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Comité Consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

**KEAC
Position Paper**

**concerning the
Lacs-Guillaume-Delisle-et-à-l'Eau-Claire
Park Project**

August 24, 2008

Introduction

Established in 1975 pursuant to the *James Bay and Northern Québec Agreement* (JBNQA), the Kativik Environmental Advisory Committee (KEAC) is composed of members appointed by the Kativik Regional Government (KRG) as well as the governments of Québec and Canada. The KEAC is a consultative body to responsible government, regional and local authorities in matters relating to environmental and social protection as well as land use issues in Nunavik.

Further to the public hearings conducted in June 2008 concerning the creation of a Lacs-Guillaume-Delisle-et-à-l'Eau-Claire national park, this position paper presents the KEAC's observations and its recommendations for the Minister of Sustainable Development, Environment and Parks.

I - Creation of a Lacs-Guillaume-Delisle-et-à-l'Eau-Claire national park

The Québec government has proposed the creation of a new park in Nunavik, to be named Lacs-Guillaume-Delisle-et-à-l'Eau-Claire. The future park, which would be situated near the Northern Village of Umiujaq, covers from west to east, the coastal zone around the mouth of the Petite rivière de la Baleine (Little Whale River), the main water body and drainage basin of lac Guillaume-Delisle (Lake Guillaume-Delisle or Richmond Gulf), including the rivière à l'Eau-Claire (Clearwater River), lac à l'Eau-Claire (Clearwater Lake) and its drainage basin, plus the Petit lac des Loups Marins (Lower Seal Lake). It covers an area of 15,549 km². The creation of this park is provided for in the *Partnership Agreement on Economic and Community Development in Nunavik* (Sanarrutik Agreement) signed on April 9, 2002, by the Québec government, the Makivik Corporation and the KRG, as well as in an agreement signed by the Société de la faune et des parcs du Québec (wildlife and parks) and the KRG in June 2002 concerning park creation studies and research. Under this latter agreement, the KRG undertook to complete fieldwork for the creation of a Lacs-Guillaume-Delisle-et-à-l'Eau-Claire national park as well as to produce a related status report. Moreover, the Ecological Heritage and Parks Branch of the ministère du Développement durable, de l'Environnement et des Parcs (sustainable development, environment and parks, MDDEP), in cooperation with the KRG, must complete an environmental and social impact study regarding the future park.

Further to consultations carried out in the communities of Umiujaq, Kuujjuarapik, Whapmagoostui and Inukjuak by the park project working committee, the MDDEP prepared a draft master plan. The plan describes the proposed boundaries of the park, conservation and management orientations, a development concept for visitors, as well as preservation, ambience and service zones. The plan was examined during the public hearings held on June 16–17, 2008, in Umiujaq and on June 18 in Kuujjuarapik and Whapmagoostui. The public hearings, held pursuant to the *Parks Act*, were chaired by Johnny N. Adams, a representative of the Minister of Sustainable Development, Environment and Parks. For its part, pursuant to Section 23 of the JBNQA and the

Environment Quality Act, the Kativik Environmental Quality Commission intends to analyze the MDDEP impact study and render a decision regarding the future park.

Recommendation (1)

As the territory covered in the draft master plan is especially representative of the ecosystems of the Hudson Cuestas and the Hudson Plateau, the KEAC supports the creation of a Québec national park in the Richmond Gulf and Clearwater Lake region, and it recommends that this territory be part of the future park.

II - Incorporation of the Nastapoka River and Upper Seal Lake in the future park

During the public hearings, the community of Umiujaq strongly proposed to extend the boundaries of the future park to include the rivière Nastapoka (Nastapoka River) and lacs des Loups Marins (Upper Seal Lake).

This proposal however meets with several obstacles that led those responsible for the park project to exclude these two areas. These obstacles relate to mineral titles held along the downstream section of the river and certain sections of the drainage basin. The most important obstacle though relates to the Sanarrutik Agreement signed in April 2002 by the Québec government, the Makivik Corporation and the KRG that permits Hydro-Québec to study the hydro-electric potential of the Nastapoka River.

The proposal, which it should be mentioned was reiterated by the community of Whapmagoostui, is notwithstanding justified. This river is especially scenic, and even spectacular, in the eyes of all those who visit the area. It also nurtures unique wildlife resources such as belugas that summer in the river estuary, the only landlocked salmon population (ouananiche) of the Hudson Plateau, and most notably the fresh-water seals (unique in North America) that inhabit the large headwater lakes and the upper section of the river. As these resources should be protected, the two areas must be included in the boundaries of the future park. Such protection was also recommended in the position paper submitted at the public hearings by Université Laval's Centre d'études nordiques (northern studies) and the Canadian Parks and Wilderness Society.

The seal population in question is estimated at less than 500 individuals, meaning that it is rare and extremely vulnerable. There are in fact only a very few fresh-water seal populations in the world, all in the Northern hemisphere, including at Lake Baikal and Lake Ladoga in Russia, as well as Lake Saaima in Finland. The Finnish seal population, estimated at 250 individuals, is protected by two national parks and a shoreline conservation program. For its part, Lake Baikal is considered a biosphere reserve.

Moreover, because Québec has ratified the United Nations' convention on biodiversity, it is responsible for protecting this seal subspecies in Northern Québec, which could be threatened by hydroelectric infrastructure, mining and uncontrolled hunting. The same holds true for the eastern Hudson Bay stock of beluga and the landlocked salmon population, which are also considered vulnerable.

Recommendation (2)

Given the exceptional scenery of the Nastapoka River and the wildlife resources of this river and its drainage basin, specifically the fresh-water seal population of Upper Seal Lake which is unique in North America, as well as the eastern Hudson Bay stock of beluga and the landlocked salmon population, which are considered vulnerable, the KEAC recommends that the Nastapoka River and its entire drainage basin be included in the future park.

III – Mineral exploration activities near the future park

Further to the orders in council issued in 1991 and 1992, no mineral titles have been awarded within the proposed boundaries of the future park, although mineral titles have been awarded to the north, near the mouths of the Nastapoka, Devaux and Sheldrake rivers and at a few inland locations on the Hudson Plateau. These titles cover a total of only 319 km², and they do not abut the proposed boundaries of the future park. They are however sufficiently close that the issue of the impact of mineral exploration and mining activities should be raised.

On the one hand, mineral exploration is not subject to the provisions of Section 23 of the JBNQA concerning environmental and social assessment in Nunavik. Exploration and mining companies are subject only to good trade practices as well as Québec's environmental laws and policies. (example: buffer zones around lakes and along rivers, waste and used oil disposal, wastewater management, etc.). The presence of a park near these sites should nonetheless compel exploration and mining companies as well as park management to be especially vigilant.

On the other hand, mining activities are automatically subject to environmental and social assessment in Nunavik, pursuant to the provisions of Section 23 of the JBNQA and the *Environment Quality Act*. At this stage, assessment of the impacts of mining that could be carried out near a park are absolutely necessary, specifically the potential risk of mine seepage on water quality, the aesthetic impacts of mine tailings, the impacts of mining activities on wildlife species found in and around the park, etc.

Mining activities could also preclude any extension of the boundaries of the future park to include the Nastapoka River and its headwater lakes, such as Upper Seal Lake.

Finally, from an economic point of view, it should be determined if the potential economic spinoffs of mining activities (about which several Inuit and Cree community members are optimistic) are comparable with the potential economic spinoffs that could be generated by a park. And, it should be kept in mind that several mineral titles are situated on category II lands, which could eventually affect the hunting, fishing and trapping rights of Inuit and Cree in the area.

Recommendation (3)

Given the potential impacts of mineral exploration activities on the natural environment of the future park and the northern coastal zone, the KEAC recommends that a KRG

advisory and monitoring committee be formed to ascertain that mining companies, the governments and community representatives are made aware of the threats posed by such activities as well as of the precautionary measures needed to protect the integrity of the future park and its natural resources.

Moreover, as the Nastapoka River and the portion of its drainage basin that is not part of the park project, including Upper Seal Lake, should be incorporated into the future park, the KEAC recommends that the mineral titles already awarded in these areas not be renewed on their expiry, subject to the agreement between the Québec government and the holders of these titles.

IV - Inuit and Cree hunting, fishing and trapping rights

Section 24 of the JBNQA assigns to the Inuit of Umiujaq and Kuujjuarapik, and to the Cree of Whapmagoostui, category II lands on which they have exclusive hunting, fishing and trapping rights. Roughly 11.5% of the future park covers such lands, along the coast of Hudson Bay and the eastern portion of Richmond Gulf. The draft master plan takes into account Inuit and Cree rights and recognizes that these groups may continue to practise their hunting, fishing and trapping activities throughout the year. The creation of the future park will therefore not effect any change in this respect. Inuit are furthermore enabled to maintain their existing camps and, as needed, construct new ones.

Notwithstanding, two constraints could arise following the creation of a national park on category II lands. First, visitors to the future park wishing to take full advantage of their wilderness discovery excursion could place pressure on Inuit and Cree to voluntarily restrict their hunting, fishing and trapping activities to periods and places that are less frequented by visitors. The second constraint relates to the principle of conservation. Pursuant to Section 24 of the JBNQA, conservation is defined as follows: “the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the Native people” (paragraph 24.1.5). The application of this principle in a national park should be examined.

On the other hand, Inuit and Cree will be permitted to practise their hunting, fishing and trapping activities exclusively on category III lands (roughly 88.5% of the future park) since such activities are prohibited for visitors in Québec national parks. This situation will therefore result in the expansion of the territory reserved exclusively for Inuit and Cree harvesting activities. For this reason, JBNQA beneficiaries have decided that it is not necessary to request additional lands to replace their category II lands that will be included in the future park. Nonetheless, in the future, if park visitor activities impede the traditional harvesting activities of JBNQA beneficiaries, such a request would need to be considered.

The management of visitor activities and conditions conducive to Inuit and Cree harvesting rights will pose a major challenge for park managers. Some visitors may consider the practice of traditional activities to be an important attraction, representing a genuine Northern experience and glimpse into the Inuit and Cree ways of life. For other

visitors, the practice of traditional activities may be perceived as contrary to the kind of wilderness experience normally delivered in a national park. Consequently, the draft master plan provides for the creation of a harmonization committee to coordinate Inuit and Cree harvesting activities and visitor activities and to prepare a development concept that meets the needs and expectations of both groups.

Recommendation (4)

Given that Inuit and Cree have exclusive hunting, fishing and trapping rights on the category II lands within the future park and that it will be important to strike a balance between these rights and visitor expectations, the KEAC recommends that the harmonization committee provided for in the draft master plan be formed as quickly as possible and that Inuit and Cree hunters as well as other members of the local communities be permitted to play a role and, as much as possible, to participate in decisions concerning the promotion, development and coordination, if necessary, of traditional and visitor activities.

V – Support for visitor activities

Visitors to the future park will not only be visiting a Québec national park, but also Aboriginal ancestral lands. For this reason, they will have to be made aware that Inuit and Cree continue to exercise their hunting, fishing and trapping rights and that park discovery excursions could bring them into contact with Inuit and Cree ways of life and cultures. Visitors will have to be informed that their activities must be compatible with Inuit and Cree rights.

Guiding services may be delivered by Inuit or Cree outfitters or partner organizations. In connection with these activities, it might be appropriate to make available special sport fishing permits for the category II lands within the future park that could be issued by park managers further to an agreement with the local landholding corporations (Anniturvik of Umiujaq and Sakkuk of Kuujjuarapik).

Recommendation (5)

Given that the future park is to be situated on Aboriginal ancestral lands, the KEAC recommends that visitors be informed, prior to their visit, that Inuit and Cree continue to practise traditional hunting, fishing and trapping activities and that visitor activities must be compatible with Inuit and Cree rights. To allow visitors an opportunity to try their hand at sport fishing in the future park, the KEAC recommends that park managers be enabled to issue special permits further to an agreement with the local landholding corporations (Anniturvik of Umiujaq and Sakkuk of Kuujjuarapik).

VI - Conservation of the natural environment

The Hudson Cuestas and the Hudson Plateau represent an exceptional geological, wildlife and flora environment. They nurture zones of forest and sub-Arctic tundra, at the northern and southern limits of their respective ranges. These zones contain mosses,

lichens and other very rare plants that could be included in comprehensive preservation zones. The diversity of wildlife species is also very rich. A fresh-water population of harbour seals, constituting a unique subspecies, lives in Lower Seal Lake as well as other nearby large lakes and rivers. This population, whose size and habits are still poorly documented, requires special protection.

The draft master plan proposes that visitors be provided adequate information to allow them to actively participate in the protection of the wildlife and flora resources of the cuestas, lakes and inland plateau. Inuit and Cree should also be closely involved in the assessment and protection of these resources. To this end, park managers and the harmonization committee should consult with hunters and other members of the local communities about the best way to protect the population of fresh-water seals as well as the diversity of wildlife and flora species in the future park.

Recommendation (6)

Given that the territory of the future park constitutes an exceptional environment (with reference to its forests as well as its wildlife and plant species, which may be considered rare or unique at this latitude), the KEAC recommends that visitors be invited to play an active role in the protection of the territory. The KEAC also recommends that park managers and the harmonization committee consult with Inuit and Cree hunters and other members of the local communities about the best way to protect the fresh-water seal population and the diversity of wildlife and flora species in the future park.

VII - Cultural heritage preservation (archaeological and historical sites)

The Richmond Gulf and Clearwater Lake area contains many archaeological sites, several of which have been studied. The same can be said about the future park's coastal sector, where several sites provide evidence of long-time occupation. For thousands of years, the valley of the Clearwater River has served as a route between Hudson Bay and Ungava Bay, and this route may still be travelled today. In addition, historical buildings (Hudson's Bay Company trading posts) stand on an island in Richmond Gulf and at the mouth of the Little Whale River. Several studies have documented this rich archaeology and heritage. It would be appropriate to develop these sites for Inuit and Cree, as well as for visitors to the future park. To this end, the identified archaeological sites and historical buildings must be preserved.

The draft master plan provides for a partnership to be established between park managers and local school institutions to allow Inuit and Cree youth an opportunity to explore and contribute to the preservation of this heritage. For this purpose, youth should be invited to harmonization committee meetings in order to express their expectations.

Recommendation (7)

Given that the territory of the future park contains considerable heritage potential for Inuit, Cree and visitors alike, the KEAC recommends that within its boundaries the identified archaeological sites and historical buildings be incorporated into an appropriate preservation zone and developed accordingly, and that outside the future park special

protection be ensured pursuant to the *Cultural Property Act*. As well, the KEAC recommends that a partnership be developed between park managers and local school institutions to allow Inuit and Cree youth an opportunity to explore and contribute to the preservation of this heritage and that, for this purpose, youth be invited to harmonization committee meetings to express their expectations.

Conclusion

The KEAC feels that a future Lacs-Guillaume-Delisle-et-à-l'Eau-Claire national park will be a major and unique addition to the Québec network of parks and protected areas. The management framework proposed in the draft master plan is flexible enough to protect Inuit and Cree hunting, fishing and trapping rights and to enable visitors to take full advantage of available eco-tourism activities. The contribution of the harmonization committee will be essential in this respect. Furthermore, a KRG advisory and monitoring committee could serve to minimize the risks posed to the natural integrity of the future park by nearby mineral exploration activities. The KEAC also feels that the extension of the boundaries of the future park, to cover the Nastapoka River and its entire drainage basin including Upper Seal Lake, must be a priority. The creation of a Lacs-Guillaume-Delisle-et-à-l'Eau-Claire national park, that includes the KEAC-recommended extension, will serve to safeguard the rich natural and cultural heritage of exceptional areas of the eastern coast of Hudson Bay and inland plateaux for present and future generations.