

NO URANIUM DEVELOPMENT WITHOUT OUR CONSENT

**BRIEF FROM THE
COUNCIL OF THE CREE NATION OF MISTISSINI**

**PRESENTED TO
BUREAU D'AUDIENCES PUBLICS SUR L'ENVIRONNEMENT (BAPE)**

**FOR THE
PUBLIC CONSULTATION ON URANIUM INDUSTRY ISSUES IN
QUÉBEC**

OCTOBER 30, 2014

INTRODUCTION

Uranium exploration, extraction and waste management are issues of pressing concern for the people of Mistissini. On behalf of our people, the Council of the Cree Nation of Mistissini will present this brief with our position on the subject, which is very clear: uranium development is not welcome in Eeyou Istchee. We oppose uranium mining because the environmental and health risks of uranium mining are too high.

Our opposition to uranium mining stems from our connection to the land, and to the wildlife and plants that live on it. We are not opposed to responsible mining. We realize the great resource development potential of our land and have consented to many responsible development projects, including mining projects. However, uranium is different, and we do not consent to uranium development.

Considering the experience our community has had in evaluating the potential impacts and benefits of uranium development with Strateco's Matoush advanced uranium exploration project, the Cree Nation of Mistissini has an important role in providing the other Cree communities as well as the province of Quebec with some of the first-hand insights it has had throughout the years from its study of uranium's social, economic and environmental risks.

1. ABOUT THE CREE NATION OF MISTISSINI

Long before the arrival of the European settlers, Mistissini Cree were surrounded by the forests, lakes and streams of north-central Quebec. For centuries, these resources have provided the staples of our economic and cultural subsistence: fur, fish, plants and game. Hunting, gathering, fishing and trapping have been a major part of the Crees' seasonal pursuits for generations, and these traditions are still alive today. The Cree language is spoken daily in this region, and Cree syllabary is use throughout the community.

Mistissini, Cree for "big rock,, was formerly referred to as Mistassini or Baie du Poste. Developing in the 1800s with a Hudson Bay Company fur trading post, throughout the 1900s with government assistance and in 1975 with the James Bay & Northern Quebec Agreement (JBNQA), the region has expanded into a vibrant community of 3,500 Cree, English and French speakers. The Mistissini Cree cherish their rich cultural heritage, vital present and promising future.

In the early 1800s, the community of Mistissini's current location was a summer camp used for trade with the Hudson Bay Company, which had established a fur trading post there. The North West Company and other competitors of the Hudson Bay Company were also in the vicinity. It is the largest Cree community in the James Bay region, and is situated at the south-east end of Mistissini Lake. Mistissini is also located in the middle of the largest wildlife reserve and largest freshwater lake in Quebec.

The community is governed by a council represented by nine elected members, including the chief, the vice-chief and seven councillors.

2. THE FIRST OF ITS KIND IN EYYOU ISTCHEE: THE MATOUSH PROJECT

The Cree Nation of Mistissini's experience with uranium development began in 2006, when Strateco Resources Inc. began exploring for uranium on its "Matoush" mining claim. It is located in the heart of the Otish Mountains, the source of much of the fresh water that feeds Eeyou Istchee and a sacred area for the Cree people of Mistissini. The Matoush uranium exploration site is just over 200 kilometres northeast of Mistissini on land designated Category-III under the JBNQA. The related surface infrastructure for the project occupies a total of 15 hectares, which does not include the landing strip 6 km southeast of the camp.

The goal of this project was to sample the uranium deposit by excavating a 2,400-metre ramp to a vertical depth of 300 metres into the ore body. This is what the industry calls "advanced exploration." On August 11, 2008, Strateco sent preliminary data to the JBNQA's evaluating committee (COMEV), which is responsible for reviewing project information provided by the proponent of any project located on the territory. Based on this preliminary information, COMEV prepared its directive on the scope of the impact study to be carried and sent it to Strateco Resources Inc. on February 9, 2009. This directive made specific reference to the need for the proponent to deliver an "Aboriginal Consultation Plan." The key requirement was for this plan to be adapted to the Cree cultural context, and to involve and include the Cree in a discussion on the environmental assessment's scope, analysis of alternatives and methodology.

Two federal agencies were also involved in the review process for this project. The first, the Canadian Environmental Assessment Agency (CEAA), is responsible for the protection of those valued ecosystem components that are within federal legislative authority from significant adverse environmental effects caused by a project. CEAA sent its guidelines to Strateco on March 31, 2009, for the preparation of the environmental and social impact assessment (ESIA) for the Matoush project. Since the goal of this project was to mine uranium, the Canadian Nuclear Safety Commission (CNSC) was also required to participate by providing a Notice of Commencement, which it did on March 5, 2009. The project's environmental and social impact assessment was officially initiated with this Notice of Commencement, followed by Strateco's submission of its Environmental Impact Assessment in November 2009. This was only eight months after receiving the directives on the scope of the study that was to include a description of the Cree consultation performed and accurate baseline data, as well as seasonal fluctuations in the baseline data.

Given that the Cree Nation of Mistissini would be most affected by this development project, the Mistissini Environment Department requested funding from CEAA to prepare community members to participate in the review process for the first uranium project ever to be considered for Eeyou-Istchee. On March 30, 2010, the Cree Nation of Mistissini was awarded funds to secure outside expertise in northern mining, public participation and socio-economic impact assessment to support its review of Strateco Resources' ESIA.

2. LACK OF INFORMATION

Within weeks, the first of two public hearings would take place in Mistissini. Conducted jointly by the federal and provincial review bodies as stipulated by the JBNQA, COMEX and COFEX sent public notices to affected communities to ensure they could participate by asking questions or presenting their concerns. Reviewing the available information on uranium mining and its possible effects on people and the environment, delivering this information in a clear way so that community members could understand all its implications—in French, English and Cree—in the matter of weeks proved to be a sizeable challenge.

After a careful review of the ESIA submitted by Strateco, significant gaps in the information provided were highlighted and discussed. Most notably, it described the local study area as supporting a limited biodiversity and as an insignificant portion of Quebec. Because the background radiation levels present in the study area already exceeded national limits, it was also stated that any additional radiation could be deemed to be “negligible.” The baseline data collected for this ESIA was incomplete and failed to accurately portray the pristine wilderness that Strateco wished to develop. Several reputed experts on the study area supported this claim, as did three independent studies produced for the Cree Regional Authority.

On May 25, 2010, only weeks after receiving the ESIA and CEEA’s funding envelope, the Cree Nation of Mistissini hosted the first of two public hearings. It was blatantly clear from the start of the hearings that very little information provided by Strateco Resources Inc. concerning uranium, advanced uranium exploration, uranium mining, radioactivity and the effects it might have on flora, fauna, water or air had reached community members. Holding public hearings while the general public had not been given sufficient information on its subject cannot convincingly be construed as a shortcoming of the Cree Nation of Mistissini or any other community on the territory.

Following the public hearings, it was clear that Mistissini needed more information. Consequently, the local environment office formed a community working group that met five times to discuss the potential social, environmental and economic impacts of the Matoush project. The Cree Nation of Mistissini also organized three public information sessions to provide unbiased information about Strateco’s advanced exploration project and document community concerns.

The first Mistissini-led public information session was held on July 14, 2010, featuring a public health physician who specialized in radon gas. The second, held on September 8, 2010, featured two representatives from the Canadian Nuclear Safety Commission (CNSC), which is responsible for ensuring the safety of Canadians in the context of nuclear development, and to protect the environment from the nuclear industry. A third information session was held on October 19, 2010, and featured an aquatic science expert from the University of Saskatchewan, who was invited by the Cree Regional Authority (CRA) to Mistissini to provide a better understanding of some of the possible impacts on the region’s watersheds.

In support of the community information sessions and working group meetings, the Cree Nation of Mistissini distributed a project summary and brochure covering the review process, along with frequently asked questions and links to websites with relevant information. A call-in radio show was organized, with the local environment office, a CRA representative and representatives from the CNSC. On November 22, 2010, a special members’ assembly was called by Chief Richard

Shecapio to allow community members to state their positions to the Council of the Cree Nation of Mistissini concerning Strateco's proposed advanced uranium exploration project.

3. OUR CHOICE: A MORATORIUM ON URANIUM

The following day, the second and final COFEX/COMEX public hearing was held in Mistissini on November 23, 2010, where Chief Richard Shecapio addressed panel members and told them that, based on the depth and extent of community concerns, the Cree Nation of Mistissini was rejecting Strateco's project. The Grand Council of the Crees of Eeyou-Istchee issued a media release on November 25, 2010, supporting the Cree Nation of Mistissini's rejection of the Matoush uranium project. This was followed by a media release from Strateco claiming it had "strong community support for the Matoush project," clearly contradicting the opinion expressed by all presenters at the hearings. The Council of the Cree Nation of Mistissini unanimously adopted Resolution NO.CCNM 2010-590A on December 13, 2010, which clearly stated its opposition Strateco's uranium project.

To support the position of the Council of the Cree Nation of Mistissini, a community survey on advanced uranium exploration and uranium mining on Mistissini's traditional territory was conducted from January 11 to 21, 2011. More than 750 individual responses were collected, and a large majority voiced their opposition to uranium development. Moreover, a great majority of respondents called for a moratorium or an outright ban of uranium exploitation. A working group of community leaders met on January 12, 2011, to discuss the long-term social and economic implications of a moratorium on advanced uranium exploration and mining on Mistissini traditional territory.

On December 16, 2010, Chief Richard Shecapio sent an official letter to Grand Chief Matthew Coon Come requesting that the Grand Council and Grand Council and Cree Regional Authority board support for a moratorium on uranium exploration in Eeyou Istchee. Following numerous open discussions concerning a moratorium on uranium, the Council of the Cree Nation of Mistissini unanimously adopted resolution on January 24, 2011, calling on the government of Quebec to implement a moratorium on advanced uranium exploration and uranium mining on the traditional territory of the Cree Nation of Mistissini.

These actions were followed by the first resolution from the Grand Council of the Crees on March 23, 2011, which stated, "THAT the Board/Council of the Grand Council of the Crees (Eeyou Istchee)/Cree Regional Authority hereby formally support the implementation of a moratorium on uranium mining on the traditional lands of the Cree Nation of Mistissini to allow for more information to be provided to the members of the Cree Nation of Mistissini on the socio-economic and environmental impacts of advanced uranium exploration and uranium mining."

On March 29, 2011, Chief Richard Shecapio sent a letter to the president of the COMEX review panel explaining the position of the Cree Nation of Mistissini to ensure that the panel clearly understood that Strateco Resources Inc. did not have the support of the community or the administration.

A letter was sent on January 25, 2012, to the Federal Administrator of the Environment by Chief Richard Shecapio, stating the reasons for requesting the moratorium on uranium development on Mistissini traditional territory and the actions he and his council had taken to clearly express and document the lack of social acceptance for Strateco's advanced uranium exploration project. However, on February 2, 2012, both the Federal Minister of the Environment and the Federal Administrator of the JBNQA issued their approval for the Strateco project.

During the CNSC's public hearings on June 5, 2012, Chief Richard Shecapio made it clear to all present that he and his council would do whatever it took to implement a moratorium on uranium development on Mistissini's traditional territory. It was also made clear that there was an overwhelming lack of social acceptance for this project. This was demonstrated by the sheer number of Mistissini community members and concerned parties from across the province that requested to be heard at the public hearings. After listening for two days to many people opposed to the Matoush project, the head of the CNSC tribunal lost his composure, saying "we have been here for two bloody days listening to you people," revealing the lack of emphasis this procedure places on the human component of developing uranium in Canada by the federal government.

On August 9, 2012, the Grand Council of the Crees declared a permanent moratorium on uranium exploration, uranium mining and uranium waste disposal in Eeyou-Istchee. Grand Chief Matthew Coon Come said that "we will not accept the risks and burdens of uranium exploration, mining, milling, waste emplacement and other uranium activities in Eeyou-Istchee." However, on October 16, 2012, the Canadian Nuclear Safety Commission issued Strateco a five-year license for advanced uranium exploration in Eeyou Istchee.

Support also came from across Quebec and from other provinces to stand against Strateco and the authorities that had given their approval to a uranium project that had never gained or even tried to garner social acceptance, especially among the people who would live with the burden of the radioactive waste inevitably left behind on Cree hunting, fishing and trapping lands.

4. FOR FREE, PRIOR AND INFORM CONSENT

As a First Nation, the Crees of Mistissini have aboriginal rights guaranteed by the Canadian constitution and international law. We also have treaty rights under the JBNQA. This regulatory framework ensures that the Cree of Mistissini have the right to participate in decision-making processes on issues impacting them. This right of free, prior and informed consent was recognized by the COMEX review panel in its Environmental Review for the Matoush Uranium Exploration Project, issued in July 2011.

In its very first recommendation, COMEX clearly stated that for the project to be authorized, "the proponent must obtain the Crees' consent, through the Mistissini Band Council, with regard to the project's social acceptance, and must enter into a written agreement to that effect with the Band Council or another body designated by the Band Council." This conclusion is legally, politically and socially right.

Rather than seek the support of the people of the Cree Nation or the people of Quebec, or provide solid, relevant information to people seeking answers about the effects of uranium mining on their

environment and their loved ones, Strateco Resources Inc. filed a motion for mandamus and declaratory judgment with the Quebec Superior Court on January 17, 2013. Strateco intended to ensure that the Quebec Minister of Sustainable Development, Wildlife and Parks would issue the required authorization for the underground uranium exploration project. Throughout the development of this project, Strateco has demonstrated that it did not seek support for the project, it only sought out a handful of people to sign the bottom of the page and support from their investors.

Strateco's legal action covered two issues. First, Strateco asked the court to order the Minister to issue authorization for the project, because it had secured all other authorizations and there was no valid reason not to give it the green light. Secondly, Strateco requested one of the conditions recommended by COMEX to be declared null and void. This condition required that Strateco demonstrate the social acceptance of its project by concluding a written agreement with the Cree Nation of Mistissini confirming the Crees' consent for the project.

In Quebec City on February 5, 2013, the Grand Council of the Crees, the Cree Regional Authority and the Cree Nation of Mistissini filed an intervention in the proceedings initiated by Strateco. These legal proceedings fundamentally challenge the treaty rights of the Cree Nation, particularly those granted under the JBNQA. The Cree Nation insists that it be present and represented when Cree rights are at stake, and that issues affecting Cree rights not be decided in circumstances where they are mere spectators.

The Matoush project is a step along the path toward large-scale uranium mining and milling in Eeyou Istchee, and the Cree Nation has clearly stated its opposition to uranium mining and uranium waste disposal on the territory. This position will not change. The Cree Nation requested the court to dismiss Strateco's motion in its entirety.

The Quebec Minister of MDDEFP, Yves Francois Blanchet, announced on March 28, 2013 that he intended not to issue a certificate of authorization for the Matoush uranium project until the Bureau d'audiences publiques sur l'environnement (BAPE) had submitted its report. On June 14, 2013, Strateco requested a safeguard order from the Quebec Superior Court for the government to pay a sum ranging from four hundred thousand to eight hundred thousand dollars to assert its rights and protect the rights of its shareholders.

Despite all the legal posturing, on June 25, 2013, Minister Blanchet served notice to Strateco Resources Inc. indicating that a permit would not be granted for the Matoush uranium project due to lack of social acceptance.

On August 1, 2013, the Superior Court of Quebec issued its interim judgment, denying the request of Strateco Resources Inc. for a safeguard order for the Matoush project. Moreover, on November 7, 2013, Minister Blanchet made the official decision to refuse to deliver the certificate of authorization for the project because of the absence of social acceptance, particularly among the Crees.

On August 5, 2013 Strateco Resources commenced new legal proceedings against Minister Blanchet, seeking to nullify his decision to refuse the authorization and also request that the Court force him to grant the authorization for the Matoush advanced uranium exploration project.

5. URANIUM: NOT JUST ANY MINING DEVELOPMENT

It is timely that the BAPE would be mandated to provide the province with an opportunity to express its stand on uranium, as we consider there are great risks and uncertain rewards for all communities located in the vicinity of exploration and mining projects. As opposed to tailings from other types of mines, uranium tailings remain radioactive for thousands of years, and this is socially unacceptable. The Crees of Mistissini have demonstrated that they believe mining is one of the pathways to ensuring the economic vitality of its community and region. We are not opposed to mining development. We welcome and support responsible mining projects that have demonstrated a strong potential for creating quality jobs and ensuring sound management of its environmental impacts. Several of our community members are available and trained for mining work, and mining has become one of the key pillars of our economic development strategy.

Preparations for the hearings on the Matoush project by the provincial and federal review boards under the JBNQA and by the CNSC from 2010 to 2012 have prompted our women, men, leaders, elders, youth and trappers to take a very close look at the potential impacts from uranium mining. Throughout this period, Mistissini was also active in providing its community members opportunities to participate in a dialogue with experts regarding issues related to uranium mining. We organized discussions, meetings and events to ensure that Mistissini had the internal discussion that was needed to determine whether the Matoush project was compliant with community aspirations and values.

We can summarize the concerns in three major areas:

1) Environmental risks

The Cree Nation's first major concern is the environmental risks associated with uranium mining, both in the short term and for generations to come.

As already mentioned, our connection with our land forms the basis for our opposition to uranium. The environmental risks of uranium mining to the ecosystem, our water resources and our way of life are too great to be acceptable. Our interdependence with this land and its inhabitants is not something abstract and intangible—it is at the core of our way of life. As such, it is our responsibility to protect and preserve the land for generations to come.

For instance, during several weeks in the fall, you will not find many Crees in our communities. It is Goose Break, and everyone is out on the land hunting geese. This has been a Cree tradition since time immemorial. Much has changed in our communities over the past three generations, but our way of life remains fundamentally connected to the land. We rely on the land for all that we have. In turn, we must respect the land for all that it has to offer.

The Matoush project, for example, is located at the crest of two major watersheds that takes water to and from our communities. The animals and plants on our territory also depend on this water. The damage that will be caused by contamination of these watersheds poses a risk that the Cree Nation is unwilling to accept.

When assessing the potential and value of the uranium industry, we must consider the whole lifecycle of uranium, from uranium mining and milling to waste disposal. You cannot develop a uranium mine without creating problems that will last for innumerable generations. The Cree Nation is determined to protect our economy and way of life against the unique and grave threat posed by uranium mining and uranium waste, today and for thousands of years to come. This is the real risk that must be confronted. Large quantities of radioactive waste will inevitably be produced in mining uranium, and this waste will remain dangerous and toxic for hundreds of thousands of years. This is a burden on future generations that we are not prepared to assume.

The Public Consultation Document prepared by DIVEX on behalf of the Ministry of the Environment barely addresses the environmental risks associated with uranium mining. Instead, the researchers presume optimal working and environmental conditions, eschewing any significant discussion of emergency management and long-term reliability of radioactive waste containment systems.

There is no discussion whatsoever of the possibility of environmental disasters. There is no concrete analysis of the possibility of accidental leaks or spills or the contamination of surface and groundwater. There is no analysis of the impact of such accidents. There is also little discussion of the problems or difficulties experienced at other uranium mines in Canada or throughout the world. The only exception is Elliot Lake, which the researchers explain away by saying that the regulations have since changed. As a result, the DIVEX report does not present a proper risk assessment of the uranium industry.

Furthermore, there is no real discussion in the DIVEX report of the permanence of radioactive waste and how it can be managed and contained in the long term. There is no mention whatsoever of the fact that containing this radioactive waste will require perpetual maintenance and systematic monitoring for thousands of years, as there is no known reliably safe disposal method. There is no discussion of the significant issues inherent in this type of monitoring, such as how to ensure efficient funding and institutional support for this future burden, or how to maintain efficient communication of radioactive hazards over tens of thousands of years.

The fact that these environmental risks were barely addressed in the document that forms the basis for this inquiry and public consultation process is of grave concern to the Cree Nation. We take our stewardship responsibilities for the lands of Eeyou Istchee very seriously. The environmental risks posed by uranium mining must be assessed in the BAPE's consideration of this industry.

2) Health risks

The Cree Nation's second major concern involves the health risks associated with uranium mining.

Exploration efforts to date indicate that a large proportion of uranium deposits in the province are located in Eeyou Istchee. Quebec's most advanced uranium exploration project (Strateco's Matoush Project) is located on Cree territory, on Cree family traplines and at the headwaters of two major watersheds that bring water to and from our communities.

The mining and milling of these deposits would happen on our territory. The yellowcake would be transported down our roads, through our territory. The tailings would be left behind on our land. Our surface water and groundwater would bear the risk of contamination. The animals and plants on which we rely for sustenance and nourishment drink this water. We, the Crees of Eeyou Istchee, drink this water. We are the ones who would bear the brunt of any health risks associated with radioactive contamination.

Many of these health risks were not seriously considered in the DIVEX public consultation document. Instead, concerns about health were brushed off as minimal and manageable.

The study of health effects released recently by the Quebec Institute for Public Health does not paint the same picture. Rather, it confirms that there are many risks associated with uranium mining, including cancer and toxicological and radioactive contamination. It also indicates that there are major gaps in knowledge about the incidence of certain diseases in areas adjacent to uranium mines, genetic disease associated with radioactive contamination, and the health risks associated with accidents and tailings management in the long term.

The Crees of Eeyou Istchee would bear the brunt of these health effects. We are the ones who are asked to accept the uncertainty.

3) Lack of social acceptance

The Cree Nation's third major concern involves the issue of the lack of social acceptance for uranium mining among the Cree and among Quebecers.

The issue of social acceptance must be considered by the BAPE. The concerns and opinions of the public directly affected by uranium mining must be at the core of any decision regarding the uranium sector. Social acceptance cannot be an afterthought.

The concept of social acceptance is of particular importance in Eeyou Istchee. Its importance was recognized by then-minister Yves-Francois Blanchet, when he refused to authorize the Matoush project on the basis of the overwhelming absence of social acceptance for the project amongst the Cree. Social acceptance must be based on "free, prior and inform consent."

CONCLUSION

The Cree Nation has been extremely vocal about its opposition to uranium mining on its territory. We are the ones who will have to assume the associated environmental, health and social risks. We anticipate that once Quebeckers learn what we know about the effects and risks of uranium mining, they will stand with us in our opposition to uranium mining.