Speaking Notes for Matthew Mukash
CONFERENCE ON ENERGY AND ENVIRONMENT
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Wachiya! Bonjour! Greetings!

Mayor Ulrick Cherubin, Grand Chief Dr. Matthew Coon-Come, Chief Alice Jerome, Chief Billy Katabatuk, Chiefs, Dr. Ted Moses, Mr. Jack Blacksmith, ladies and gentlemen!

I'm honoured to have been invited to this conference to talk to you about energy development and the protection of the environment. It's good to see that many people here with various backgrounds and expertise have come together to exchange ideas on how best we can interact to promote sustainable energy development in the region while protecting the environment. For me, this is a very important conference and I would like to thank the Mayor Cherubin and the Town of Amos for agreement to hosting it!

You probably read in today's program that I'm supposed to talk to you about "how to manage a hydro-electric project." Well, I don't think that I have the qualifications or experience to talk about such thing, but I do however wish to talk to you about my perspective on resource development in general, based on what I have seen since the early 70s when natural resource development in Eeyou Istchee began.

The core subject of my presentation will be on survival. I think we can all agree that the most important thing in our lives is the need to survive; this is a fact of

life. I will raise some issues that I think we must address as we move forward in planning for the future. I will then attempt draw a conclusion based on these points which I think are crucial to future economic planning, particularly, as it relates to energy development in the region and the need to protect the environment.

As stakeholders having interest in resource development in the region to promote our social and economic well-being, we need to understand a little bit about the history of the Cree people, our culture, our way of life, and the impact of development to date on our homeland and on our traditional way of life. Non-Cree stakeholders, in particular, need to understand our history since building a relationship involves an in-depth knowledge of your potential partner, which is an essential element in building stronger and healthier ties.

Now, survival, of course, can mean many things. For example, while leaders of the larger society are primarily concerned with economic prosperity and social well-being for their constituents, the Cree people has always been, and still are, and will always be, concerned about our survival as peoples with distinct language, culture and way of life, as do the Quebecois here in Quebec. This will never change. Companies and business entities are also concerned about their own survival. Our families need to survive and so on. The decision that we make on a daily basis are all, one way or another, linked to survival.

For us Cree leaders, any decision that we make about the future is always about our survival as a people. The philosophy of the Native Americans is that when we make a decision, we must take into account how that decision will impact the Seventh Generation down the line. This means that, in my case, if I were part of a

planning team to determine what is best for the present and future generations, I must take into account how the decisions that I make will affect my grandchildren's great grandchildren - the 7th Generation.

My presentation today will touch upon the subject of global economic planning and other related area, with much emphasis on our need to survive. In so doing, I hope that I can stay in line with the objective and theme of this conference.

I will first talk about my views on the environment and then about energy resource development (mainly, on wind energy, biomass, solar and mini hydro) as a means to create sustainable economies in Eeyou Istchee and in the region. As you may all know, I am not a strong supporter of mega hydro-electric projects because of the huge impacts they have on the environment and the Cree way of life and, also, because there are a number of unknown impacts that never been adequately documented, some of which I will discuss here today.

Let me begin with the teachings I received in my early childhood from my parents, my extended family and elders - teachings that have shaped my understanding and view of the nature and the natural environment. As you may or may not know, I was born on the land, approximately 100 miles northeast of Whapmagoostui, my home community. I grew up as a child in the bush until I was about fifteen, when I felt victim to tuberculosis and was sent to Moose Factory, Ontario, for treatment. I stayed in a hospital there for 18 months. Thereafter, I went to pursue my studies in the south.

On the land, I grew up with people around me who possessed the untainted knowledge of Cree culture (the beliefs, the values, the customs, the traditions, the life philosophies of our people and so on) and our relationship with Earth and all

kingdoms in nature. I was taught to regard the Earth as a living being, a mother, a nurturer of life! The knowledge and wisdom that I received was based on life on the land as it was lived in the time before the Europeans came. I learned about survival from elders (both men and women) who, since their childhood, had spent most of the time in the four seasons on the land and spent little time in a community setting. The teachings were passed down to us as children through legends, through stories and through songs. Living the way our ancestors did made it easier for us to understand the teachings about nature and the environment. These teachings have shaped my understanding and respect for nature and the natural environment which have, to a great extent, influenced my views and perspective about energy development and the need to protect the environment, which I will share with you today.

When I was growing up on the land from childhood to adolescence, survival was not to a great extent based on cash economy. Although we had modern tools and very few modern food items, most of what needed came from the land. Traditional tools of survival such as snowshoes, the toboggan, the snow shovel and others were made out of trees found in our hunting territory. Some of our clothing items were made out of animal skins. Survival was challenging, but the need to sustain life created productive people who were generally happy and healthy - physically, emotionally, mentally and spiritually. Cree beliefs, values, customs and traditions were actively practiced. Each moment of the day presented an opportunity to participate and contribute to the health and well-being of the family, even for us as kids. There was no time for laziness! Living how our ancestors lived, family and kinship bonding was at its best!

The land was not regarded as productive or unproductive. The ability to sustain your family through hunting, fishing and trapping was based on the proper management of the wildlife resources and on maintaining respect for, and honouring, all life in nature. The simple rule was this: “If you show respect for the land and what she has to provide, she will take care of you as a mother takes care of and nurtures her children!” This unique relationship with the land was practiced through ceremonial customs that had been handed down from generation to generation since time immemorial. Wealth was not measured by what you owned or having lots of money; it was measured by happiness, health and life expectancy.

It is important for all of us to know these things to see how much life has changed for the Crees since the arrival of the modern day.

With the arrival of modern conveniences and new ways of doing things, the needs of our people began to change over time. The generation before me had witness many hardships resulting from these changes**,** including the impact of diseases that came from the south, from which many people perished, in some cases, a whole family. My generation saw the ensuing changes caused by: the decline of the Fur Trade, the introduction of modern conveniences, the effect of alcohol and drugs, the wage economy, residential schools and many others. Within a few decades many changes took place in our communities, some for the better, and some that brought many difficult challenges to Cree society. The social fabric of our community was challenged. Despite some obvious difficulties, however, our people continued to actively pursue the traditional way of life on the land, which they still do, to this day.

I was studying in Montreal when, on April 30, 1971, Premier Robert Bourassa announced what he called the "the Project of the Century", a project that involved damming of major rivers that flow into James Bay and Hudson Bay to produce electricity. Tens of thousands square kilometres of land would be flooded. The Premier talked about opening up of the territory in the James Bay and Hudson Bay area, the heart of Cree homeland, for the sake of promoting Quebec's economic prosperity. Many jobs would be created, he said. In essence, the James Bay Project would ensure Quebec's presence in the north with an opportunity to grow. You can imagine the concern we had about the fate of our homeland and the way of life of our people.

I would like to talk little bit about what happened thereafter and the relationship that has evolved since then between the Crees and the outside world. In order to continue to build good economic relations, it is important for all stakeholders to understand this part of our history and that, although Crees were originally seen as an impediment to Quebec's economic development and prosperity, the contrary is quite true.

Like most Aboriginal groups in the Americas, we have greatly contributed to the society at large, improving the social and political landscape of a nation-state. In particular, we, the Crees (although reluctantly at first) have contributed and participated in resource development taking place in the Territory, which includes the James Bay and Hudson Bay area. At the same time, resulting from the positions we previous took over the years regarding the need to protect our inherent, Aboriginal and treaty rights, our way of life and the environment - we have greatly influenced the establishment of the social and environmental regime

that is now applicable to all development projects in the Territory. For any developer that wants to come into our homeland, the duty to consult and involve the concerned Aboriginal group is now a legal obligation.

The Crees have a long history of promoting respect for and observance of Aboriginal and treaty rights. We constantly participate in Canadian and international forum on Aboriginal and treaty rights and we accumulate considerable knowledge and experience on these matters. These forums include public conferences, parliamentary and other hearings, First Nations meetings and assemblies, Ministers' Conferences, multilateral constitutional processes, various international multilateral organizations and conferences of the United Nations, the International Labour Organization and the Organization of American States.

In the Canadian legal context and on a number of occasions, we, the Crees have had to ask the Courts to intervene in order to make sure that their Aboriginal and treaty rights are respected. In several occasions, we were involved in cases about development of natural resources and the protection of the environment.

As mentioned earlier, in 1971, the Québec Government announced its intention to develop the vast hydroelectric potential of the James Bay territory – this included the La Grande project. The Quebec government was going to proceed with this development project without involving the Crees and without even consulting them. In response to this, the Crees filed a Court case – an injunction – to stop the ongoing disruptions and damages caused by the construction of this vast project.

In November 1973, Justice Albert Malouf, of the Quebec Superior Court, issued an injunction to stop all construction activity related to the hydroelectric

development. Although this injunction was suspended a few days later by the Quebec Court of Appeal, the decision of Justice Malouf convinced the Government of Quebec that they had to sit down with the Crees and listen to what they had to say.

In January 1974, the Premier of Quebec Mr. Robert Bourassa issued a press release in which he set out a detailed 11-point proposal to the Crees and to the Quebec Inuit for the resolution of their claims in Quebec. Although the Premier's proposal was initially rejected by the Cree and Inuit parties, it eventually led to negotiations and the conclusion of the James Bay Agreement in 1975.

The original document contains 30 Chapters and over 450 pages covering a wide range of subjects such as the land regime in the James Bay Territory, local and regional governments, health and social services for the Crees, education for the Crees, justice and policing, the protection of the environment, hunting, fishing and trapping, and economic and social development. An adapted forestry regime, which was negotiated as part of the more recent Paix des Braves Agreement, was also included in the 1975 James Bay Agreement.

Over the years, the James Bay Agreement was amended several times and the parties – the Crees, the Inuit, Quebec, Canada and some Quebec Crown Corporations – concluded over twenty-one (21) Complementary Agreements and several side agreements.

The James Bay Agreement contains several provisions on the protection of the environment and the Cree traditional way of life and activities. For example, under the Agreement, the Crees participate in the social and environmental reviews of development projects in the James Bay territory. This special regime of

environmental and social assessment of projects has been the subject of court proceedings and decisions in different occasions by various courts, including the Federal Court of Canada and the Supreme of Canada.

These are some of the Court cases in which the Crees were involved and which concerned the process of social and environmental assessment of projects in the James Bay territory:

- *Eastmain Band v. Canada*, (Federal Court – 1993)
- *Quebec v. Canada (National Energy Board)*, (Supreme Court of Canada – 1994)
- *R. v. Hydro-Québec*, (Supreme Court of Canada – 1997)
- *Lord v. Provincial Administrator*, (Quebec Superior Court – 2000)
- *Quebec (Attorney General) v. Moses*, (Supreme Court of Canada – 2010)

In the recent Vanadium mining case, a mining company filed for a permit to build a uranium mine near Chapais. Quebec began its review of the project and the Crees were involved in this review. The federal department of Fisheries and Oceans informed the proponent of its intention to also review the project under its federal legislation because of concerns that the project would impact fish habitat.

In this case, the Crees wanted to make sure that they could participate in the federal review in the same way as in the provincial review. This case made its way to the Supreme Court of Canada and in that court Quebec argued that only the provincial review process applied to the mining project. The Supreme Court

rejected this view and instead, confirmed that both federal and provincial reviews apply. The decision confirms that Canada and Quebec both have a responsibility for environmental and social impact reviews of projects within the James Bay Territory and the Crees can participate in both reviews.

Since the signing of the James Bay Agreement in 1975, the Crees have complained about the lack of implementation of their treaty rights and the lack of proper fulfillment by the federal and provincial Governments of their respective obligations and undertakings under the Agreement.

In the late eighties, the Cree Nation of Eeyou Istchee, at Special General Assembly in Montreal, Qc, decided to oppose all further development in its homeland until the governments moved to fulfill their obligations to the Crees under the 1975 James Bay Agreement. We launched an international public campaign to this effect, letting the world know that we were not happy. At the same time, in 1989 and later in 1996, we filed in the Quebec Superior Court of Montreal proceedings against the governments of Quebec and Canada for breaches of the James Bay Agreement. These proceedings were known as the *Coon Come # 1* and the *Coon Come # 2* proceedings.

These Court proceedings forced the governments to sit down with the Crees once again and hear what they had to say about the lack of implementation of their James Bay Agreement. With much pressure on the governments resulting from the public campaign coupled with court cases, out-of-court settlements were eventually concluded over most issues contained in these proceedings with both Quebec and Canada, and this led to renewed agreements with Quebec in 2002 –

the Paix des Braves – and Canada in 2008 – the Federal New Relationship Agreement.

The economic impact of the 1975 James Bay Agreement (properly implemented) has been positive and beneficial to the region, particularly, here in Abitibi-Témiscamingue. We spend a great deal of our income in the towns and municipalities of this region, bringing success and prosperity to many businesses in the area. So, as you can see, the Crees have made significant contributions to the public at large, economically and in establishing a comprehensive social and environmental regime, as well as in numerous other areas. Over the course of a few years, we've made enormous efforts, in some cases with great success, to establish and maintain good working relationship with the business community of this region; but we still face many challenges ahead, some which are political in nature. For example, as most of you know, the Crees are not yet part of the planning process that decides how resource development in the Cree territory should take place. I'm referring to the issues we have with the Government of Quebec regarding the Municipalité de Baie James (MBJ). I won't elaborate on this matter further, as it is a matter that Cree leadership has yet to resolve with Quebec.

Still on the subject of environmental protection, I would now like to talk about large-scale hydro-electric projects in the Territory, not necessarily on how to manage them, but on their impact on the Cree way of life and on the environment. There are unknown impacts of hydroelectric development in the region that have not been adequately studied and I would like to point these out,

as I'm of the opinion that if more energy development is to take place in Eeyou Istchee, these issues must be addressed by the concerned parties.

The James Bay region was not well known in southern Québec when the decision to proceed with hydro-electric development in this area was announced in 1971. The key decisions relating to the design of the overall project were taken long ago, when little attention was paid to the use of environmental impact assessment or even basic considerations of the ecological consequences of hydro-electric development. Rivers were diverted without attention to the consequences of total diversion (and without any form of flow maintenance). Increased flow regimes in rivers receiving diverted river flows largely escaped study. The consequences of changed river flow regimes in the coastal regions of James Bay even now remain largely unknown and have also escaped study. The creation of large storage reservoirs, with accumulated volumes well in excess of a hundred cubic kilometres, also has a range of potential ecological impacts, so far largely unexplored. We still have much to learn, even if the possibilities are there, about future fish populations both in the reservoirs and in the rivers affected in various ways by the river diversions which made this project economically possible. In addition, mercury contamination in fish in reservoirs and rivers affected by reservoirs was not taken into consideration, although the evidence that reservoirs could be expected to affect mercury levels in fish was available by the time the reservoirs of the La Grande project were created.

Other potential impacts of hydro-electric development were not taken into account, such as green house gases that would be created by the flooding of vegetation of huge volumes, which I wish to discuss next. The construction of the

La Grande Project (or James Bay Project) took place over a period of roughly 40 years, and involves many components. Public interest and concern about climate change and its relation to greenhouse gases developed during this period. However, the kind of information needed to inform public debate about hydro-electric development and greenhouse gas emissions was not collected, as far as we know, and we do not have a good handle on the amount of greenhouse gases produced both during construction and project operation.

We can make the obvious general observation that a great deal of fossil fuel energy (oil and gas) is consumed in the large scale and heavy duty construction work involved in building roads and rock and earth fill dykes, the powerhouses themselves, long distance transmission lines, and simply the work involved in project maintenance. We have not seen the necessary information, but we suspect that the energy inputs into large scale hydro-electric development are large, and would have to be taken into account seriously in any future development of this nature.

It is also claimed, in some quarters, that hydro-electricity is 'green' in that the actual production of electric energy from hydro plants does not release greenhouse gases. Indeed, the government of Canada does not require the reporting of greenhouse gases from hydro-electricity, as it does from other 'fossil' fuel based energy production. However, greenhouse gas production is a source of interest and concern in other countries, such as Brazil. It is not clear why this should not be an issue here in Canada.

What we can say about this is that there are very large amounts of carbon in peat lands and muskeg as well as forest soils and the forests themselves in northern Québec. The La Grande project flooded over 10,000 square kilometres of such environments – equivalent to a strip of land between Montréal and Québec some 50 or 60 kilometres wide. The flooded carbon is gradually being converted to carbon dioxide, which is being gradually released to the atmosphere. Some of this carbon is probably being released as methane, which is even more powerful than carbon dioxide as a greenhouse gas. As well, water is being evaporated back to the atmosphere from the large reservoirs, and water vapour itself is an effective greenhouse gas.

There are therefore grounds for believing that the overall significance of hydro-electric energy for greenhouse gas releases has not been taken into account; this situation should be corrected if we are to have a clearer picture of the regional role of greenhouse gas production from energy production.

Of course there are other areas of concern that should be explored, such as mercury contamination caused by hydro-electric development. One of the most dramatic consequences of the building of the reservoirs for the La Grande project was the discovery that mercury levels in fish rose by three, four or even five times after flooding. Nowhere else in North America have we seen such an obvious relationship between a well-defined industrial activity and mercury in wildlife used for human consumption. The mercury levels in fish have now dropped down again to levels not far above, or even within the range of natural levels of mercury, although we can still see the effects in the case of the Eastmain-1 reservoir. But we should keep in mind that the mercury levels in fish were

already high before the first flooding took place. Nearly half the older Cree population underwent tests to assess the effects of mercury – before any flooding took place. Mercury, as a consequence of hydro-electric development, has made it much more difficult to deal responsibly with a much larger, regional, problem of mercury in the food supply. This is an important issue for the Cree population to explore in order to fully understand mercury contamination and do something about it.

The long-term solution will require that the Crees regain some measure of control over a subject which has largely been taken over by Hydro-Québec. This is a long term challenge facing the Cree population, and it would be helpful if both Hydro-Québec and the Québec Government showed an awareness of the problem of mercury – as experienced by the Cree population as a whole. Roughly twenty years have passed since we had the opportunity ourselves to obtain useful information on mercury in the Cree food supply, and to assess the levels of mercury in the Cree population so that we can deal ourselves with the management of risks and with the future supply of fish for the Cree communities. A lot work still lies ahead to adequately address the issue of mercury contamination in Eeyou Istchee.

The impact of river diversions on marine life is another unknown subject that should be addressed. The river diversions carried out for the La Grande project have changed the pattern of freshwater flow into James Bay. Freshwater flow is now concentrated in the La Grande drainage basin, which includes water which previously flowed into Ungava Bay. Also, the managed flows tend to be concentrated in the winter rather than the summer period, and we no longer see

the peak spring flows in the La Grande River. These changes have undoubtedly made a difference to the mixing of fresh and salt water in James Bay and the impact these changes have on marine life in the James Bay, Hudson Bay Coast and elsewhere is unknown.

This is a subject which received little attention during the planning of the hydro-electric project, and questions are now being asked about the long term consequences of these changes. It is a subject which is attracting special attention because of interest in climate change as it affects northern Québec. For Chisasibi, there is a more immediate or short term question: How have these changes in flow affected the sea grass beds along the coast, in view of the fact that these beds have undergone sharp decline during the time period which corresponds roughly to the changed flow regimes resulting from the La Grande development?

These are only a few of the unknown impacts of hydro-electric development in Eeyou Istchee that I have researched in preparing my presentation for this conference. We know that these impacts not only concern the Crees of Eeyou Istchee, but some have global implications such as greenhouse gases that contribute to global climate change.

It is important for Québec society to reflect on what we know and do not know about the ecological impacts of hydro-electric development in northern Québec and Labrador in general, and in the James Bay region, in particular. As I stated earlier, the concern over greenhouse gas emissions caused by hydro-electric development has surfaced for some time now and is escalating as the impacts of

climate change on many parts of the world become evident. The question, therefore, which needs to be asked, is whether there will be any willingness on the part of the governments of Canada and Québec or, for that matter, on the part of Hydro-Québec – a State-owned Corporation- to investigate these matters. This is a question which remains to be discussed with Québec and the Government of Canada.

Having covered the areas that I think are important to address at the same time as we explore ways to benefit from sustainable energy resource development in Eeyou Istchee and the region, I will now talk about what I think are critical issues that must be taken into account in future economic planning.

The main objective of this conference, as I understand it, is to highlight the potential, the opportunities, the issues and the challenges of the energy industry including business opportunities and the regulations in the Cree territory. So far I have pointed to issues of concern that I believe should be addressed as we explore ways to create vibrant and resilient economies that will ensure our survival. Now, I would like to talk about what I think should be done in moving forward in sustainable energy development.

One important factor that comes into play when discussing sustainable energy development in the Territory is the relationship between the Cree population and Hydro-Quebec. Successful development of renewable energy resources in Eeyou Istchee will be largely dependent on the relationship between the Crees and Hydro-Quebec, mainly on the willingness of the latter to work with the former. I want to talk about it this for moment.

This relationship has evolved considerably over a thirty year period since the signing of the James Bay Agreement in 1975 and many changes have taken place. These changes, and the factors which influenced them, have to be taken into account in any overall assessment of the relationship between the two parties. Hydro-Québec and the Cree population entered into a series of five agreements after the JBNQA came into force as the hydro-electric project itself evolved (and became larger) between 1977 and 2002. Each of these agreements is quite distinct, and reflects changing views of the economic relationship between the parties, as well as many other matters.

That relationship has become increasingly complex, and is now a major factor in restructuring the economies of the individual communities. There is also a good deal of variation between communities, in addition to the changes over time. Many of these changes have involved significant changes in short-term patterns of employment (mainly contract related) which have been related to peak periods of construction and which by definition are not sustainable. These opportunities are bound to come to an end as construction, as we have known it, comes to an end two or three years from now. A major challenge for the Cree communities will be the process of adapting to the radical changes which can be expected in this economic relationship. It will be important to look carefully at what this means for Cree society in 5, 10 or 15 years from now.

Some communities will be more seriously affected than others; and some groups within the communities more than others. In particular, some individual hunters

will probably be able to tap into longer term benefits in territories which have been fairly directly affected by later changes in the project. The companies involved in continuing maintenance of transportation infra-structure will also enjoy relative security. However, there will be a growing segment in Cree society, in particular young adults and their families, which will find themselves struggling to seek stable employment (outside the public service) and a secure future for themselves and their families.

In this context, it is clear that the quality of education and the skills of the individual Crees will play a key role in the lives of these families, which therefore makes it particularly relevant to look carefully at the future of the educational system.

CONCLUSION: As a conclusion, I will say this: While it is important for all stakeholders to work together toward a common objective which is to build sustainable economies to ensure our survival, it is also important to keep in mind that whatever we do will have impact on the rest of the world in some way.

We know for a fact that the world population is rapidly increasing and the rate of resource depletion also increases at an alarming rate. At the same time, we continue to pollute land, the air, the water (oceans, lakes and rivers) because of poor economic planning and the absence of effective resource management systems. In the not-so-distant future, the world will be on the verge of running out of clean drinking water. This should be a matter of grave concern for all humanity. World markets are vulnerable as we have seen with the impact on the whole world of the recent economic downturn. Municipal and highway

infrastructures are failing and will be outdated in a matter of time. Mother Earth is suffering because of us; as a matter of fact, she is still bleeding from a recent wound in the Gulf of Mexico. The on-going damage we inflict on her must stop or humankind will perish as a species from the face of our planet. So, what do these and other factors all mean in terms of our long-term survival and prosperity?

It means that it is time we pay attention to the damage that we cause to the very environment and resources that we depend on for our sustenance. It is time to rethink how we do things to promote our survival. We need to find the means to improve technology, to find alternatives that will increase efficiency and create sustainable economies. We must exhaust all possible alternatives to energy resource development that is harmful to the environment, including hydroelectric development. The Cree people will support sustainable energy and other forms of resource development that is respectful of our culture, our way of life and the environment, and ensures our survival as a people!

The focus of future economic planning, therefore, as it concerns energy resource development, must be centered upon creating sustainable economies including renewable energy resources (wind, biomass, solar, mini-hydro and other) that bring our peoples and communities long-term employment, economic self-sufficiency and prosperity. As you can see, there is still much work be done in our planning for a promising future that ensures our survival, and the present conference is a good beginning!

Meequetch! Thank you! Merci!

MATTHEW MUKASH