

**BUREAU D'AUDIENCES PUBLIQUES
SUR L'ENVIRONNEMENT**

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 M. ROMEO SAGANASH, président
 Mme GISÈLE GALLICHAN, commissaire
 Mme CAROLE GARCEAU, commissaire
 M. CAMILLE GENEST, commissaire
 M. HARM SLOTERDĪJK, commissaire

**CONSULTATION PUBLIQUE
SUR LA GESTION DE L'EAU
AU QUÉBEC**

DEUXIÈME PARTIE

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MOT DU PRÉSIDENT

LE PRÉSIDENT :

5 Reprise de l'audience publique sur la gestion de l'eau au Québec. Alors, bonjour et
bienvenue à chacun, chacune d'entre vous! Comme vous le savez, le ministre de
l'Environnement a mandaté le Bureau d'audiences publiques sur l'environnement à tenir
audience et enquête sur la gestion de l'eau au Québec, mandat d'audience qui va du 15 mars
10 1999 au 15 mars de l'an 2000.

15 Lorsqu'il s'est agi de mettre en oeuvre ce mandat, nous avons eu des contacts avec le
Comité consultatif pour l'environnement de la Baie James, puisque vous savez qu'il existe une
convention pour ce territoire, et que, donc, le BAPE qui avait pour mandat d'enquêter sur
l'ensemble du Québec voulait travailler en concertation avec le Comité consultatif pour
l'environnement de la Baie James, qui a des responsabilités de consultation établies dans le
cadre de la convention.

20 Nous avons donc eu un certain nombre de rencontres entre nous et nous avons convenu
d'une forme de collaboration qui permet à trois membres du Comité consultatif pour
l'environnement de la Baie James et aux membres de la Commission de travailler ensemble
pour les objets qui concernent la partie du territoire sous la convention. Dans le cadre donc de
cette collaboration, nous avons préféré trouver ensemble un mode de collaboration non
conflictuel plutôt que de discuter de juridiction à l'infini. C'est donc une approche de collaboration
sur le terrain que nous avons retenue.

25 Nous avons convenu de deux démarches, une démarche d'abord consacrée à
l'information. Nous sommes allés dans trois communautés, Oujé-Bougoumou, Whapmagoostui
et Chisasibi pour la première partie de l'audience qui est consacrée à l'information. Et pour ce
qui est maintenant de l'audition des mémoires, nous avons décidé de répéter l'expérience et
30 donc de siéger ici, à Montréal, pour entendre les mémoires qui concernent d'une manière plus
spécifique le territoire et les communautés concernés.

35 Je rappelle aussi que la Commission est allée, mais là d'une manière autonome, à
Radisson et a entendu aussi quelques mémoires à cette occasion.

Alors, pour le déroulement de la journée, je demanderai tantôt à monsieur Saganash,
qui copréside avec moi, de faire un message d'ouverture du point de vue du Comité consultatif.

40 Le déroulement que nous suivrons est simplement le suivant. Nous aurons normalement
deux mémoires: le mémoire du Grand Conseil des Cris et ensuite, le mémoire de l'Eastmain
Crees Nation, et dans les deux cas, il y aura audition du mémoire et un certain nombre de
questions que les membres de la Commission poseront selon leur spécialité ou leur centre
d'intérêt.

45 J'identifie immédiatement les personnes au soutien technique de l'assemblée, puisqu'il y
a pas mal de gens qui sont ici présents. Alors, du ministère des Relations avec les citoyens,
monsieur Daniel Moisan et Georges Leclerc, qui s'occupent du soutien technique; à la
sténotypie, madame Annagret Rinaldi et madame Lise Maisonneuve; à la traduction, madame
60 Monayem et monsieur Bernard Proulx; notre analyste à l'information, à l'arrière, Serge
Labrecque; la coordonnatrice au secrétariat, Anne-Marie Gaulin; et notre analyste, monsieur
René Beaudet.

Alors, je suis certain que nous aurons une excellente session de travail. Je demande
maintenant à monsieur Saganash d'ouvrir également la réunion.

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MR. ROMEO SAGANASH, Chairman:

Thank you Mr. Beauchamp. Merci beaucoup. First of all, I just wanted to, again, talk to
the issue of the efforts of collaboration that were established between the James Bay Advisory
60 Committee on the Environment, that is responsible for the environment and social protection, in
the territory covered by the James Bay and Northern Québec Agreement, as well as the Bureau
d'audiences publiques, the BAPE, who is sitting here with us today.

I think as Mr. Beauchamp rightly pointed out, there was a need for a recognition that the
65 territory covered by the James Bay and Northern Québec Agreement, has a distant constitutional
status and regime, concerning the environment and social protection. And that recognition was
given through this effort of collaboration between our committee and the commission on water
management in Québec.

70 There was also, I think important to insist on the special place that the Cree have under
the terms of the James Bay and Northern Québec Agreement. And in particular, under chapter
twenty-two (22) of the James Bay and Northern Québec Agreement where the special
involvement of the Cree people is outlined. There is certainly a role and a mandate for the
James Bay Advisory Committee in environmental and social protection affairs in the North. And it
75 is in that spirit that we try to collaborate in this process, with the Québec water commission.

I just wanted to, in that sense, commend and salute the openness, the understanding and
the respect that my co-chairman today had for the special regime and the special process that all
this constitutional regime required for the purposes of hearing the Cree people on water issues.

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I guess, I don't need to remind, especially not the Crees, that this is only one of the
mechanisms that exist under for Cree involvement in environmental issues and especially water
issues. Their involvement that is defined under chapter twenty-two (22) of the James Bay and
Northern Committee Agreement. That is the main reason why I'm sitting here, down south, in
85 southern Québec, with the Bureau d'audiences publiques to hear the briefs from the Grand
Council and the Cree Nation of Eastmain.

90 So before giving the floor to the representative of the Grand Council and the Grand Chief,
or the Grand Council of the Crees, I just wanted to introduce the members of the James Bay
Advisory Committee that are sitting at this table with me. To my far right is the representative
appointed by the government of Canada to the James Bay Advisory Committee, Harm Sloterdijk.
95 And to Mr. Beauchamp's immediate left is Carole Garceau. And she's appointed representative
to the James Bay Advisory Committee by the government of Québec. And I'm appointed to the
James Bay Advisory Committee as a member by the Cree Regional Authority, the Cree Regional
Authority has the terms of the James Bay Advisory Committee this year, I'm here co-chairman
with Mr. Beauchamp today.

100 So those are our members. So I give back the floor to Mr. Beauchamp, to call upon the
representatives of the Grand Council of the Crees. Thank you.

M. ANDRÉ BEAUCHAMP, président:

105 Alors, merci monsieur Saganash. Je tiens à dire aussi de mon côté, à vous remercier de
la collaboration dans laquelle nous avons pu travailler. J'ai omis tantôt de présenter mes
collègues parce qu'on siège ici depuis plus d'une semaine. Alors, madame Gisèle Gallichan, qui
est membre permanente du Bureau d'audiences publiques sur l'environnement. Et monsieur
Camille Genest, qui est également membre permanent du Bureau d'audiences. Moi je suis un
consultant et extérieur, et j'ai été mandaté pour cette seule commission.

110 Alors, sans autre préambule, j'invite donc le Grand Chef Ted Moses, du Grand Conseil
des Cris, s'il vous plaît. Mr. Moses, if you want to come to the table.

MR. TED MOSES:

115 Thank you, meegwetch. I'd like to thank the distinguished members of the Bureau
d'audiences publiques sur l'environnement for giving me this opportunity to appear before you.
As well as members of the James Bay Advisory Committee, on the environment.

120 I am the elected Grand Chief to represent the Cree Nation. It is my responsibility and my
mandate to protect the rights of the Crees of the Eeyou Istchee or the free territory. And to
advocate the recognition as well as the aspirations of the Crees in respect to rights that affect
them or situations which affect the Crees and the Cree territory.

125 On behalf of the Grand Council of the Crees, as I said, I would like to thank you for this
opportunity to appear before this Commission on Water Management. Water is central to all
aspects of Cree life, so we have a profound and longstanding interest in comprehensive water
management.

130 As this Commission is aware, the Grand Council of the Crees is opposed to the position
of the Québec government that the Bureau d'audiences publiques sur l'environnement is the
body mandated to hold consultations in our region. We strongly object that the government

seeks to minimize or otherwise undermine the role of the James Bay Advisory Committee on the Environment. This body was established under our land claims Treaty, the James Bay and Northern Québec Agreement.

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Our Treaty states clearly that the James Bay Advisory Committee on the Environment is the preferential consultative body for the environmental and social protection regime in our territory. This is one of our Treaty rights and the government has a duty to respect it. In our brief to this Commission, we refer to various human rights and key constitutional principles that are being violated by the marginalization of the James Bay Cree in this important consultation process.

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In order to better understand the dynamics behind the Québec government's actions, it would be useful to first say a few words on the essential nature of water or "neebie" as we refer to it in the Cree language.

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In Eeyou Istchee, neebie plays a vital and sustaining role in countless ways. It helps to preserve the health of our ecosystems, our wildlife and our people. It provides a habitat and breeding ground for fish and wildlife on which our culture depends. It regulates climate with its unique and magical properties. It furnishes us with essential travel routes when we go hunting, fishing, trapping and gathering.

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We of course need and use water for drinking and other community purposes. In harmony with our ecosystems, neebie enables our traditional harvesting practices to continue and flourish. It supports our system of tallymen and traplines. Overall, neebie is essential for our culture, identity and spirituality.

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Since we view ourselves as an integral part of our natural environment, our ecosystems - the importance of neebie to us has profound and diverse dimensions. Safeguarding the integrity of our northern environment is inseparable from the conservation and management of our water resources.

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So why does the government seek to separate us from our water rights? Why must we be pushed aside, pushed away or ignored when major forestry developments continue to clear cut at a rate of 600 to 700 square kilometres each year? Why is none of our business - why is this none of our business, even though we have lived in, occupied, and governed our traditional territory for thousands of years?

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Neebie is almost always the focal point of bitter legal disputes and conflict between the Québec government and the James Bay Cree People. Since the early 1970's, most of our court cases - and we've had many - have involved neebie-related issues. Our current forestry litigation involves water and other resource concerns.

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In fact, since 1975 when we signed the Treaty, the James Bay Northern Québec Agreement, we have virtually been in court with the Québec or federal government every single

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year up to the present time. This is not a normal existence. No non-Aboriginal people in Canada have to live this way. We find it oppressive and costly.

180 It is mind-boggling to think that the same governments - who unilaterally claim to represent us, but who seek to exclude and marginalize us when they want our water or our lands or resources - vigorously oppose the legal recognition of our fundamental status and rights at every opportunity. At the same time, the Québec government tells the world that it endorses the notion of partnership.

185 Without attempting to be exhaustive, we have illustrated in the annex which, I believe, has been presented to the members, to our brief, the multitude of diverse impacts and concerns affecting our people, communities and Eeyou Istchee as a whole. And in very many cases, water-related problems are involved.

190 In terms of safeguarding the environment, we find that over and over the same pattern recurs. The James Bay Crees are hugely concerned that the necessary research and monitoring is simply not taking place. Not for hydroelectric development, not for forestry and not for mining. The Québec government wants the jurisdiction over our traditional territory, but not the responsibility that must go with it.

195 The absence of reliable and thorough research and monitoring data is used as a pretext for concluding that serious and far-ranging adverse impacts are simply not occurring. At risk is the health of our people and the integrity of the environment in Eeyou Istchee. The government seeks to exclude us from a full and active role, but shows little care about the deleterious effects of major development. Water-related mercury problems that continue to plague our people is just one example. In regard to clear-cutting, Québec prefers to battle us in the courts than carry out adequate impact assessments in forestry.

200 In relation to Hydro-Québec, the government has basically abdicated a huge portion of its environmental responsibility in favour of the Crown corporation - a proponent whose narrow interests are to generate vast amounts of electrical energy. Key information on the reservoirs and their levels is kept as privileged information by Hydro-Québec - even though there could be grave consequences for the security of our people and communities and way of life.

210 Overall the principle of territorial security is being violated. Our Treaty and other human rights are of little import. Presently, despite our treaty, we do not have anything remotely resembling sustainable development in Eeyou Istchee. Rather, in terms of the environment, there exists a sustained policy of secrecy, callous indifference and abject neglect.

215 In summary, for us, there is no Québec minister of the environment but rather a minister of environmental neglect. At the same time, the government acts in a manner to keep us marginalized or excluded from these matters so that sub-standard government and Hydro-Québec policies and practices can prevail.

220 The dynamic of marginalization and exclusion of Indigenous Peoples is not new. It has gone on for centuries. It is well-documented by the Royal Commission on Aboriginal Peoples and by the United Nations. And it has never been terminated.

225 Even in Québec's Public Consultation Document that was prepared for this Commission, appendix 3 sets out the "main players in water management" and we are nowhere referred to. From the outset, Québec has determined and defined that the "main players" are itself and federal and municipal governments. Apparently, we do not count. We do not exist.

230 Last week, a judge of Québec's superior court ruled that the James Bay and Northern Québec Agreement limits the sovereignty of the federal government. The same principle would logically apply to Québec. Yet, from the outset, the Québec government has decided that, in neebee-related matters, the James Bay Cree People, has no distinct legal status. No distinct identity that should be highlighted and respected.

235 This past weekend, I noticed with interest that the Québec government had placed full-page advertisements in Québec newspapers. The ads invite the public to consider the principle of democracy, so I would like to briefly make a point.

240 The Québec government is declaring that, in the United Nations and in Canada, democracy means 50% plus one. If Premier Bouchard believes that this is true, then why is it that when our People achieved a result of 96.3% in our own Cree referendum in 1995, the Québec government refused to even recognize our democratic vote? Also, why did the same government refuse to recognize the results of the Inuit and Innu referendums which also had results of over ninety-five thousand (95,000) or 95%?

245 In reality, there is no democratic principle that would support Mr. Bouchard's view. There is no such rule that when Québécois vote the rule must be 50% plus one, but when Aboriginal Peoples vote on the same issue, even results of over 95% do not count at all.

250 Such doctrines of superiority are condemned in international instruments as racially discriminatory and dangerous. These doctrines also violate Québec's and Canada's human rights Charters. The population in Québec is well aware of this. Repeatedly, fair-minded Quebecers have refused to subscribe to the Premier's undemocratic position.

255 In any event, contrary to the position of the Québec government, democracy is not so simplistic as a "50% plus one vote". This mantra of the Québec government is repeatedly being used to drown out Cree and other Aboriginal voices and to deny us our status as "Peoples" and our right of self-determination.

260 For the interest of the members of the Commission, I have brought a copy of the advertisement, which I am referring to. And it appeared, in this case, in the Gazette, Montreal Gazette of Saturday, November the 27th of this year.

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In a federation with various constituent peoples and governments, the principle of democracy is much more profound and equitable. It goes well beyond the government's own self-serving position.

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As the supreme court of Canada has often made clear, "Canada is a representative democracy." The values inherent in the notion of democracy include "a commitment to social justice and equality." As well as, quote: "Respect for cultural and group identity". Democracy is also said by the court to include the, quote: "Right to effective representation", and not simply "one person, one vote". The supreme court has also indicated that, quote: "Democracy is fundamentally connected to substantive goals, most importantly, the promotion of self-government."

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These democratic values and goals are directly relevant in considering the rights, institutions and processes relating to water management in Cree traditional territory.

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Professor Thomas Franck, a renowned international law expert on democracy, has emphasized that "self-determination is the oldest aspect of the democratic entitlement". Although democracy is directly linked to the right to self-determination, it is this right that is denied most often to us by Québec. This is especially evident when water and other natural resources are involved.

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According to the international human rights Covenants, the right to self-determination includes the right to use and benefit from natural wealth and resources. In this regard, article 1 states, in part:

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All peoples may, for their own ends, freely dispose of their natural wealth and resources and so on. In no case may a people be deprived of its own means of subsistence.

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The Covenants also refer to "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources". That is, to use our lands and waters to live by our own means as we always have, and by whatever means we deem necessary to address contemporary challenges. Self-determination protects our right to subsist, and it protects as well our right to subsist based on our own values and perspectives.

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Thus, we can see how interrelated and interdependent democracy is to our human rights. It is inextricably tied to our right of self-determination, which includes both our right to use and enjoy water and other resources. And in no case, can we be denied our means of subsistence.

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Democracy requires that all human rights be respected. It is this aspect that I would like to turn to now.

As the United Nations Environment and Development Program firmly recommends, a human rights approach must be adopted in formulating any sustainable development strategy.

Considering the profound significance and role of neebee, this approach must be fully and fairly applied to water management policy.

310 In the contemporary context, it is not possible to avoid a human rights approach and still address water management effectively in the Eeyou Istchee. There are numerous reasons for this.

315 First, water management encompasses a number of fundamental aspects that are interrelated and interdependent. These include: environment, development, peace and human rights. Second, a human rights approach is also mandatory from the viewpoint of democracy. According to the supreme court of Canada, the principle of democracy and the protection of Aboriginal and Treaty rights are underlying constitutional principles and values in Canada. Therefore, it would be imperative that these principles be respected at every stage of water policy
320 consultation, planning and development.

Third, a human rights approach is especially compelling when Indigenous Peoples and our lands and resources are involved. This has been explicitly recognized by the United Nations Human Rights Committee. Fourth, in view of the dispossession and marginalization faced by
325 Indigenous Peoples, a human rights approach is indispensable in order to both avoid and resolve conflicts.

A fifth reason relates to our Cree perspective. No strategy can be considered sustainable in the Eeyou Istchee, if it does not incorporate and embrace our culture and spirituality. For it is
330 these dimensions that contribute so strongly to the indivisibility, sanctity and interdependence that we feel towards the natural world and all of its life-giving wonders. It is only through a human rights framework that our culture and spirituality can breathe and flourish. And it is in this distinct way that we choose to make our contribution to the heritage of mankind.

335 In terms of our human rights, I would like to highlight to this Commission our right to an adequate land and resource base. This of course would include our water resources.

The lack of an adequate land and resource base is threatening the survival of the James Bay Crees or Eeyou, as a distinct culture and People. It also serves to prevent the effective
340 exercise of our right to self-government through Eeyou Istchee. As the Royal Commission on Aboriginal Peoples has concluded:

345 "If Aboriginal Peoples cannot obtain a greater share of the lands and resources in this country, their institutions of self-government will fail. Without adequate resources and lands, they will be pushed to the edge of economic, cultural and political extinction."

In this regard, the Royal Commission on Aboriginal Peoples recommendations have been strongly endorsed by the United Nations Human Rights Committee. We urge this
350 Commission to seriously address this.

It is also worth noting in the advertisements on democracy, which I have shown a clipping to this Commission, that were published last weekend, the Québec government wrapped itself - so to speak - in a blue flag. But it was not Québec's flag, it was the flag of the United Nations. Premier Bouchard seeks to apply the standards of the United Nations.

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The Grand Council of the Crees wholly welcomes this development, since we quote international standards repeatedly in our brief. Many of these human rights standards are explicitly set out in international instruments for Indigenous Peoples world wide. The Royal Commission on Aboriginal Peoples has also expressly endorsed these international norms for Indigenous Peoples and recommends that Canada should do the same.

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In the public consultation document of this Commission, there are positive references made in regard to the importance of international considerations. At page 39 of the English version, it is stated that the government must not only, quote "remain at the heard of international trends", but also, quote "anticipate and so on, international approaches, orientations and rules". We fully endorse this statement. However, this is precisely what the Québec government has failed to do in regard to water and other resource issues. Whenever Indigenous Peoples and our fundamental rights, interests and concerns are involved, the standards are curiously altered to our detriment.

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In assessing Québec's strategies and policies from a human rights perspective, the conclusions are extremely bleak for Aboriginal Peoples. Marginalization, exclusion, discrimination and domination are most often the prevailing factors. These elements are especially pervasive, where resource and development issues are concerned.

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Past and present evidence of inappropriate policies and actions by the Québec government against the Crees and other Aboriginal Peoples is elaborated in this brief. An abridged list of human rights violations would include:

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Violation of constitutional principles and values.

Denial of Aboriginal Peoples' fundamental status and rights.

Refusal to recognize that our basic rights are "inherent".

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Imposition of an extinguishment policy.

Undermining of future treaty-making by Aboriginal Peoples.

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Invoking racially discriminatory arguments, such as terra nullius, in court cases.

Denial of rights of Cree participation and Cree consent in environmental and development matters.

395 These government strategies and policies gravely offend the democratic principle, as well
as our human rights. We believe that such conduct should be denounced by this Commission.
Clearly, it is only by first acknowledging these systematic and ongoing violations that we can
begin to address - redress them. In regard to the James Bay Crees and other Aboriginal
Peoples, it is critical that a principled human rights framework be established in Québec as we
400 approach the new millennium.

 To a large degree, the policies and strategies of the Québec government concerning the
James Bay Crees and Aboriginal Peoples are dictated by its political agenda towards Québec
sovereignty. Our rights are accorded little or no consideration. Aboriginal people's status and
405 rights are recognized solely in a manner that may not impede the government's secessionist
aspirations. The government's strategy to dominate us undermines Québec/Aboriginal relations.

 In order to break the cycle of distrust and dependency, an alternative and constructive
approach would be for governments to negotiate new arrangements with Indigenous Peoples.
410 This should be done based on the principle of sharing. Consistent with our right of self-
determination and our right to development, such arrangements must recognize our rights to use,
develop, manage and control water and other resources in Eeyou Istchee. In some
circumstances, joint cooperation and management regimes could also prove beneficial.

415 At the beginning of my presentation today, I raised the problem of the Commission's
mandate in Eeyou Istchee and the constitutional duty to respect our treaty rights. Therefore, we
propose that this Commission make the following recommendations in relation to the James Bay
Crees and Eeyou Istchee:

420 That the James Bay Advisory Committee on the Environment, or other joint entity that
may be negotiated by the Cree and Québec government parties, be mandated and adequately
funded to carry out a comprehensive consultation on water management in Eeyou Istchee.

425 That a human rights approach and framework be adopted in formulating a
comprehensive neebee management policy in Eeyou Istchee.

 That past and current problems relating to the strategies and the policies of the Québec
government be fully considered, with the objective of establishing a principled framework for
water management in Cree traditional territory.
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 And that all of the above work be carried out in a democratic manner that respects the
status of the Cree People as a People and our Aboriginal treaty and other constitutional and
human rights.

435 In conclusion, I would like to emphasize the principles of interdependence and
indivisibility. As principle 25 of the Rio Declaration on Environment and Development states, and
I quote: "Peace, development and environmental protection are interdependent and indivisible".

In addition, it is an internationally recognized principle that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated.

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In the context of management of water and other resources, we must insist upon the fair and equal application of all of our human rights. Such equality and fairness is mandatory under international and domestic law. No government, including Québec, can choose which of our human rights it will respect and which it will deny us.

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In closing, I'd like to extend our wishes to the Commission in its important work towards a proper water management policy in Québec. Perhaps, one day, we will be in a position to collaborate more closely with this Commission through our own self-determining institutions.

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Meegwetch. Thank you. Merci beaucoup.

M. ANDRÉ BEAUCHAMP, PRÉSIDENT:

Now, merci beaucoup, thank you Mr. Moses, I'll speak French, so keep your on because I speak French. I do speak English a little bit, but I'm so, more familiar in French that I'll speak in French.

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D'abord, merci de votre présence et de votre mémoire. Juste une petite information technique. Nous avons prévu également une traduction en cri, mais malheureusement, les ententes administratives n'ont pas pu être réalisées pour permettre de vous offrir ce service.

460

Je vous remercie de votre message qui est large, qui est franc, qui est ouvert. Qui est ferme, bien sûr. C'est pas une surprise. Il est évident que la Commission que je préside n'a pas pour mandat d'établir ou de refaire un cadre constitutionnel quelqu'il soit, mais d'essayer de proposer au gouvernement des stratégies, des orientations de politiques dans la gestion de l'eau. Et sur ce point, compte tenu de la convention, vous posez un certain nombre de principes qui sont fort intéressants, indépendamment des négociations politiques ou constitutionnelles qui ne sont pas du tout du ressort de ma Commission.

465

Je voudrais vous dire aussi que nous avons constaté comme vous, et très tôt dans le dossier, que la problématique du document de consultation était essentiellement une problématique du sud, où on parlait des rivières du sud, et des usages du sud, et dans lequel il n'y avait pratiquement pas d'information sur la position, la situation du nord.

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Cela était si évident que, nous avons essayé justement d'établir une collaboration pour élargir cette problématique.

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Je voudrais vous dire aussi que beaucoup des choses que vous avez dites sont également partagées par des gens du sud. Par exemple, ce que vous dites de l'importance de l'eau comme source de vie. A peu près tous les groupes qui sont venus nous rencontrer, nous ont rappelé cela. Même si le rapport culturel à l'eau est très différent selon les communautés,

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485 selon les régions, mais tous nous ont rappelé ces choses-là, comme tous, ou en tout cas un bon nombre ont été extrêmement critiques par rapport à l'utilisation de l'eau qui est faite au Québec. Qu'on parle d'agriculture, ou qu'on parle d'exploitation forestière, ou qu'on parle d'énergie hydro-électrique.

490 Alors de ce côté-là, je pense que votre mémoire, d'un autre point de vue, dans une autre perspective, fait écho à des problématiques, à des préoccupations qui sont très largement partagées.

495 J'aimerais, comme première question, vous entendre un peu. Parce que ce qui est essentiel pour nous, c'est de comprendre en dehors des discussions constitutionnelles ou des relations de traité ou de nation à nation, c'est de bien comprendre les éléments essentiels d'une politique de l'eau qui tienne compte de la réalité. J'aimerais vous entendre d'une manière plus particulière sur ce que vous appelez la cinquième raison à la page six (6), au troisième paragraphe.

500 Là je vais le dire en anglais. On page six (6) of the third, you tell us "a fifth reason relates to our Cree perspective. No strategy can be considered sustainable in Eeyou Istchee, if it does not incorporate and embrace our culture and spirituality."

505 Est-ce qu'il y a d'une manière opérationnelle des éléments qui vous apparaissent plus particuliers, qui seraient indispensables à une approche de gestion de l'eau qui serait conforme à vos valeurs? Quelles sont les insuffisances et quelles sont les adaptations qui demandent, qui devraient être faites pour correspondre à cette attente de votre part?

MR. TED MOSES:

510 Thank you, I appreciate the interest that the Commission has shown with respect to the brief by the Cree Nation and more particularly with respect to the question that has been posed by the chairman.

515 We view that the strategy must encompass the whole principle of sustainability in the Eeyou Istchee because have practical experience with respect to changing the course of rivers and with respect to flooding large tracts of land which change the whole nature of the river itself, which changes the whole nature of the quality of water. Which affects the way of life of people. And directly and indirectly, that you impose people to change a lifestyle, to change the use of the territory, to change how you use the river.

520 Later on, Mr. Chairman and members of the Commission, you will hear from one of the communities who has practical experience in living below a river diversion and what that means. And for your information, I come from the same community. And it's the community of Eastmain. That river was diverted from its natural course into the, what we now call, Hydro-Québec calls the La Grande complex. It now serves to feed the reservoir which in turn, generates hydro-
525 electric power for the complex.

530 So in that respect, you know, it has changed the way people use the river. It has changed the water quality itself. It has changed the resources, the fishing, the use of the river. And I think that that has to be taken into consideration because, it affects the culture of the people and also affects a way of life.

535 And I would like to note and point out to the members of this commission that the James Bay and Northern Quebec Agreement recognizes certain rights, which include the right to hunt, fish and trap. And in order to be able to do that, you've got to have access to the water resources, water bodies, the rivers. And the resources in those waters, which include the fish, the animals, furbearing animals. And in doing so, when you alter the water or when you take away sustainability, you in fact are indirectly taking or violating the right which the Crees have to exercise certain rights.

540 Which in fact, also then, enters the heart of the whole question of the spirituality of the Cree People. The Cree People live in a world where respect for the animals and the land and the fish still very much exists today. We are not the urban indians that you see in Montreal or Ottawa or Toronto. Our people, in fact, still continue to use the land and to hunt and fish and trap as a way of life which has been now recognized as a right, since 1975. It's a constitutionally protected right under section 35 of the Canadian constitution.

550 So these are, we believe, things that can't be taken away, shouldn't be taken away. And we believe that, from our perspective, that serious consideration should be given to these matters which are, in our view, life-giving wonders. Part of the natural world. And all too often, developers or crown corporations or governments develop a policy which attempts to take away these things and --

MR. ROMEO SAGANASH, Chairman:

555 Thank you Dr. Moses for that response. As my co-chair pointed out earlier, after the presentation that you made as Grand Chief of the Grand Council of the Crees, to these two (2) commissions, I sort of expected cautionary remarks as well, with respect to his mandate as chairperson of the Québec Water Management Commission.

560 The protocol that the James Bay Advisory Committee signed with the Water Commission was a means for us to achieve mutual respect and trust between us. And with respect to our respective roles and mandates, the Commission, as Mr. Beauchamp pointed out, has a limited role. However, the James Bay Advisory Committee has the privilege of having or possessing a more general mandate pertaining to environmental and social protection in the James Bay territory.

565 I too, expected a unique perspective to be presented to our Commissions today from the Grand Council. I say unique perspective because the aspects of the interrelation, interconnectedness, indivisibility and interdependence of human rights I think is an important

570 aspect that you've raised in your brief. But those are already norms and standards that are being applied world wide.

575 My question, given the interrelation and the interconnectedness of human rights as you have explained, I think what I understand from the Grand Council presentation is that the Commission cannot, I guess, propose a meaningful or comprehensive water management policy in Eeyou Istchee if it does not include those human rights or that human rights approach and framework to policy development in Eeyou Istchee.

580 So my question would be who should be the responsible governing body that should achieve - to whom does this responsibility belong? Because if one of the fundamental determinants to achieve what you are proposing, is the respect for the right of self-determination of the Cree Nation.

585 I would like to know what kind of joint management regime that you would like to see in place for water management in James Bay territory, because you talked about joint management regimes as a possibility in your brief. Or is there another option with respect to your own Cree institutions that would look after water management in the territory, or Cree institutions, something that you've also raised as a possibility. I would like to hear you more on these aspects.

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MR. TED MOSES:

595 Meegwetch, thank you. The position of the Cree Nation is that we have a right to all human rights that are accorded to every citizen in the world. And that we should not be any different, that we should not be any selection of rights that should be recognized and others being denied. So, that is a fundamental principle that we believe in. That is a fundamental principle which we have advocated in many of the forums, whether they be in Québec or here in Canada or internationally in the various forums of the United Nations.

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We advocate the recognition of those rights. And we deplore discriminatory application or recognition of certain rights to not only the Cree People, but to Indigenous Peoples in other parts of the world.

605 We believe the adoption of a, as we've said in our brief, in the appendix, in the bigger brief, of a comprehensive approach that takes regional differences into account.

610 And I'll get to the other part of the question, but regardless who may be involved in the policy initiative and the policy development. I mean there are three (3) aspects which are worth raising at this point. And these are the need for, as I've said, I've touched briefly, a comprehensive approach. And secondly, the need to recognize regional differences in Eeyou Istchee. And the importance of constitutional principles and values which I have to some extent mentioned.

615 The James Bay and Northern Québec Agreement provides for certain, as I've said
earlier, the Agreement provides for recognition of certain rights. It allows also for the Crees to
participate in or supposed to provide an opportunity for Crees to participate in how development
takes place in the North. And what its conditions - under what terms and conditions development
should take place.

620 We have negotiated principles in the James Bay Northern Québec Agreement. We have
such institutions, joint bodies as the James Bay Advisory Committee on the Environment. We
have review processes and impact assessment processes which are contemplated and which
are in place. And those should be adequately resourced. And the respect for addressing the
625 whole question of development should be provided for.

We find that we have to often times, fight with much time and energy, just to allow for
recognition of - or to provide the opportunity for these entities to do and carry out their mandate.

630 In the absence of a negotiated entity or negotiated managementship between the Crees
and the government of Québec with respect to a comprehensive policy on water management in
Eeyou Istchee or the Cree territory, I would respectfully submit then that those bodies which are
joint bodies, be mandated to take into consideration certain aspects of the question of policy in
respect to water management in that part of Québec.

635 After all, some of these are addressed as issues of development, of land. It affects the
rights of the Cree People. Also while I'm given the opportunity to speak, the whole question of
rights or water rights have never been given up, have never been addressed in the case of the
Cree People.

640 We maintain a very strong position that we have unextinguished rights and that we
maintain rights over water as a resource. That we have water rights in Eeyou Istchee. And that
has to be a consideration as a part of the comprehensive approach in dealing with or when
making policy initiatives. The entities which are contemplated under the agreement, which
645 involve Cree participation, should be given as part of their mandate, you know, the initiative of
developing policy in respect to water management.

As I've said, this part of the recommendation is in the brief. Meegwetch. Thank you.

650 **M. CAMILLE GENEST, Commissaire:**

Grand Chef, la Commission sur la gestion de l'eau a entendu un certain nombre de
représentations sur les eaux souterraines, sur les eaux de surface, sur la gestion par bassin
versant, sur l'eau potable, sur les eaux usées, sur une approche intégrée globale de la gestion
655 de l'eau, sur une approche écosystémique de la gestion de l'eau.

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Ma question c'est, selon vous, quels seraient les objectifs et les orientations que devrait poursuivre la gestion de l'eau sur le territoire de la Baie James, pour que cette gestion puisse tenir compte des droits humains? Donc, ma question est celle des objectifs et des orientations que devrait poursuivre la gestion de l'eau sur le territoire de la Baie James pour que cette gestion puisse tenir compte des droits humains et du droit d'utiliser les ressources naturelles à des fins de subsistance, et selon les valeurs et les points de vues des Cris de la Baie James.

MR. TED MOSES:

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Thank you, in our bigger brief, which is the brief which I have presented to you people, which I've read out is, I guess in essence, you can say a summary of the bigger brief that we have submitted to this Commission. And I think many of the specific questions that you may have can be addressed there. And we attempted here to touch on as many of the questions that

670

relate to water management. We did not specifically address the question of ground water or water treatment. We understand that there could be - we would have another opportunity, maybe in a different forum, at another time, to address that.

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But we're more looking at the bigger picture of a comprehensive policy on water management. And that was the essence of our, the thrust of our presentation. But, in looking at attempting to consider the importance of water management insofar as it relates to human rights and as a human rights approach, then you'd have to take into consideration, you know, the James Bay and Northern Québec Agreement, human rights, which are applicable to all individuals and collectivities in the world. The whole question of indivisibility and interdependence nature of human rights, which I mention in the brief. And the Crees as a People. The right to self-determination. As well as all other rights which is to enjoy and utilize natural wealth and resources. The right to own means of subsistence. To own institutions. The right to equality and discrimination. The right to be different. The right to territorial security. The right to an adequate land and resource base. The right to development.

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These are the type of things that in consideration, what sort of approach should be made. These are the type of things which we view are important and that should take into consideration. The overall goal and objective of developing a policy is to ensure that the policy does in fact provide sustainability as water as a natural resource. Sustainability from an environmental point of view. And should also aim to protect the rights of the Crees and the environment in the territory.

690

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It should not be meant to derogate or take away any of the rights which are presently recognized or any of the rights which we claim at the present time, or encourage development that takes away sustainability. And that as much as possible, to the extent take into consideration the essential nature of water as a natural resource.

Thank you. Meegwetch.

700

MRS. GISELE GALLICHAN, Commissioner:

Dr. Moses, I leave you time to take the earphone. And I understand that maybe you have problems with the quality of the captation. Is it okay? As Mr. Beauchamp, I'm not used to speak English everyday. So I prefer to --

705

MR. TED MOSES:

A little problem with technology.

710 **MRS. GISELE GALLICHAN , commissaire:**

Ask the question in French. J'aimerais, docteur Moses, avec vous, aller dans le concret. Une des recommandations qui arrivent assez régulièrement, et je devrais dire presque tous les jours, est de créer pour chaque rivière importante un organisme de bassin. Ou certains appellent
715 cela comité de bassin.

Compte tenu de tout ce que vous avez décrit, vous, vos représentants lorsque nous y sommes allés en première partie d'audience, et vous même aujourd'hui, compte tenu de la situation telle qu'elle est, à votre avis, est-ce que ce type de gestion par bassin versant peut être
720 une solution à compter de maintenant dans le nord, sur les territoires conventionnés. Et si oui, qui et comment pourrait s'articuler la création d'une éventuelle table de concertation pour décider de l'utilisation et aussi de l'avenir, je dirais, des rivières importantes dans le grand nord, dans le respect de votre culture et de vos traditions.

725 **MR. TED MOSES:**

Meegwetch, thank you. I'd just like to, in addressing that question, point out that there are many water bodies or many lakes in the Eeyou Istchee and Northern Québec. And therefore, there are many drainage basins. All of which the Crees have come to know and understand and
730 use practically just about every day, throughout the whole year. And as we speak, there are thousands of Crees out on the land, and hundreds of camps and families that are currently using the territory, carrying out the traditional way of life of hunt and fishing and trapping.

So in that respect, Crees are very knowledgeable about the water bodies and the lakes
735 and rivers and the territory. And, my experience in the past has been that the knowledge that the Crees hold in respect to the territory and more particularly, in this case. In this case, water bodies has been neglected and has not been respected. It is not considered to be of no value or not contributing to the work of - the development of any kind of policy.

So I would like to point out that it is very much, from at least our point of view, that there are people out there that are very knowledgeable regarding water quality, water resources, the water bodies in Eeyou Istchee. And they can even tell you at which time, which part of the lake or
740 river or basin that freezes and thaws out. And you know which game, or bird or fish inhabits which part.

745 So I think we have, from a question of knowledge and resource, we do have people in the territory that are very knowledgeable and I think their knowledge should be seriously taken into consideration. And I would recommend to this Commission to take note of that in these deliberations.

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755 In order to have a proper solution, I believe you've got to involve the people that use the territory, you've got to involve the people that will be affected by development, that will be affected by whatever policy is being applied or being developed and applied in that territory. So definitely, there has to be Cree participation. And I'm not talking of just nominal participation. I'm talking about full and direct participation and in the development of water policy for that part of the territory.

760 So, yes we do have people that are knowledgeable. They do not hold Phd degrees in ecology, but I think their knowledge are just as equivalent in many respects. And yes, I think there can be a solution. But no solution can be a full solution without the involvement of the people that are involved, that use the territory, without the involvement of the people that have full knowledge of the water bodies in that part of the territory.

765 And we encourage this Commission that it should look in the direction of protecting or preserving the future of great rivers. We certainly would support and welcome such initiative on this part of the Commission.

770 We have a very great interest of course in preserving the North. Including the great rivers and water bodies as we have practical experience in the development of major rivers including diversion of large rivers.

775 I think there has to be some kind of arrangement between the Crees, a negotiated arrangement between the Crees and the government of Québec in order to come to a mutually acceptable solution on how you arrive at a comprehensive approach in dealing with the whole question of water policy. I hope I've answered your question.

MRS. GISELE GALLICHAN, Commissioner:

780 Yes, if I might just a little one, I'll speak in English for this one.

MR. TED MOSES:

Okay.

785 **MRS. GISELE GALLICHAN, Commissioner:**

Do you think it could be a good way to have one committee for each water plan or river, you know, water shed, okay.

790 **MR. TED MOSES:**

Well, it depends if people like to have - you know, if people like many committees, then of course you're going to have many committees because we have many water sheds. And you know, northern rivers and southern rivers even in the territory have different characteristics. And

795 you know, there could be one body that could take an overall approach with the possibility of
maybe several committees addressing different water sheds in Eeyou Istchee.

MR. HARM SLOTERDIJK, Commissioner:

800 Yes, I would like to know from you, you've mentioned many international bodies. For
example, the United Nations. And it sort of got me thinking on, you know, the international
scene. You know, you're talking a lot about what is lacking in collaboration between the different
governments and the Cree People and the Québec government.

805 For us, in order to know a little bit more about what a framework might be, I would like to
know from you, and I don't whether you could give any examples. But for example, elsewhere in
the world, maybe the United States or Australia, where you have significant populations of native
people, are you aware of any framework, anything that is maybe happening there in terms of
collaboration between the various groups, in terms of managing the water resource, that may
810 help us also to see what, you know, what framework, what approach we might be able to
suggest?

Is there something wrong with the sound or? To me it's almost like it's coming and going,
so I don't know what it's like for you people there? Yes, so it's just me, okay.

815

MR. TED MOSES:

Yes, it's --

820 **MR. HARM SLOTERDIJK, Commissioner:**

Okay, I don't know.

MR. TED MOSES:

825

It sounds fine, sometimes I have difficulty in reception with my - all three (3) pieces here, I
have to change in between, so it's not a - it's not with the members of the Commission. I will
attempt to try and answer your question. And I think that to my knowledge, I'm not aware at the
present time of any kind of arrangement that deals with the whole question or that brings about
830 collaboration between indigenous people in the States insofar as management. Often times, a
situation develops where States or the governments along with crown corporations and
developers that have an interest in developing rivers or developing water bodies and the
development approaches often neglect and not even take into consideration first of all, the rights
of the people that will be impacted, nor their way of life or culture or there's often a pretence that
835 these people do not exist and therefore do not matter.

It is something very common amongst the States where indigenous peoples live. I don't
know whether these people talk or whether the States talk to each other, whether they have a

840 common strategy. But, in my experience with contact with indigenous peoples in different parts
of the world, including the situation of the Crees, we are in a similar situation that it is often left to
the indigenous peoples to have to defend their rights. To have to defend their territories insofar
as development is concerned.

845 And often, we advocate for rights including - and we attempt to influence policy in a
positive way that it respects the human rights as well as the rights of indigenous peoples in
different parts of the world.

850 I have no knowledge of any kind of framework which brings about collaboration between
indigenous peoples and a State or part of a State. However, if there is one, we come across one,
we'll certainly share it whatever way we can with the Commission.

MR. HARM SLOTERDIJK, Commissioner:

855 Yes, actually, I was looking for maybe some success story or something. Am I allowed to
ask a clarification in one term? Thank you Mr. Chairman. On page seven (7) of your brief, I just
have a question on one point. At the bottom of the page there, where you have various
statements of, you know, what is wrong. You say there: "Imposition of an extinguishment
policy". Could you clarify that for me, you know, what you mean by extinguishment policy?

860 **MR. TED MOSES:**

Imposition of an extinguishment policy?

MR. HARM SLOTERDIJK, Commissioner:

865 Yes.

MR. TED MOSES:

870 Okay, thank you. In Canada, and here again, we speak from a practical experience,
there is a policy insofar as when it comes to dealing with resolution of land claims agreements or
when addressing the whole question of native title, in Canada. Canada, the government of
Canada has a policy to my knowledge, which exists today, a non-negotiable policy. This is why
we say it is an imposition. It is something that we cannot negotiate. It is imposed on you by the
875 state. That in order to seek a certain degree of recognition of your rights in order to clarify your
situation in the Canadian society, that you have to accept this policy.

880 And it is a policy of extinguishment. It is, as the government likes to say, it likes to clarify
the whole question of native title to the land. And I'd like to draw attention to the members of this
Commission, that in my international experience and many years internationally, I have never
come across any group or people that are subjected to this principle, or to a policy of
extinguishment of title or rights in order to have a recognition of certain rights granted to them.

885 So there is a policy which exists in Canada. And I also would like to point out to the
members of the Commission, that the Royal Commission on Aboriginal Peoples has pointed this
policy as being discriminatory and being applicable only to indigenous peoples here in Canada
and in the United States. It exists nowhere else in other parts of the world. And Canada
continues to insist that this policy apply in order to determine and clarify the status of the rights of
aboriginal peoples in Canada, including the Cree People. And as a matter of fact, we've been
890 subjected to this policy. It's a policy that - it's hard to change.

We condemn the policy. I think it's discriminatory. It's never applied to any other group in
the world that I know of. And as a matter of fact, the United Nations, compliance committee on
treaties, which is an oversight committee which deals with the international covenants on
895 economic, social and cultural rights as well as the international covenant on civil and political
rights, has addressed this issue. And a decision, when looking at Canada's report, has come
down with the decision that the practice of extinguishment is discriminatory. That it is contrary to
the Charter of human rights. So this is why we point that out. And to this day, as we read in the
papers of aboriginal peoples successfully are concluding land claims negotiations, that policy is
900 still in practice and contains extinguishment as a part of the process.

And we find that totally unacceptable. We condemn it and it's discriminatory. And it has
been determined by the United Nations as well.

905 **MRS. CAROLE GARCEAU, Commissioner:**

Thank you. I'll have two (2) questions. I will try in English. I'll have two (2) questions for
now. First, for the benefit of the Commission, who'll have to make some recommendations about
a future water policy, could you elaborate more about the key issue of concern to the James Bay
910 Cree. Do you give us an overview concerning the issue that you are facing in the north and for
the Cree People?

MR. TED MOSES:

915 Thank you, meegwetch. Because we view water as a very important, fundamental
resource that affects just about every aspect of life, including the Cree People. It is not just water
in its liquid form. Also water as a transportation, water as a part of the environment. Water as a
resource. Water as it pertains to sustaining life in the water bodies. The fish as well as animals
920 which rely on fish as a resource including different migratory birds which you know, come up
every spring. These birds are often attracted by large bodies of water.

We have also been concerned with the issue of mercury contamination because, in
changing, as we have said, water bodies, water courses, when you flood large tracks of land,
well, of course then you're changing the whole nature of water and its content. And you provoke
925 mercury contamination, which then affects the whole ecosystem, including the way of life of the
people. And it could get into the, you know, into the system of the people.

So, when looking at the whole policy, it has to be a comprehensive approach and many
of the issues, which concern the Crees, not just Crees as human beings, but in terms of how they
930 look at the land and the wildlife resources, the rights of the Crees. All of these are interrelated
and interdependent. And I think to try and say well it doesn't affect or it should not - we should
not address the whole question of a part of it, or the mercury part, is then to sort of say well, it's
more focussed and therefore, none of this is interrelated. And they are interrelated and
interdependent.

935 So water, you know, for the Crees, is a big issue. Of course, water brings about
development as well. And we are concerned with development as it affects the Crees and their
way of life. And their rights.

940 It also affects the Crees to the extent that they can participate in development or whether
they should be bystanders, and development take places while all the benefits of such
developments go down south. And we end up you know, with the short end of the stick. And in
that respect, you know, we do not accept to be poor as a result of that. And there is, to my
knowledge, no right, no right to be poor. On the contrary, I think that we have a right to benefit
945 from all of these things since if affects the communities, it affects the people. It affects future
generations to come. And we are very, very conscious of our future generations that, you know,
we have a legacy. We have to leave something before them.

And our belief is that we are here to care for what is, and what we benefit from while we
950 are on the face of this earth. And that, you know, we shouldn't be leaving behind just damaged
goods for generations to come. They should be able to benefit from all the things that we
personally enjoy in respect to the land, in respect to the animal, fish and fowl resources, including
water, water resources.

955 **MRS. CAROLE GARCEAU, Commissioner:**

960 And my second question is about phrases on page two (2) at the bottom. It says: "The James Bay Cree are hugely concerned that the necessary research and monitoring is simply not taking place." And I would like to know if you want to elaborate about that. And say perhaps, bring some solution about that?

MR. TED MOSES:

965 Meegwetch, thank you. I think that it is a very broad statement. That it is intended to capture the very fact that the research which is required and the monitoring that we feel is necessary is lacking and is not being carried out. In that respect, you know, it is our position that the government of Québec has not exercised its responsibility towards ensuring that developers or even as a State, that continues research and monitoring. Because when you change systems and when you, in fact, touch a part of a territory, you do it on certain premises or under certain theories.

970 And we found that in the part where we live in, and in the environment we live in, as such, very fragile where the ecosystems and the environment takes many, many years to regenerate or rejuvenate, that you have to have the necessary research that can allow you to be able to deal with many of the issues which are associated with the very fact that you are interrupting a natural state. And that you have to continue then to monitor those as time goes. And that this should be mandatory on developers, that research before the project, during the project, and even after projects including monitoring throughout the whole. And often times, we are told it is because of the resource, not - not water as a resource but resource in the question of money that is the problem.

980 But you know, we believe that it should - it is necessary that you have to do the research and monitoring. And it I think that there has been a shortfall, or there has been very little research being done and very little monitoring being done. And I'm not just isolating it to hydro-electric development. This includes also forestry, forestry companies. There's now a very intensive clear cutting in Eeyou Istchee which affects the Crees. But with very little research and monitoring. Without even looking at the forestry management plans in at least a comprehensive way. Mining included as well.

985 So there is a need and there is a lack of the research and monitoring which should go and should be imposed on developers which do this kind of work. And which affects the territory, which affects the environment and which affects the Crees, their rights and their way of life.

990 Thank you.

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MR. ANDRÉ BEAUCHAMP, Chairman:

1000 Alors, I wish to thank you very much for this brief and for coming here, for your confidence you have in the Commission in the joint venture we did together. Merci beaucoup monsieur le Grand Chef Ted Moses.

1005 Nous allons faire une brève pause-santé. Je pense qu'on a bien besoin d'un petit dix (10) minutes de détente. Je vous rappelle qu'il y a du café dans la salle d'à côté. Et nous reviendrons à quatre heures moins quart (3h45) pour entendre le mémoire de la Nation Eastmain, de la Nation Cri Eastmain par le Chef Edward Gilpin. Merci, thank you very much.

(SUSPENSION DE LA SÉANCE)

1010 (REPRISE DE LA SÉANCE)

MR. ANDRÉ BEAUCHAMP, Chairman:

1015 I would invite now, please, Chief Edward Gilpin for the Eastmain Cree Nation. Here you are. Okay, great.

MR. EDWARD GILPIN:

1020 O.K., on behalf of the Cree Nation of Eastmain, I'd like to thank the Commission for giving me the opportunity to say a few words concerning the diversion that happened in my river.

I want to say it in Cree so my Cree colleagues can hear this.

MR. ANDRÉ BEAUCHAMP, Chairman:

1025 And we are so very happy that you're here to tell us your experience.

MR. EDWARD GILPIN:

1030 In my presentation, before I make the presentation, I'd like to say a few words. I would have been very happy if this water policy Commission was available before they diverted my river. And I hope with this new Commission, they'll be able to respect the southern river before the divert the Waskaganish river.

1035 I'll start my presentation. In this presentation to the Québec Commission of Enquiry into water policy, I would like to explain to the Commissioners the importance of understanding the impacts of major river diversions in Québec. We understand that Québec has more major river diversions than any other region in North America. And since we live downriver from on one of

1040 the most complete diversions - that of the Eastmain River, we think you should consider what this type of diversion scheme involves for the people using the affected drainage basin.

1045 The Cree Nation of Eastmain, is based on a community at the mouth of the Eastmain River where it flows into James Bay. The community has a population of about 550. And it's located approximately 900 kilometres north of Montreal. Our hunting territories extend eastward a distance of over 200 kilometres from the James Bay coast into the interior of what we know as Eeyou Istchee, the James Bay territory. Our territory is immensely linked by both history and culture to the Eastmain river both as a natural resource and as a travel route. Our community site has a fur trading history linked to this river which goes back to the 17th century. At that time, the Eastmain river ranked eighth (8) in importance of Québec rivers, with a drainage basin of a little smaller than the Province of Nova Scotia. 46,000 square kilometres compared with 56,000 for Nova Scotia.

1055 In 1980, 87% of the drainage basin of the Eastmain River was diverted northward to become part of the newly created drainage basin of La Grande hydro-electric project. Both the size of the diverted flow, predicted to be 845 cubic meters per second on average, and the residual flow at the mouth of the river, about 13% of the pre-diversion flow, make this one of the most important river diversion projects in North America.

1060 We believe that water diversions justify close examination by the Québec government in connection with its enquiry into water policy. We say this partially because we know that major river diversions have played an exceptionally important part in hydro-electric energy development in Québec. More so than in any other major region in North America. And because we have experienced directly the effects of the most extensive of these river diversions. And also we want to point out to the Commissioners that Hydro-Québec, therefore, presumably the Québec government, is presently planning a further diversion scheme involving the Eastmain basin.

1070 This diversion would capture a major proportion of the drainage basin of the Rupert's River, and route the diverted waters through the Eastmain basin on their way to the powerhouses of the La Grande project.

1075 Because of the combined impacts of river diversions and expected extent of flooding of their most productive hunting territories, Eastmain was considered in 1974, several years before the diversion took place, to be the community most severely affected by the La Grande project. This is reflected in the allocation of additional lands for the community under the terms of the James Bay and Northern Québec Agreement, although we do not see this as a way of making up for, or remedying the environmental damage.

1080 Twenty years have passed now since the diversion of the river, and we can now ask ourselves what has been learned that should be brought to the attention of the Québec government. We would like to make the following observations and recommendations to the Commissioners:

1085 River diversions like that of the Eastmain River end up by largely destroying the fish stocks that spawn in the freshwater sections of such rivers, particularly whitefish and trout in our case. They contradict the idea of hydro-electricity as an example of sustainable development.

1090 In the case of the Eastmain River, a series of man-made ponds were erected to restore water levels along unstable sections of the river banks and reduce erosion in the remaining river valley. These ponds may look reassuring from the air, and they did replace the amount of bank erosion, but they generate their own problems. They require maintenance and repair from time to time, for which no provision has been made. And they can be damaged or even destroyed when spillways are opened. The idea that ponds can be created in this way to restore fish habitat is not convincing to us, and needs serious re-examination.

1095 No provision was made for flow maintenance in the Eastmain River, and there was strong opposition from Hydro at the time, to any level of flow maintenance sufficient to maintain fish habitat. We cannot therefore learn from the Eastmain example what level of flow maintenance would have been necessary. We do know, however, that flow maintenance would have meant releasing water contaminated with methyl mercury, leading to downstream
1100 contamination similar to that reported along the Caniapiscou River downstream from the Duplanter spillway.

1105 Balancing the arguments in favour of flow maintenance, for the protection of fish habitat, with the effects of releasing mercury, which is then taken up by fish, is a difficult issue which the Québec government will have to address the next time it assesses the impacts of a proposed river diversion. While on the subject of mercury, we want to point out that the fish stocks on the diversion route remain well above regional background levels, and are expected by Hydro-Québec to remain contaminated for possibly another decade. Mercury contamination in general, and in reservoir fish stocks in particular, is a significant additional impact with which the people of
1110 Eastmain have had to deal. Our local fisheries have suffered seriously as a result.

1115 The Eastmain diversion has particularly serious implications for lake sturgeon. This is a vulnerable species, which in the Eastmain River is near the northern limits of its range in Eeyou Istchee, and a species which has already been adversely affected in many ways by hydro-electric development and other man-made flow modifications. If, as seems to us likely, the effect of the Eastmain diversion is to eliminate sturgeon from a major portion of its range, we would have to consider this as another example of the unsustainability hydro-electric development. Such developments also call into question commitments, both federal and provincial, to the protection of biological diversity and the protection of vulnerable and endangered species. Hydro-Québec's
1120 monitoring programs for fish in the La Grande complex did not include sturgeon. It should be added.

1125 The failure to prepare shorelines along the diversion route of the Eastmain River on its way to Sakami Lake and LG-2 has created lasting problems for Cree hunters. It will be many years before these shores are again useful. Well beyond the lifetime of the hunters who use this area. For practical purposes, the diversion has caused essential permanent loss of wetland and

shorelines habitat. And this type of damage, once created, cannot be remedied or corrected without major intervention. If the River Rupert is added to the flow through the Eastmain diversion route, we can expect additional problems of erosion and instability.

1130

Construction of the Eastmain diversion resulted in the opening of the inland hunting territories to many thousands of visitors who have come into the territory to hunt and fish. We therefore have a situation in which, in addition to the direct ecological impacts of the diversion, the opening of the transportation infrastructure to the south has led to considerable increase in the use of wildlife resources. But in ways which are largely beyond the control or even influence of the Cree hunters. Meanwhile, the communities, until recently, remained isolated from the new roads, and was unable to make use of them.

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Finally and certainly not the least of the concerns from the perspective of the Eastmain community, turning the mouth of the Eastmain River into a saltwater bay has lasting implications for water supply and waste water disposal. The Eastmain community is located on a low, sandy terrace surrounded by extensive muskeg. The options available for both water supply and waste water disposal were limited at the outset, but have been made more difficult as a result of the river diversion. The community is still engaged, with Hydro-Québec it should be added, in the search for a permanent and viable solution to the problem of water supply.

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The loss of the river essentially means that it is no longer available as a source of freshwater to the community. At the same time, the loss of the river flow also means that the river can no longer be relied upon as rivers are so often relied upon in Québec, as a means of dispersing and diluting the effluent from waste and water treatment systems.

1150

Conclusion, Eastmain has been neglected by Hydro-Québec in its published reports of its environmental management philosophy. You will reach the same conclusions when you consult the state of the environment reports produced by Québec government. You will not find in these reports much in the way of analysis of the issues raised here.

1155

Nevertheless, we believe that the Eastmain River diversion has left us with a legacy of environmental disturbance which will remain with us for many years to come. At the very least, the Commissioners should recommend to the government of Québec, that the ecological and human problems generated by such diversions should be the subject of ongoing monitoring, which is not presently the case.

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In this brief, we have outlined some ideas and concerns which could serve as the basis for a monitoring strategy. Naturally, we would want to be involved in developing a monitoring strategy for river diversions. And we believe that we could contribute, on the basis of our experience, to the success of such an exercise.

1165

And in closing, I'd like to make a remark to one of my colleagues, the Chief from Waskaganish told me to tell this water policy Commission that, until there's a proper policy

1170 management in place, they shouldn't even consider diverting Waskaganish River. So, I'm
passing that message on to you. Thank you.

MR. ANDRÉ BEAUCHAMP, Chairman:

1175 Thank you very much for your brief and for coming here. Quand nous sommes allés dans
les communautés crie, nous avons entendu le témoignage de beaucoup de gens qui ont vécu
dans leur chair les transformations qui sont survenues dans le territoire suite à la mise en place
des travaux d'Hydro-Québec, entre autres. Et je vous remercie de votre mémoire qui fait écho
des impacts réels tels que vécus et perçus par les gens qui vivent sur le territoire et qui nous
1180 permettent de toujours voir la différence entre les théories et la réalité.

Dans votre mémoire, vous évoquez la question de l'ouverture de votre territoire, de vos
territoires de chasse, à de nouveaux visiteurs qui transforment d'une manière importante la réalité
sociale dans laquelle vous êtes.

1185 La question que je voudrais vous poser, c'est maintenant que la situation a changé, qu'il
y a des routes et qu'il y a maintenant de nouvelles populations qui visitent le terrain et
s'impliquent dans différentes activités de tourisme ou d'écotourisme ou de nouvelles expériences
nordiques, est-ce que cela représente pour votre communauté de nouvelles opportunités, de
1190 nouvelles chances de développer autrement une partie de votre territoire? Est-ce qu'il y a là, de
nouveaux éléments positifs de développement par rapport à l'avenir?

MR. EDWARD GILPIN:

1195 I will try to answer your as clearly as I can. What is mentioned as far as having, opening
new roads coming into Cree territory. The argument is being based on the fact that it has a big
impact in our community. It will, as far as development cooperations are concerned in the
community who have started outfitting camps and fishing camps, it would benefit them to a
certain extent. But what it all means is the people who are still trying to utilize what is left of their
1200 traplines on the reservoirs are being overrun by this influx of hunters coming up. For example,
the caribou hunters who are going up to LG-2, LG-4, when the sports hunt open which started in
the middle of November and ends in February.

1205 During this period of time, the hunters, that are still making a living out of trapping,
hunting and fishing, cannot go into these territories. So that's why it has a negative impact, the
impact is a lot more than what it means for the outfitter.

MR. ANDRÉ BEAUCHAMP, Chairman:

1210 Yes, but do you have a transition strategy to both educate and to understand the goals of
each part and to find a new ongoing solution?

MR. EDWARD GILPIN:

1215 For the trapper?

MR. ANDRÉ BEAUCHAMP, Chairman:

1220 Both for the trapper and for the tourists who are going to your territory?

MR. EDWARD GILPIN:

1225 At the moment, I don't think there's very many new strategies that have been developed as to how to deal with this issue.

MR. ANDRÉ BEAUCHAMP, Chairman:

Thanks.

1230 **MR. ROMEO SAGANASH, Chairman:**

1235 Thank you for your presentation, Chief Gilpin. I just have a quick question I guess. I think one of the objectives that the James Bay Advisory Committee had, although it probably does not constitute the best way to influence policy development in this province. But one of the objectives that we had in designing the protocol of collaboration between our Committee and this Commission, is the importance of getting the Cree input because of the Cree experience over the past twenty-five (25) years, in relation to water issues. And water diversions are certainly part of that.

1240 So, I was happy to learn that the Eastmain was going to make a presentation and bring an important contribution to the work ahead of us, that we still have to do.

1245 I took note of the comments that the Chief from Waskahegenish, Robin Wishchi(?) made with respect to making a very strong policy statement that there should be no river diversions until there's a clear and adequate policy for water management is in place. I think a lot of people that we've heard, at least in the territory, have said the same thing. So, I took note of that comment.

1250 I would like to know, because based on your experience, if the Cree Nation of Eastmain, as well as the Cree Nation as a whole, had better control over their own development, a better control of the institutions that manage the resources in the territory, do you believe that the elements of control in determining through your own institutions the type of development that should take place in the territory, is one of the avenues that we should try to look at or determine in a policy, in a policy in the future? Not only over water management questions, but also for all the resource development issues. Do you think that's one of the avenues that we should explore and recommend?

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MR. EDWARD GILPIN:

1260 Yes, I believe that the steps should be taken. And also there should be more consultations being done at the level of the community that are going to be affected by any proposed diversions, to lessen the impact that is felt by the community as a whole and by the individual.

1265 **MRS. CAROLE GARCEAU, Commissioner:**

O.K., in your conclusion, you recommend that a monitoring strategy has to be developed concerning the river diversion. What kind of process you will recommend to involve Crees in a more action role in developing such a strategy?

1270 **MR. EDWARD GILPIN:**

Well, based on the experience that we had in our community after the diversion, there was some monitoring that was being carried out. But as my colleague said earlier, this type of monitoring should have involved more of our people. Because they are the ones that were - that depended on the specie, for example fish.

1280 The Eastmain River, I'll use my river as an example, how we could participate in developing a strategy that will work to lessen the impact. For example, in the Eastmain River, after the diversion, we did have some monitoring and studies being carried out by a corporation that was set up called Soltrak. But the studies that were being carried out and the results never determined what is the remedy that was caused by this diversion.

1285 The studies only resulted in finding out what effects it had on the fish. But there was no remedies put in place to determine how we could adjust to such an impact. Because fish was the number sources of food for the community. The community could - a person or a hunter, a trapper would get up in the morning, just walk down to the river and be able to get fish. Today, they can't do that. So I believe in the future, anything - any strategy now has to involve the people. And the way of their life should be taken as a priority and strategy.

1290 **MR. ANDRÉ BEAUCHAMP, Chairman:**

Madame Gallichan.

1295 **MRS. GISELE GALLICHAN, Commissioner:**

1300 Chief Gilpin, I'll ask my question in French so I leave you time to - Je voudrais avoir quelques détails supplémentaires sur l'évocation que vous faites des problèmes d'eau potable et d'eau usée que vous avez à Eastmain. Je crois comprendre que votre approvisionnement est compromis pour ce qui est de l'eau potable. Alors comment présentement réussissez-vous à vous abreuver d'eau fraîche?

MR. EDWARD GILPIN:

1305 Well, right now, as I stated in my letter, what was supposed to be in place for Eastmain was supposed - what Hydro was supposed to do, under the James Bay Agreement, what was supposed to be in place after the diversion, was supposed to take care of the community of Eastmain, of its water source, drinking water and waste water. But to bring you up to date, as I made in the comment, we're still negotiating for a permanent water supply in the community of Eastmain.

1310

It's because, earlier before this was ever considered, the impacts that salt water has on the reduced flow of the Eastmain River, has caused the salt water to seep through the clay and the sandy areas like I described. Our river is mostly clay and very sandy, so easily penetrated by salt water coming out of James Bay. And this has cost erosion to the wells that were in place. 1315 And today, we're negotiating a correction to be done to the source of the problem that we have. And as of today, we haven't decided on what is the best solution at Eastmain. And also, for the waste water, like in most communities in other places, it's dumped into the river to be mixed with the river. But because of the flow of the river, there's, like I said, there's hardly any flow in the Eastmain River. So the waste water that goes in the river stays along the beach. It doesn't 1320 move.

MRS. GISELE GALLICHAN, Commissioner:

1325 Okay.

MR. EDWARD GILPIN:

1330 Then when the tide comes in from the James Bay, it pushes it up all the way, about six (6) or eight (8) miles up the river. Because the force from the James Bay, is a lot stronger than the flow that we have in the Eastmain river, since the diversion. So what you see is something that just goes back and forth. And it washes up along the shore when the tide goes out. When the tide comes in from the Bay, then again it starts flowing back and forth.

MME GISELE GALLICHAN, commissaire:

1335 Alors, est-ce qu'à ce jour, I leave you time again. Est-ce qu'à ce jour, de graves problèmes de santé ont été répertoriés? Est-ce que vous avez une autre façon d'approvisionnement en eau potable?

MR. EDWARD GILPIN:

1340 Well, at the moment, our community, the members of our community, since we have an access road, are going up to kilometer 381 by the Matagami road to get their water, drinking water.

1345 That's what is happening now and that's very costly. And also, concerning the health problems of today, we are incurring a lot of problems, especially with our young children, diarrhea all of sudden happens at any time. High fever. And I think this is related the water.

MRS. GISELE GALLICHAN, Commissioner:

1350 When you say it's very expensive, how much for your community, for one (1) year, on one (1) year time?

MR. EDWARD GILPIN:

1355 Oh, I couldn't put a dollar figure but this is not done as a community project. This is incurred by every individual. In Eastmain, we have a hundred and fourteen (114) units. That's houses. And each member of the unit, every now and then, every two (2) days, or three (3) days, 1360 has to run up to 381 to get their fresh water, while we're waiting to have a permanent system that will answer this problem that we're having.

MR. HARM SLOTERDIJK, Commissioner:

1365 My neighbour mentioned health, and I had a question about health. There is of course the water problem. There's also what you mentioned the mercury. And for example, the previous speaker spoke about how water, and the impact on water and degradation of water affected the culture. I would like you tell us a little bit about the health situation in your community. And related to the problems of the water, whether you can explain to us what is the

1370 impact. And I want to go a little bit beyond just the question of mercury and consumption.
Although it is part of the problem, of the overall big picture. But for example, how has it affected
the life style or the traditional way of the people. And as a result of that, how it has affected the
health of the community?

1375 **MR. EDWARD GILPIN:**

Well, I'll just touch on it. Well, some of the things that we are now facing, I guess that
after twenty (20) years, there hasn't been no monitoring done in the community of Eastmain, of
the social impacts. There were, at one time, during the talks, when they were talking about
1380 mercury, the impact that mercury has on people. Our people used to bring the issue of social
impacts and it was at these meetings that we - our people felt more like as if they were being
discouraged from touching on the impact - social impacts that they're facing, and that they
foresee their future people facing, because of this diversion.

1385 And one of them today, as we are sitting here, our community is going through a diabetes
screening program, where they'll be doing the screening for at least four hundred (400) people
out of the five hundred and fifty (550) people I mentioned, approximately - in Eastmain, about four
hundred (400) people are being put through this screening test.

1390 And by having that done to them, it all relates back to the mercury problem. When they
were told that if they ate fish from the reservoir, they would be like - it would look like the effects
on what do you call this --

MR. HARM SLOTERDIJK, Commissioner:

1395 The minamata disease?

MR. EDWARD GILPIN:

1400 Yes, something like that. And I think that's why we have a high level of diabetes in the
community for the size of the population in Eastmain. And the ones that are known to have this,
it's already a big percentage. I'm afraid to see the results of this screening test when it's done
because of the size of our community.

1405 **MR. HARM SLOTERDIJK, Commissioner:**

Is this caused by a change in diet because you relate it to the mercury?

MR. EDWARD GILPIN:

1410

Yes, that's what's causing it. Because I personally, myself too, for such a long period of time, stopped eating fish. But when this problem of diabetes came on the scene, one of the things that they said is because you people don't eat enough fish. For me, I went back to eating fish. So, I said to myself personally, I'll take a chance - like this instead of loosing my legs. That was a personal decision I took upon myself. So that's one of the impacts this diversion has on the people.

1415

And today, I'm wearing a nice, clean, white shirt, but if there's no correction done on it, when I go back, it's going to turn yellow. That's what happens when we wash are whites in our water, our present water system. They turn yellow. But I could have worn one of my white shirts with yellow stains on it.

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MR. HARM SLOTERDIJK, Commissioner:

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And it's a new one you have today.

MR. EDWARD GILPIN:

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It's a new one I have now.

MR. HARM SLOTERDIJK, Commissioner:

Thank you, okay.

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MR. CAMILLE GENEST, commissaire:

Monsieur Gilpin, vous nous avez présenté une analyse des conséquences du détournement de la rivière Eastmain sur les débits d'eau, sur l'habitat de la truite, l'habitat de l'esturgeon. Sur l'impact concernant la santé, par rapport, notamment, à l'eau potable et le problème du mercure, ma question sera double. Est-ce qu'il y a des conséquences positives du détournement de la rivière Eastmain? Et l'autre aspect, c'est le Grand Chef disait tout à l'heure que les Cris possèdent beaucoup de connaissances sur les voies d'eau. Est-ce que ces connaissances des Cris peuvent permettre de trouver des solutions aux problèmes qui ont été causés par le détournement de la rivière Eastmain, après vingt (20) ans?

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MR. EDWARD GILPIN:

I don't know how I can really answer you on that question. I think the only way I can answer is, like I stated earlier, before any diversion was to have taken place in our community, if we were listened to, because at the time, negotiations, if you look at all the arguments that were placed by the trappers, I think you would be able to answer - you would be able to find an answer in those statements that the trappers made at the time.

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1455 What it means, when you cut off the flow of the river, as I said, because of their way of life
as hunters and trappers, they've seen cut offs on creeks that are done by the animals which they
themselves depend on. And this is where a lot of their knowledge came from. On the affects
downstream at the creek. And also in the flooded area.

1460 And this is where they gathered a lot of knowledge. So I don't know exactly how to
answer your question, but maybe my - I can ask my colleagues to give me a hand, how to.

MR. ALLEN PENN:

1465 Well, the only thing I'd add to what Edward as just said is that --

MR. ANDRÉ BEAUCHAMP, Chairman:

Oui, voudriez-vous me dire votre nom? Would you give your name please?

1470 **MR. ALLEN PENN:**

My name is Allen Penn. I work with the Grand Council of the Crees, yes.

1475 The only thing I would add to what Edward has said is that, is it the scale of this diversion.
This diversion involves nearly ninety percent (90%) of the river flow. And if diversions on that
scale lead to irremediable impacts. In other words, you're dealing with a degree of impact which
no longer is open to solution. I mean although you can study the impacts of individual aspects of
these diversions, that doesn't mean to say that the impacts themselves, lend themselves to
remedial action. There are some very significant irremediable consequences of diversion on this
1480 - on this kind of scale. And I think that Edward described a number of those impacts. But it
would be misleading to think that simply by monitoring or by involving the community in studying
those impacts, we can necessarily find a solution.

MRS. GISELE GALLICHAN, Commissioner:

1485 Chief Gilpin, I try in English, okay. I want just a few minutes to come back to drinking
water problem. Do you think, in your area, is the, how do you say in English, pergélisol, help?

MR. HARM SLOTERDIJK, Commissioner:

1490 Permafrost.

MRS. GISELE GALLICHAN, Commissioner:

1495 Permanent --

MR. HARM SLOTERDIJK, Commissioner:

No permafrost.

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MRS. GISELE GALLICHAN, Commissioner:

Are there places for ground water, is this possible? And if not, do you have solutions or recommendations so that the possibility to have good drinking water could be less expensive, okay?

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MR. EDWARD GILPIN:

At the moment, there are two (2), two (2) types of water solutions where we can get water. One is ground water which does not go below the - it doesn't go beyond the bedrock. But if they go beyond the bedrock, then the seepage of salt water will get - come back in the system. So that is one of the solutions, one of the water system solution is it is above the bedrock. And there's a possibility through a very comprehensive maintenance, we'll be able to achieve - one way to achieve is by providing enough water for the community, drinkable water.

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And the other option is delivering water from twenty-three (23) kilometres from the community, from a lake, to pipe it in. This one is very expensive and it doesn't guarantee that we will have water all year long. Because there are chances that it might freeze up and then we're out of water again.

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MR. HARM SLOTERDIJK, Commissioner:

I'm not quite sure whether I understood. You were saying that it was going down to the bedrock, you could drill to the bedrock and you know, then it's finished and but I'm not quite sure if - and how deep it is and all that.

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R. ALLEN PENN:

The solution that's being considered at the moment involves a nest of between forty (40) and sixty (60) shallow wells, which intercept meteoric water, water from snow and rain before it reaches the ground water, and the idea is to use these shallow wells to draw on this meteoric water without bringing up salt water from greater depths. There aren't very many examples of this. But this seems to me, seems to be the only viable way of bringing up salt water - bringing up ground water into the water supply system which has a low salt content.

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MR. HARM SLOTERDIJK, Commissioner:

If I understand, a great number of wells and capture the water before it gets down the lower water table, but it's still sort of interstitial water or as it goes, it seeps through the soil?

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MR. ALLEN PENN:

Yes.

1545 **MR. ANDRÉ BEAUCHAMP, Chairman:**

Alors, si vous permettez, nous allons -- Excuse me. We will -- si vous permettez, nous allons arrêter maintenant. Thank you very much for coming here. And for your brief. I ask Mr. Saganash to make a closing.

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MR. ROMEO SAGANASH, Chairman:

O.K. I just wanted to thank you Chief Gilpin, once again for your important contribution to the work of the two (2) commissions before you. I think the example of Eastmain is a very concrete example of the interrelation, interconnectedness, interdependence of water with your rights. That's clearly noted, at least for my part. And any solution to water issues or water problems in the Cree territory will require a very global approach, taking into consideration all of these things.

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So I wanted to thank you for that. Again, your clear example that water is health and health is a question of also Cree rights. Thank you very much.

MR. EDWARD GILPIN:

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Thank you.

M. ANDRÉ BEAUCHAMP, président:

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Alors je tiens à remercier le Grand Chef Ted Moses et le Chef Edward Gilpin de leur présence et de leur contribution à l'audience. Je tiens à remercier le Comité consultatif pour l'environnement de la Baie James, de sa collaboration avec le travail de la Commission, pour que nous puissions trouver les meilleures solutions qui respectent l'autonomie des institutions en place, et qu'on puisse trouver des formes de collaboration d'un dialogue fructueux.

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C'est un premier exercice. Je pense que c'est un bel exercice. Alors, merci beaucoup. I wish to thank you everyone to being here today. The - la Commission du BAPE recommencera ses travaux ce soir à dix-neuf heures trente (10h30) pour une série de - de mémoires de différentes personnes. Si vous voulez y participer, si vous voulez entendre les mémoires, vous serez bienvenus. Merci beaucoup et à la prochaine.

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I, the undersigned, **ANNAGRET RINALDI**, official Court Reporter, do hereby certify under my oath of office that the preceding pages are a true and faithful transcript of the proof and the

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deposition in this case, taken by way of the stenomask, the whole in conformity with the law. And
I have signed:

ANNAGRET RINALDI, O.C.S.