligations made to the Proponent, in our opinion, are not restrictive enough;
- It is necessary, in order to integrate Cree traditional knowledge to this assessment, to analyze its content thoroughly, considering the short time frame we have to do this assessment.

### 3.1.2 Access to traditional knowledge

The Guiding Principles (Part 1, 3.3 of the Directives) indicate how the traditional knowledge should be gathered. (page 5)

«The Proponents shall make best efforts, with the co-operation of other parties, to incorporate into the Impact Statement traditional knowledge to which it has access or which it may reasonably be expected to acquire through appropriate diligence...»

«The way to obtain this information should be decided by mutual agreement between the Proponents and the affected aboriginal and local parties.

If the Proponents are unable to use traditional knowledge for a given subject, they will have to stipulate the reasons why such knowledge is not available and present the steps that they took to obtain such knowledge.

Traditional knowledge of a confidential nature or that is the intellectual property of a Band Council, a group or an individual may be conveyed in private to the Proponents and review bodies for their exclusive use, without such knowledge being made available to the public.»

Strict criteria (must) be associated to the gathering and use of traditional knowledge, and we agree with the statement. However, this statement suggests that the access to traditional knowledge is something legally complex. Most of the time, it is not. Every biologist, anthropologist, economist, sociologist or other professional discussing with a competent Cree person has a direct access to a part of our traditional knowledge.

We have already agreed, when we ratified the Boumhounan Agreement, to mechanisms allowing the Proponent and the consultants realizing the various part of the impact assessment to access easily to the members of our community, either as workers or as informants. It is neither difficult, nor complicated. As we have already stated, we agreed to an open participation to the impact assessment. We have no problem to the studies and encourage our people to participate. In return we expect that the Proponent and its consultants take fully into account our people's knowledge in all the relevant fields, including:

- the description of biophysical environment;
- the description of social environment;
- the identification of environmental impacts;

- the identification of social impacts;
- the conception of mitigation measures.

I fear that the ethical and administrative constraints stated by the Directives might be interpreted by the Proponent and its consultants as a reason to minimize the gathering and use of traditional knowledge, specially considering the short timeframe they have to deal with. No such consideration shall take place.

### 3.1.3 Insufficiently restrictive obligations to the Proponent

Although the necessity of considering traditional knowledge is clearly stated in the Guiding Principles, it is not so clearly stated in the following chapters of the Directives, which describe with more detail the various parts of the impact assessment.

For instance, under the part II, 8.1 (Description of biophysical environment), throughout 7 pages of single-spacing text where the Proponent's obligations are precisely identified, there is no mention of a necessary integration of traditional Cree knowledge. The Directives (page 25) merely states that: «*This description of the environment must reflect local and aboriginal knowledge, as well as social, cultural and economic activities and values related to the described components*», nothing more.

Under the Part II, 8.2 of the Directives (Identification and Analysis of the Impacts on the Biophysical Environment), one observe the same restraint. It is only indicated that (page 32, last paragraph) «*The forecasts obtained using technical, scientific or engineering methods may be supplemented by resorting to traditional knowledge*». Here the Proponent has no obligation to refer to traditional knowledge; he may choose to use it to supplement scientific knowledge, period.

Under Part II, chapter 9 of the Directives (Description of the social environment and assessment of the impacts), it is clearly stated that the Cree point of view has to be considered.

Under Part II, chapter 11 of the Directives, that deals with mitigation measures, the necessity of taking into account Cree traditional knowledge is hardly mentioned: «*For the human environment, the mitigation measures can have a very broad, or on the contrary, a very narrow scope to mitigate a local or selective impact, but deemed*

*important for those who will be subject thereto. Ideally, these measures should be discussed with the populations in question.»* (page 52). This shyness is not an accident, since this statement's French formulation is no more restrictive: «Il est souhaitable qu'elles fassent l'objet de discussions avec les populations concernées.»

As we can see, it is only under the chapter dealing with the description of social environment and the evaluation of social impacts that the Directives, in their specific provisions, force the Proponent to consider the Cree traditional knowledge. The chapters dealing with the description of biophysical environment, the forecasting of biophysical impacts, and the conception of mitigation measures, are much less restrictive. Nevertheless, the Cree people know very well their environment and may have an important contribution to its description. For this reason, we can and should also have an important part to the forecast of the impacts on our environment, and on the conception of adapted mitigation measures.

#### **3.1.4 Recommendations concerning the integration of traditional knowledge**

So, in our opinion, the Guiding Principles of Part 1, section 3.3, about the integration of Cree traditional knowledge in the impact assessment, are interesting but insufficient. We demand that the Proponent's obligation to take into account the Cree knowledge, both "traditional" and modern, should be explicitly stated in the parts 8.1 (Description of the Biophysical Environment), 8.2 (Identification and Analysis of the Impacts on the Biophysical Environment), and 11 (Mitigation, Compensation and Residual Impacts) of the Directives.

### **3.2 The assessment time frame**

#### **3.2.1 Analysis and integration of Cree and scientific knowledge**

The Directives do not deal with the methodology of integration of scientific knowledge (engineering, biology, anthropology, economics, etc.) and Cree knowledge, either traditional or modern. It seems that in the Directives, both kinds of knowledge are thought comparable and can easily be mixed.

The only part of the Directives that makes a relation between these two sets of knowledge is found in Part I, section 4.1 (Study Strategy and Methodology). It states that (page 8): *«Where the conclusions drawn from scientific and technical knowledge are inconsistent with the conclusions drawn from traditional knowledge, the Impact Statement shall contain a balanced presentation of the issues and a statement of the Proponents' conclusions.»*

Though I am not a rocket scientist, there are two things I am sure of. The first is that a serious, rigorous and complete consideration of Cree knowledge, traditional and modern, requires a serious work of collecting and analysing data. **Serious work needs time.** We doubt very much that the assessment's time frame (merely half a year) allows enough time to complete such studies, if the high criteria of quality is to be respected.

Secondly, although important and necessary, the parallel consideration of scientific and Cree traditional knowledge, we are sure of that, is a difficult matter. The two sets of knowledge are not expressed in the same language, and their concepts are different. These are two different ways of seeing things.

However, in spite of those differences, both sets of knowledge have one thing in common: *«Good knowledge doesn't come cheap»*. Good scientific knowledge comes from long observation and rigorous analysis: it takes time and it is not free. Likewise, Cree traditional knowledge has been built through centuries, even millenium, of observations, patiently collected and transmitted. To build a bridge between the two sets of knowledge requires patience; it is not something that can be improvised or done under pressure. If quality is considered, time is an important matter. We cannot rush through this process.

### **3.2.2 A timeframe much too short**

We know that the studies' timeframe does not depend on the Committee, but the question is so important and relevant that we must mention it in this presentation.

Hydro-Québec declares that the studies will be completed at the beginning of 2004, allowing the Corporation to require authorization to proceed with the project. In

our opinion, such a timeframe is very, very short, even considering the fact that the descriptive part of the studies is already begun.

Pardon me, but it must be said. Hydro-Quebec is putting a lot of pressure on this assessment process. The Preliminary Directives has been published on May 9<sup>th</sup>, 2003. During this short time, we have had to read this rather long and complex document, inform and consult our people, build an opinion and state it in the appropriate way (public speech on June 4<sup>th</sup>, written contribution by July 8<sup>th</sup>). We would obviously prefer having more time.

We regret that Hydro-Quebec's wish of hurrying the process has affected your own committee. We hope it is not a sign of things to come, since we consider tremendously important this project's assessment. This assessment must be well done. We doubt that an attitude dominated by a frenzied will to finish as soon as possible can lead to truth and good judgment. Hurry leads to omission, and it leads to mistakes. If you have this possibility, we demand that this committee take into account the fact that a credible assessment needs time. It must not be rushed. We have said, at the beginning of this presentation, that the Directives were a remarkable document. Correct answers to the questions it addresses to the Proponent cannot be dealt with in as few as 6 months. Hydro-Quebec's timeframe is a nonsense!

### **3.3 The relation between the proponent and its consultants**

One more time, I have to beg your pardon if I deal with a matter important and relevant, although not directly linked to the Directives.

Under the Quebec laws, all the studies necessary to the impact assessment are at the expense of the Proponent. Therefore, the Proponent selects, hires and pays the consultants that, in his behalf, realize the different parts of the study.

Respectfully (this remark is not aimed to individuals but to a system of carrying expertise into an assessment), this way of doing things leads to a general appearance of conflicts of interests, between the consultants' obligation of objectivity and the fact that they are hired and paid by a party that has, in the project, its own interests and its own agenda.

We would trust much more a process where the consultants would be selected and hired by your Committee, hence ensuring more independence towards all parties involved. A second feasible possibility, though more costly and time-consuming, would be for the Committee to call counter-expertise when there is appearance that part of the studies are biased, or upon controversial matters.

Since those provisions do not depend on you, but on the legislative authorities, we only hope that your Committee will work with an extreme vigilance when time will come to scrutinize the studies presented by the Proponent and its consultants.

### **3.4 A few missing things in the Directives**

Although, as we have stated at the beginning of this presentation, the Preliminary Directives aim to demand a study as exhaustive as possible, there are, in our opinion, a few missing things.

#### **3.4.1 Social impacts during the construction phase**

During the construction phase, many hundreds of workers will live and circulate in our territory. Unfortunately, the impacts of such a presence, in such a context, have been observed many times in the past. They often, if not always, involve a substantial addition of alcohol and drugs in the neighboring communities, with the usual impacts on health and social problems.

Furthermore, our community is living the new experience of a permanent road access. Whatever its benefits be, this road access has already many social impacts. Obviously, this opening of a new road, followed the year after by the arrival of thousands of workers, will create in our community a cumulative impact.

We are surprised that this matter is not explicitly considered in the Preliminary Directives, and we strongly suggest that it should be added in the Final Directives.

#### **3.4.2 Health matters**

Besides this, there are other health matters of more general importance that should also be considered by the Directives.

Although we respect the European way of understanding sickness (dysfunction of the body that may be corrected by surgical intervention or by appropriate medication), the Cree culture has its own understanding of health. For us, health of individuals is closely linked to health of community and health of land. Major changes to the land, like the Eastmain 1 and Rupert Diversion Project, will obviously impact the health of our community and our people.

I particularly fear that these changes will affect the mental health of our people, that is especially vulnerable when the balance between land, community and the spirit of individuals is concerned.

Therefore, we respectfully submit that the health impacts of the project, according to the Cree way of seeing things, be considered in the Final Directive and in the ensuing studies.

#### **4 Matters of emphasis**

There are some matters that, although correctly considered in the Preliminary Directives, are of such a concern for my community that I would like to emphasize their importance.

##### **4.1 Water intake.**

We are told that water intake will not be affected. However, we are starting to doubt this statement. In the event that the water intake is affected, we want Hydro to study getting our water from the Broadback River.

##### **4.2 Smokey Hill / Camp 257**

Smokey Hill is one of the key issues of the project, given the significance of its importance to the community. The cultural and social ties that we have with this location are so strong that the assessment, upon this particular matter, needs to be especially reliable.

### **4.3 Transportation on ice**

In the Spring, during the Spring goose hunt, we rely on the river ice for transportation. We need an assurance that the ice conditions will not be affected, and safe to travel on.

### **4.4 Biodiversity of the River**

We need to protect rare species of plants for the protection of our river's biodiversity, or their medicinal value.

## **5 Conclusion**

I would like to thank the Committee for listening to this presentation and for considering our people's input. I understand that the work of your Committee is very important. If the project is to be authorized or not, it must be done after a very reliable and thorough assessment has been completed. However, at this time, we feel we are under tremendous pressure to meet deadlines, given the complexity of the situation facing our people.