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October 29, 2014

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MEM8

Les enjeux de la filière uranifère au Québec

6211-08-012

Commission d'enquête et d'audience publique sur
les enjeux de la filière uranifère au Québec
Bureau d'audiences publiques sur l'environnement
575, rue Saint-Amable, bureau 2.10
Québec (Québec) G1R 6A6

Dear Commissioners :

On March 3rd, 2014, the Ministre du Développement Durable, de l'Environnement, de la Faune et des Parcs gave the Bureau d'audiences publiques sur l'environnement (BAPE) the mandate to hold an inquiry and public hearing on uranium industry issues in Quebec.

This brief is filed in the context of this inquiry and aims to share the main concerns of the Wolf Lake and Eagle Village First Nations with regards to this subject.

On March 28, 2013, the Chiefs of the Assembly of First Nations of Quebec and Labrador (AFNQL) voiced in Assembly their firm and final opposition to the exploration and exploitation of uranium by passing a resolution to that effect. On October 23rd, 2014, the Chiefs of AFNQL adopted a new resolution to add a moratorium on exploration and exploitation of Rare Earth Elements to the one on uranium in Quebec.

The concerns and arguments described in the brief of the AFNQL are the basis of our rejection of the development of this sector. Our concerns are fourfold:

- o Legal;
- o Environmental;
- o Health and social;
- o Economic.

In summary, under Canadian Law, Aboriginal Rights, including Aboriginal title and rights stemming from Treaty, of First Nations, is based on the prior occupation of Canada by Aboriginal Peoples. Section 35 of the *Constitution Act of 1982* gave constitutional protection to these rights and various judgments of the Supreme Court have provided clarifications. The most recent decision of the Supreme Court reminds governments and even private developers that they cannot ignore First Nations, whom

have a say in the management of their lands and resources therein¹. The inherent rights of First Nations to possess, occupy, use and benefit from their traditional lands and to decide on the use of it are also recognized by international law through the United Nations Declaration on Rights of Indigenous Peoples, September 13, 2007 (adopted by the General Assembly and ratified by Canada on November 12, 2010).

The AFNQL believes that First Nations are therefore entitled, according to their traditional legal system and under Canadian law and international law, to refuse the exploration and exploitation of uranium in their traditional territories.

Environmental issues related to uranium activities are, along with health issues, among the major concerns of the AFNQL which led to the decision. Territories on which mining activities take place are not at all isolated, they are territories that are occupied and inhabited by First Nations. First Nations maintain a special relationship with their natural environment, where they practice their traditional activities, such as hunting, fishing, gathering and trapping.

Due to their lifestyle, their location and their practices, First Nations are particularly vulnerable to the environmental and health impacts inherent to the exploration and exploitation of uranium. In addition, extensive information is available about the particular risks posed by uranium activities to human health and to the environment. Uranium activity is in essence incompatible with the occupation and use of the territory by First Nations, and represents a threat to their way of life and their culture, as well as to their health and that of their territories.

For the Wolf Lake and Eagle Village First Nations, there is no economic consideration that can justify taking such a risk. The costs (environmental, health, social and economic) associated with uranium activity are far more significant than the financial benefits derived from it, benefits that only profit the mining companies.

In summary, the Wolf Lake and Eagle Village First Nations oppose the development of the uranium industry and calls for the province to enforce a complete moratorium on uranium activities, including Rare Earth Elements.


Please accept, Commissioners, the expression of our best wishes.

Should you have any further questions or comments please contact Ms. Brenda St. Denis at (819) 627-9161, for Wolf Lake First Nation or Mr. Pascal Bibeau (819) 627-3309, for Eagle Village First Nation.

Sincerely,



Chief Harry St. Denis
Wolf Lake First Nation



Chief Madeleine Paul
Chief Madeleine Paul
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¹ Nation Tsilhqot'in c. Colombie-Britannique, 2014 CSC 44



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BRIEF ON RARE EARTHS & URANIUM INDUSTRY ISSUES IN QUEBEC

Presented to:
The Bureau d'audiences publiques sur l'environnement (BAPE)
Inquiry Commission Hearings on
Uranium Industry Issues in Quebec

Presented by:
Wolf Lake First Nation and Eagle Village First Nation

October 30, 2014

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FOREWARD

On March 3, 2014, the Ministre du Développement Durable, de l'Environnement, de la Faune et des Parcs gave the Bureau d'audiences publiques sur l'environnement (BAPE) the mandate to hold an inquiry and public hearing on uranium industry issues in Quebec.

This brief is filed in the framework of this inquiry and aims to share the main concerns of the Wolf Lake and Eagle Village First Nations in regards to this subject and our demand for a moratorium on the mining of rare earth elements and a moratorium on the mining of Uranium in Quebec.

After a brief presentation about our two Algonquin First Nations, this brief will introduce the general position of the Wolf Lake and Eagle Village First Nations on the subject.

The brief will then outline the principal elements of concern, classified by subject, which have led our two First Nations to take a position against the development of the rare earths and uranium industries in Quebec.

On September 24-25, 2014, the AFNQL and FNQLSDI, jointly organized a two-day workshop on the uranium industry in Quebec City. The BAPE was participated in this session on the 24th. On September 24, our two First Nations had representatives present who were able to express some of our concerns about rare earths and uranium to members of the commission. The next day, First Nations gathered together to reflect on the common position to be adopted in relation to the issue of uranium and our representatives stated that our two First Nations want a moratorium on mining of both rare earths and uranium in Quebec.

It is important to note that the arguments that follow are those of our two First Nations. The recommendations and comments expressed cannot be used outside the specific context of this inquiry.

This process is carried out without prejudice to the rights and interests of our two First Nations and therefore cannot nullify any of our positions, claims, actions or territorial negotiations in any way whatsoever.

WOLF LAKE AND EAGLE VILLAGE FIRST NATIONS

This Memoire is being presented on behalf of the Algonquin First Nations of Eagle Village and Wolf Lake. Our two First Nations are members of the Algonquin Nation. The Algonquin Nation is made up of 10 distinct communities. Nine are located in Quebec and there is one in Ontario.

The Algonquin Nation, which includes our two Algonquin First Nations has never given up Aboriginal Title to our traditional territory. This includes all the lands and waters within the Ottawa River watershed on both sides of the Ontario-Quebec border. Aboriginal Title is held at the community level within the Algonquin Nation.

Our two First Nations (along with the Timiskaming First Nation) assert unextinguished Aboriginal rights, including title, over our traditional territories, which straddle the Ottawa River basin on both sides of the Quebec-Ontario boundary.

On January 23, 2013, our two Algonquin First Nations along with the Timiskaming First Nation) jointly released a **Statement of Asserted Rights (SAR)** which summarizes the Aboriginal and Treaty rights which our three First Nations assert, and provides detailed evidence to substantiate it. Copies of the **SAR**, maps and background documentation were transmitted to the governments of Canada, Quebec and Ontario in January 2013. (See Annex “A” for a summary).

The population of Eagle Village is 300 with approximately another 600 members living off reserve. Wolf Lake members total 205. Wolf Lake does not have a reserve, but has a recognized Indian Settlement at Hunter’s Point on Lake Kipawa. Most of the Wolf Lake members are dispersed among Kipawa, Témiscamingue or North Bay, but they remain connected to the territory because members from our two First Nations continue our traditional activities of hunting, fishing, trapping and gathering throughout our traditional lands.

INTRODUCTION

On October 16, 2014, our two First Nations wrote a joint letter to the Quebec Premier, Phillippe Couillard, informing him of our demand that rare earths be added to the existing moratorium on the mining of uranium in Quebec.

On October 23, 2014, the AFNQL Chiefs’ Assembly adopted a Resolution supporting our position regarding a moratorium on the mining of rare earths in Quebec, the AFNQL Resolution provides:

***Therefore It Is Hereby Resolved** that the AFNQL Chiefs’ Assembly held in Montreal on October 23, 2014, support the position of the Eagle Village and Wolf Lake First Nations that a moratorium on mining of toxic Rare Earth elements should be included in the moratorium on the mining of uranium in Quebec; and*

***It Is Finally Resolved** that the AFNQL Chiefs’ Assembly hereby direct the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) to amend its Brief on Uranium Industry Issues in Quebec to the Bureau d’audiences publiques sur l’environnement (BAPE), to include a call for a moratorium on mining Rare Earth Elements in Quebec as well.*

The concerns and arguments, described in the sections that follow, led to the rejection of the development of the rare earths and uranium sectors, are related to the following four areas:

- o Legal
- o Environmental
- o Health and social
- o Economic

Aboriginal rights, including Aboriginal title, of the First Nations are recognized under the common law. Section 35 of the *Constitution Act of 1982* recognizes the rights of the First Nations, and various judgments of the Supreme Court have provided clarifications. Governments are obliged to respect the decisions of the First Nations on the management of their territories and therefore the decision that they have taken to say no to rare earths and uranium.

The Kipawa Heavy Rare Earth Project

Matamec Explorations Inc. is currently proposing to develop and operate an open-pit rare earths mine within our territory, very near the shores of the principal tributary to lake Kipawa.

Because Quebec's Mining Act does not require consultation with First Nations at the exploration phase, contrary to the direction of the courts, our two First Nations had to engage Matamec Explorations Inc. directly to consult with our two First Nations about their activities on our traditional lands. The company was not pro-active in engaging our two First Nations and engagement was only achieved by us asserting our rights and following the issuing of a press release,

On July 6, 2012, our two First Nations signed a **Memorandum of Understanding (MOU)** with Matamec Explorations Inc. The main purpose of the **MOU** is to address our environmental, social and economic concerns about the proposed Matamec Rare Earths Project.

The funding from this **MOU** with Matamec has partially covered the costs of an Algonquin cultural assessment, an Algonquin social-economic assessment and provides for an environmental review team our two First Nations have assembled to review the baseline and environmental studies from Matamec, which have yet to be fully provided to our First Nations.

The **MOU** also explicitly provides:

The Parties acknowledge that the Crown owes EVFN and WLFN the duty to consult and accommodate, and nothing in this MOU shall serve to relieve the

Crown of its duties.

Canada and Quebec still have a duty to consult and accommodate our two First Nations regarding any project approvals for any mineral development, including the proposed Matamec rare earths open pit mine, waste rock tailings, road construction, processing plant and tailing ponds.

On April 29, 2013, we wrote to the federal Environment Minister, Peter Kent expressing our concerns that a standard Environmental Assessment of the proposed Matamec Project is not sufficient to address the unknown toxicity of mining, processing and waste storage of rare earths near wetlands in a temperate zone. We asked Minister Kent for a Joint Review Panel based upon CEAA section 38 (C), which provides for joint-review processes with other decision makers including Indigenous governments. We believe a joint process is a more appropriate process to address our concerns about the proposed Matamec Project.

Minister Kent declined our request and decided on a standard Environmental Assessment process for the proposed Matamec Rare Earths Project.

On August 20, 2013, we wrote to Minister Kent's successor Minister Leona Aglukkaq again requesting a Joint Review Panel and again providing our reasons for our request.

In our August 20, 2013, letter we informed Minister Aglukkaq that regardless of the Environmental Assessment process she may establish our First Nations will decide if we approve of the proposed Matamec Rare Earths Project through our own free and informed consent process in accordance with Article 32 the **United Nations Declaration on the Rights of Indigenous Peoples**.

On January 29, 2014, Minister Aglukkaq informed us that she will only conduct a standard Environmental Assessment of the proposed Matamec Project despite our request for a Joint Review Panel.

The government of Quebec has indicated that rare earth mines will be subject to the BAPE, however to date there has been no consultation or accommodation by Quebec with our First Nations regarding the BAPE process and we are unsure as to the status of the review.

Mining has the potential to significantly affect the environment through releases of toxic substances to the air, land and water and the creation of long-term environmental liabilities. Direct disturbance to fish and wildlife is also a significant risk, as are the displacement of other uses of the area and the disruption of uses in areas adjacent to the project and along transportation corridors due to noise, visual pollution and dust.

Given the proximity of the Matamec Project to historic and current areas of use by our peoples, and given our communities' financial interest in developments such as ecotourism and ecosystem services that may not be compatible with mining, the potential impacts of the Project are that much more significant. We have attached a map showing our current use in the area of the proposed Rare Earths mine as Annex "B".

From our perspective it is fortunate, the Kipawa project has not advanced at the pace anticipated by Matamec. An important set back for the company occurred this fall when their previous joint-venture partner Toyotsu Rare Earth Canada (a subsidiary of car maker Toyota) pulled back from the project. Despite Toyota's hesitance, Quebec has continued to support the project including a recent \$1-million dollar investment by Resources Québec.

Summary

In summary, the Wolf Lake First Nation and the Eagle Village First Nation opposes the exploration for, and development of, the rare earths and uranium industries within our traditional lands and calls for the province to enforce a complete moratorium on rare earth and uranium activities. The issues and arguments supporting our opposition are detailed in the sections that follow. This is not an exhaustive list, but an outline of the most disturbing elements that were identified during the analysis of the issue that was undertaken with some information provided by the AFNQL-SDI.

THE ENVIRONMENT AND HEALTH CONCERNS

First Nations have a special relationship with the land they occupy and live on, and on which they practice their traditional activities. They would be the first to face the contamination brought about by uranium activities.

Chemical and radiological toxicity of radionuclides associated with uranium activities

In addition to chemical contamination (heavy metals and other pollutants) that is found in any conventional mining, the exploration and exploitation of uranium also generates risks of radioactive contamination.

Uranium is the first link in the chain of disintegration in which other chemical elements are formed, some of which are more radioactive than uranium. Over 53 radiological and chemical contaminants have been identified in the studies conducted by INSPQ on environmental contamination in connection with uranium mining, the principal ones

being thorium, radium, radon, polonium, uranium, etc.¹ These elements are highly toxic (chemically and radiologically) and the radioactive pollution they generate is difficult to control and lasts for thousands of years.

Non-radioactive elements are also released: arsenic, copper, selenium, nickel, vanadium, lead, ammonia, etc.

The simultaneous presence of several metals may cause chemical and radiation toxicity greater than that of each individual metal.

Various ecosystems (water, air, soil) are impacted by exploration (drilling, storage, etc.) and exploitation (crushing, storage, transport, etc.) activities. According to INSPQ, “the uranium mines involved in the studies included in our analysis are likely to have contributed to radiological and chemical contamination of water, fish and mussels collected from their neighbouring environment.”² (*translated*)

Contaminants and vectors of this pollution are numerous, including for example:

- o Drilling activities that increase the rate of emission of radon gas into the air.
- o The leaching of fluids causing the release of radioactive substances and the dissolution of metals that result in environmental contamination especially to aquifers.
- o The emission of radioactive dust released during crushing, transportation and storage of metals and waste.
- o Exposure to air or water of pyrite residues resulting in acid mine drainage through oxidation of the rock, a major source of pollution to the surrounding environment.
- o Etc.

Water treatment plants are not 100% effective. It is the same for air filtration facilities. The average efficiency of leaching processes in the words of one of the experts from the CNSC³ at the BAPE hearings is 96%. This implies that a minimum of 4% of the contaminants present in effluent end up in the environment and accumulate there.

Environmental contamination can extend over very long distances; “... There is evidence that environmental contamination from a uranium mine site can extend over significant distances.”⁴ (*translated*) Dust, carrying radiation, which emanates from the mining, storage and transportation of waste, can be found up to several kilometers around the mine, even in light winds, but the data are insufficient to determine a zone of contamination around uranium sites. Long after a mine is closed, radionuclides are still present at the site.

¹ INSPQ. *Les impacts sanitaires en lien avec les projets uranifères nord-côtiers*, 2013, p. 126

² *Ibid*, p. 150

³ Presentation of Jean-Luc Leclair, CNSC, BAPE public hearings, September 10, 2014, Quebec City.

⁴ *Rapport du groupe de travail de la Direction de santé publique de la Côte-Nord sur les mines d'uranium*, 2014, p. 22

Management of radioactive tailings

For each ton of uranium mined, thousands of tons of mining waste are generated. Two types of waste are created by the extraction of uranium: large amounts of water loaded with chemical and radioactive products and residues in the form of grains of sand, which are also radioactive. According to INSPQ, “once the uranium is mined, approximately 85% of the radioactivity of the original ore remains in the tailings or other waste. Considering their long half-lives (thousands of years), thorium-230 and radium-226 remain present for a long period of time.”⁵ (*translated*) This waste remains radioactive for thousands of years.

Residues can generate acid or metal leaching and present a long-term risk in terms of contamination of groundwater and soil (directly) and wildlife and people (indirectly). The large surface area of sites where uranium tailings are deposited also means that large parts of the territory lose their value forever and can not be dedicated to other uses.

There are yet no known methods for regulating or managing a site for such a long period of time. Thus, “the (Direction de santé publique de la Côte-Nord) working group on uranium mines reported serious reservations concerning the duration of environmental monitoring and the ability to measure the long-term impacts. The report asserted that it is the same for mine waste management and decommissioning of mine sites, especially considering that these residues remain contaminated for thousands of years”.⁶ In addition, several people involved in France, are now wondering how to preserve institutional memory regarding the location of uranium contaminated sites in the very long term (thousands of years) so that future generations are not exposed to contaminants. The French government has still not found the answer to this problem.

The lifespan of the waste represents a danger for the present generation but also for those who will follow. Future generations will be left with problems that require interventions that will be more expensive than the value of the benefits provided for in this moment.

Furthermore, waste containers do not have a life expectancy that is as long as the radioactive materials they contain, and their degradation will cause additional environmental contamination. Both kinds of storage solutions presented by the CNSC at the BAPE hearings, submersion and burial, contain elements of risk that could result in environmental and health damage. Moreover, it is possible that future circumstances, unforeseeable at the moment, could have the effect of exposing stored residues to the air or water (in a context of climate change and increased climate extremes, for example).

⁵ INSPQ. *Les impacts sanitaires en lien avec les projets uranifères nord-côtiers*, 2013, p. 237.

⁶ *Rapport du groupe de travail de la Direction de santé publique de la Côte-Nord sur les mines d'uranium*, 2014, p. 12.

Finally, the Federal Government is currently seeking sites for nuclear waste storage. There is a possibility that this will be done in the provinces involved in the uranium industry. In addition to radioactive mining waste, the province will therefore have to receive and manage nuclear waste.

Risk of accidents

Even the most state-of-the-art uranium mines are not immune to failure. There is no such thing as zero risk. According to INSPQ, “natural disasters such as earthquakes, fires or floods could significantly increase the magnitude of these risks.”⁷ (*translated*) A number of technological accidents and spills have occurred since 2008 in Quebec; there were at least a dozen major mining spills totalling 300 million liters of tailings or other site residues that were dumped in surrounding waterways.⁸

It is the same for the storage locations of mining waste. In February 2014, , after fifteen years of operation, the Waste Isolation Pilot Plant (WIPP), a radioactive waste repository located in New Mexico, experienced two major incidents: a fire in the facility and 9 days later, a release of radioactive contamination in the air, despite the proper functioning of the filters designed to prevent such an occurrence.⁹

Mine site rehabilitation

The decontamination of a mine site is a long and expensive process. It is even more so for a uranium mine site whose contaminants are very difficult to control.

As soon as exploration begins, there is pollution. In a presentation at the BAPE hearings of a rehabilitation project of abandoned mining exploration sites in Nunavik,¹⁰ of 45 abandoned sites listed, no company could be located. The companies had been dissolved and therefore were not pursuing restoration activities. “The whole question of the restoration of exploration sites is (also) part of the uranium problem... One wonders about the behavior of some companies in this regard and the ability of regulators to enforce current laws and regulations to bring them into compliance. This is an important concern for which the answers are still unclear.”¹¹ (*translated*) Recently, the Quebec Lithium mine stopped its operations; the owner company has placed itself under the Loi sur les arrangements avec les créanciers des entreprises. Many financial aids were granted by the Government of Quebec to this mine (a loan guarantee of \$ 60 million to start, five million by Investissement Québec). However, the mine did not pay the 25.6 million that were intended to pay for the site restoration. This new case is added to nearly 700 abandoned mine sites at the expense of the taxpayers of Quebec¹².

⁷ INSPQ. *Les impacts sanitaires en lien avec les projets uranifères nord-côtiers*, 2013, p. 238.

⁸ Ugo Lapointe citing data from the Register of Environmental Emergencies of the Ministère de l'environnement, BAPE hearing on June 17, 2014.

⁹ http://www.irsn.fr/FR/Actualites_presse/Actualites/Pages/actualite.aspx

¹⁰ September 8, 2014, BAPE hearings on uranium.

¹¹ INSPQ. *Les impacts sanitaires en lien avec les projets uranifères nord-côtiers*, 2013, p. 7.

¹² <http://www.ledevoir.com/environnement/actualites-sur-l-environnement/421688/mine-quebec-lithium-un-projet-juge-prometteur-s-effondre>

In addition, although today there is an obligation to dismantle all facilities and leave the site in its initial state, government departments do not have the resources to conduct systematic monitoring of all facilities. In addition, there is a blurring of responsibilities between the two levels of government (provincial and federal) on the one hand, and between various departments on the other hand (MERN and MDDELCC) which complicates the process of implementing rigorous monitoring. This ambiguity also translates into a great complexity of laws and regulations governing nuclear and uranium mining activities. This is not reassuring as to the ability of governments to ensure the safety of their citizens against the effects of these activities.

Exposure and toxicity to the surrounding natural environment

As previously discussed, uranium exploration and exploitation generate chemical and radiological pollution of the environment.

In the report “Toxicité chimique de l’uranium sur les organismes terrestres. Revue de littérature—(*Chemical toxicity of uranium on terrestrial organisms. Literature Review*)” from the Centre d’Expertise en Analyse Environnementale du Québec, several effects of radionuclides on the fauna and flora have been identified:

- o Possible accumulation in the bones;
- o Possible accumulation in the kidneys;
- o Weight loss;
- o Decrease in life expectancy;
- o Dental problems;
- o “Uranium toxicity is expressed in birds ... by abnormal biochemistry, liver and kidney damage, and protein deposits in the kidneys.”¹³ (*translated*);
- o “In mammals (...). Several studies of laboratory animals (also) showed that uranium is a metal especially toxic to the kidneys and can cause kidney dysfunction. Effects on reproduction and development were also observed in mice in the laboratory.”¹⁴ (*translated*);
- o Reduced growth for certain plants;
- o Etc.

One chapter in this report deals with the genotoxicity of uranium. Uranium and its derivatives are in fact also likely to cause damage to DNA and cause genetic mutations that can have serious consequences. “It has been suggested that the genotoxicity of uranium may be due to its radiological toxicity as well as its chemical toxicity (Busby and Schnug, 2007). It is difficult to distinguish the two modes of action when the concentrations of uranium in the environment are low or internal doses in organisms are low.”¹⁵ (*translated*)

¹³ Centre d’expertise en analyse environnementale du Québec (2014) *Toxicité chimique de l’uranium sur les organismes terrestre. Revue de littérature*, p. 113.

¹⁴ Ibid.

¹⁵ Centre d’expertise en analyse environnementale du Québec (2014) *Toxicité chimique de l’uranium sur les organismes terrestre. Revue de littérature*, p. 107.

Uranium and its derivatives as well as other contaminants induced by uranium activities are found in and accumulate in wildlife and flora, thus in the food chain. In Saskatchewan, for example, tests have shown the presence of radioactivity in lichens, mosses, trees, fish and caribou which compose the staple diet of First Nations (study, however, does not conclude with certainty on the responsibility of mining and that of natural background). Lichens accumulate atmospheric radionuclides more efficiently than other vegetation because of their lack of roots, their large surface and longevity. Caribou eat lichen. Radionuclides transported by air, particularly cesium-137, lead-210 and polonium-210 are transferred by this vector to humans.¹⁶

First Nations occupy the territory dynamically. In addition to environmental impacts and in terms of access to the territory, common to all mining activities, uranium exploration and exploitation add radiological risks. Through their activities, including the fact that First Nations take their food in the territories, they are particularly vulnerable. The risks to health, human and animal, add fears that could lead some to stop practicing their traditional activities and access certain areas they judge dangerous.

Infrastructure and Transportation:

It will be essential to consider all aspects of the proposed Matamec project. In addition to the mine site, the hydro corridor and all transportation of goods, people, ore and concentrate must be considered. For example, the Maniwaki Road is one of our people's principal means of accessing our territory and any changes to its use must be considered in any assessment.

Physical Environment:

The problematic aspects of mining and processing Rare Earth Elements (REEs) including the potential radioactivity and chemical toxicity of the ore body. Existing federal and provincial regulations have not been created with regard to REE mining or processing in leaving us with the concern that there is a significant regulatory gap for the Matamec project.

Biological Environment:

Wolf Lake First Nation and Eagle Village First Nation have Aboriginal Rights and Title and continue to practice hunting, fishing, trapping and gathering in the Matamec project area so protection of the biological environment is a major concern to us (see also our comments on cultural impacts).

The Matamec project has potential impacts on the fish community. There is a significant potential impact for Lake Sturgeon (COSEWIC listed as threatened) to be present in the

¹⁶ Thomas, P. A., and T. E. Gates. "Radionuclides in the lichen-caribou-human food chain near uranium mining operations in northern Saskatchewan, Canada." *Environ. Health Perspect.* 1999. 107(7): 527-537.

Matamec project area. We have expressed concern to Matamec Explorations Inc. about the extent of their fish sampling efforts and are not confident that they have done adequate sampling to show that this regionally present species at risk is not present in the Matamec project area or study area for any Environmental Assessment. We would also like to note the importance of the Matamec project area to regional fish populations with one of Lake Kipawa's most important walleye spawning areas to the west and downstream of the Matamec project site.

The information provided about wildlife is also scant and we are concerned about an apparent focus on migratory birds to the exclusion of other species of concern to our communities. Given the importance of a wide range of species to our Aboriginal Rights and Title and due to our concern about the protection of habitat for all species – we will insist on consideration of all species and particular attention to be paid to species of cultural and economic interest (see comments on cultural impacts).

Health Environment:

We are concerned about the potential health impacts of elevated concentrations of rare earth elements, uranium and thorium and emissions in the environment from mining and processing rare earth elements.

We are concerned how the contaminants from the rare earth elements and uranium may impact the surface waters and groundwater and/or how the dust emissions may impact plants, fish and game we consume.

Chemical and radiological toxicity of radionuclides

Items previously presented above on the toxicity of radionuclides to the environment are also applicable to this section.

Uranium mines add to the risks, particularly in terms of radioactivity and the potential for a number of contaminants to combine, that are already present in traditional mines. Indeed, during the exploration and exploitation of uranium ore, several radionuclides that have different impacts on human health can be found in the environment, including uranium-238 and the products of its disintegration.

Half of the material of the uranium decay chain consists of alpha emitters and the other half consists of gamma- or beta-emitters having a high penetration ability, which have a very long period of activity.

The exploitation of uranium mines may release other contaminants besides radionuclides into the environment. These chemical contaminants are inherently toxic. Similarly, certain radionuclides can have a toxic potential in addition to their associated radioactivity effects. For example, uranium is nephrotoxic (toxic to the kidneys) in addition to the effects related to the radiation it can emit.¹⁷

¹⁷ INSPQ. *Les impacts sanitaires en lien avec les projets uranifères nord-côtiers*, 2013, p. 276.

Uranium is also genotoxic and thus has an effect on DNA, which may cause genetic mutations in victims of contamination. These mutations may have different effects, such as making people more vulnerable to tumors.

Many uncertainties remain about the precise impacts of radionuclides on human health. Among other things, the combined effects of different radioactive elements and other factors (silica dust, diesel, cigarettes) and chemical elements are not documented. Exposure to multiple sources of carcinogens could not only add to the risks but could very well multiply them. The INSPQ study was cited and presented on numerous occasions during the BAPE commission hearings. Consultation of this report, including Appendix 2, provides a good view of the known health effects of radionuclides. These effects are proven. However, it lacks a number of data on other potential risks and studies are limited in their ability to fully integrate the multitude of factors that come into play in real life. In its conclusion, the INSPQ says that “no assessment of the total risk (i.e., including all possible means of exposure) was found.” (*translated*) This does not minimize the risk, on the contrary, it indicates that it is underestimated.

As for the document produced by the DIVEX network,¹⁸ it does not address head on one of the major issues of uranium mining, which is the very long-term management of thousands of tons of toxic and radioactive residue left behind, and the risks this waste poses to health, safety and the environment.

There are three sources of danger to humans related to uranium activities: inhalation of radon, ingestion of radionuclides and radiation exposure. Internal exposure to radioactive materials during the mining and processing of uranium can result from inhalation, ingestion, or through a cut on the skin. Then, they are deposited in the organs for a long period where they emit radiation. External radiation exposure (for example, exposure to beta or gamma radiation, and to a lesser extent, alpha rays) can also be a health risk.

Effects of radionuclides on health

The effects of radioactive elements on human health are multiple and complex. The chemical and radiological toxicity of uranium and its derivatives is involved and there is no threshold below which there is zero risk. Any radiation dose, however small it may be, carries some danger, an increase in risk to the health of individuals.

The main documented risks are the following:

- o Documented increased risk of lung cancer among mine workers.
- o Suspected increase in risk of leukemia deaths for the population. The studies reviewed by INSPQ document leukemias with a fatal outcome. The risk is

¹⁸ Divex, UQAM, Université Laval. *L'état des connaissances, les impacts et les mesures d'atténuation de l'exploration et de l'exploitation des gisements d'uranium sur le territoire québécois*. 2014.

underestimated because it does not take into account cases which did not cause death.

- o Suspected increased risk of genetic mutations and adverse pregnancies. “The risk of damage to the DNA is present, although small, even when exposed to low doses of radiation. Ionizing radiation would be the initiator phenomenon of cancers. Alpha radiation causes the most severe biological damage by breaking the two arms of the spiral of the cell's DNA. The probability that errors will occur during repair is higher.”¹⁹ (*translated*)

The sixth report of the United Nations Scientific Committee on the biological effects of ionizing radiation²⁰ explains that even when alpha particles pass through a cell only once, there is a risk of cancer developing if the cell is not properly repaired.

In his essay, “Impacts de l'exploitation des mines d'uranium sur la santé humaine” (*Impacts of the Exploitation of Uranium Mines on Human Health*) Vincent Amabili Rivet lists several studies that have highlighted the effects of uranium on human health. His study on the subject has enabled him to identify that:

- o The radiological toxicity of uranium is based on its presence in the bones over a long time from which is emitted gamma and alpha radiation that damages various biological tissues (Auger et al., 2010).
- o That a number of studies demonstrate elevated health problems associated with uranium 238 such as an increased risk for people exposed to it of developing cancers such as Hodgkin lymphoma (A. Dosman et al., 2009);
- o It also seems that uranium could contribute to osteoporosis, have neurotoxic and hepatotoxic (toxic for the liver) effects and be an endocrine disruptor (hormone secretion) (Auger et al., 2010);
- o Because of the types of radiation emitted, radium-226 could reach several areas of the body and cause leukemia, bone cancer and lymph cancers (Auger et al, 2010);
- o The effects of radiation exposure do not fade with time, but accumulate (Brenner and Hall, 2007). Indeed, the exposure limit accumulates each year. The addition of a few mSv received each year becomes a dose of 100mSv and more (J. Gonzalez, 1994).

Children and the elderly are particularly vulnerable to these risks. What about people already affected by a disease, such as cancer, who would be exposed to an additional source of carcinogenic elements? There is no extensive study on this subject or on the cross-contamination of different elements.

Several studies have shown the impact of radionuclides on workers, such as the development of cancer. According to the CNSC, new measures have been taken to limit

¹⁹ Vincent Amabili-Rivet, Masters thesis in environment at the Université de Sherbrooke. *Impacts de l'exploitation des mines d'uranium sur la santé humaine*, 2013, p. 24.

²⁰ UNSCEAR. *Rapport du Comité Scientifique des Nations Unies pour l'étude des effets des rayonnements ionisants*. 2010.

the risks. However, these new practices have not been tested over a long enough period of time and it is not yet possible to assess whether these measures are effective. Indeed, the latency of cancer, that is to say, the time between contamination and the development of cancer, can be very long (thirty years). Studies show that there is a relationship between exposure to radiation and the risk of developing cancer. This means that even very low levels of radiation can cause cancer in people who have been exposed.²¹

First Nations are an extremely vulnerable population to the risks because, besides the fact that they occupy and inhabit areas where mining activities take place, they derive their food from these territories. This means that in addition to being infected by direct contact with radionuclides (inhalation of radon, radioactive waste sites, etc.), First Nations are increasingly contaminated by the ingestion and the use of contaminated elements (fauna and flora). Moreover, as explained at the BAPE hearing on September 24, 2014, First Nations do not limit themselves to eating the meat of an animal. Out of respect for it and in accordance with their traditional values, First Nations use the animal in its entirety: bones, antlers, organs, etc. However, as indicated in the section on toxicity to fauna and flora, among the documented effects, some radionuclides accumulate more readily in these parts.

Psychosocial effects

Psychosocial effects specifically related to uranium mining have not been particularly documented. Social impacts associated with the presence of a conventional mine in a territory are also found in populations living near a uranium mine. These effects include problems related to alcohol and drug use, growing social and economic divisions in a population, a social climate affected by the health and safety conditions in mining, restrictions related to the accessibility of the territory, distress, etc. These impacts occur before and during the exploitation phase but equally when operations cease, when people suddenly find themselves unemployed.

People living in and occupying territory in the vicinity of a uranium mine are most impacted. Indeed, in addition to the effects mentioned above, these populations develop greater anxiety related to radioactivity and its effects (actual and perceived) and the fear it causes.

Furthermore, the uranium industry is characterized by a distinct lack of social acceptance on the part of the population. The operation of a uranium mine in a territory therefore leads to a sharp deterioration of the social climate and a loss of confidence in public authorities on the part of some citizens.

First Nations will be the most affected. They are first in line—as they are for environmental risks—they are the first to be affected because they live in the territories where the mines operate. Aware of the risks they incur through their traditional practices and the occupation of their territories they have, some might put an end to these

²¹ *Uranium mining in Virginia*, National Academy of Sciences, committee on uranium mining in Virginia, 2012.

activities, thus question their lifestyle. Hunting, gathering, fishing are all activities necessary for the continuity of this lifestyle inherent to the culture of First Nations. The relationship between government and industry on the one hand and First Nations on the other hand may become more degraded leading to an unstable and conflictual social climate.

The Matamec Project involves mining rare earths, which are not minerals that have been mined and processed in Canada and which have unique health and environmental impacts associated with the processing and waste from mining rare Earths. It is also our understanding that if the Matamec Project is approved it will be the first Rare Earths mine in Canada so obviously there is no government regulatory experience with this kind of mining and processing.

On November 25, 2013, during testimony before the House of Commons Standing Committee on Natural Resources the senior staff of the federal government, Natural Resources Canada confirmed they are a long way from being able to show how to manage tailings and effluents safely or even to be able to say how toxic rare earth effluents are.²²

Natural Resources Canada describes the environmental uncertainties of Rare Earths Elements as follows:

There are two aspects of environmental issues related to REM productions. Many primary REM deposits contain significant amount of radioactive metals, mainly thorium and uranium in lesser extent. The second aspect is the toxicity of the individual rare earth elements.....

In aquatic toxicity testing of metals, the behaviour of the free divalent metal cation - the species of metal largely considered to be the most toxic - is well understood, particularly with respect to binding with natural organic compounds. These natural organic compounds are very important in determining toxicity to aquatic life because they bind to metal cations and render them unavailable, i.e. non-toxic. However, the same cannot be said for rare earth elements. The toxicity and behaviour of rare earth elements (REE) in natural environments has not been studied to any great extent, and given the trivalent charge of many REE, it is largely unknown how toxic they are to aquatic species, and how they interact with natural organic compounds.

Other data gaps relevant to this work pertain to the impact of REE mining in the North. Of the available information in the literature, none examines the effect of REE on Northern species. A recent literature review of the aquatic toxicity of REE by a research group at Wilfrid Laurier University identified some other critical data gaps, including the effect of manipulating water chemistry in REE exposures. Our goal is to address some of these data gaps discussed above to further understand the behaviour of REE in the

²²<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=6330912&Language=E&Mode=1&Parl=41&Ses=2>

environment. Our goal is to determine the effects of rare earth elements to Northern aquatic species. The overall objective of this project is to provide an 'end of pipe' view of REE mining by investigating potential toxicity of 'effluent' produced by leaching REE ores to aquatic species. The impact of altering water chemistry on REE toxicity to determine effect of water pH, hardness and/or concentration of dissolved organic matter will be investigated. These metals are considered to be 'data-poor' and any knowledge gained from this work on their behaviour in the environment will help fill critical data gaps. With interest in REE mining being developed in Canada, these data will help identify potential risks and environmental issues.²³ [emphasis added]

Quebec, Canada, and Matamec are asking our two First Nations and the local Quebecois population to take on a risk accepting the Matamec Project in the face of considerably more uncertainty than with other types of mining. This is clear from the testimony the Natural Resources Canada staff have given the House of Commons Standing Committee on Natural Resources and on the website of Natural Resources Canada itself.

Natural Resources Canada staff misled the members of the House of Commons Standing Committee on Natural Resources regarding the degree of federal oversight. From our experience with the Kipawa deposit, the federal uranium and nuclear safety regulations will not be invoked because the ore and wastes are considered naturally occurring radioactive material in the area.

We are also concerned that the testimony from Natural Resources Canada suggested the rare earths projects they discussed with members of the House of Commons Standing Committee on Natural Resources were supported by the affected First Nations. Our two First Nations have had no contact with Natural Resources Canada and cannot understand how they came to this conclusion.

From the testimony before the House of Commons Standing Committee on Natural Resources we also see that Matamec is part of the Canadian Rare Earth Elements Network (CREEN) of industry and universities who are involved in promoting that Canada: 1) declare that rare earths are a strategic resource; and 2) are seeking federal funding to support the research and development of rare earths processing, which could lead to central processing facility in Canada for all of the rare earths minerals.

The results of our cultural and socio-economic assessments already indicate that the Matamec rare earths project will have an irreversible impact on our quality of life, our customs, traditions and access to and use of our traditional lands. These impacts will have to be assessed along with the cumulative impacts from other activities in our traditional lands.

We haven't yet assessed the potential environmental impacts of the proposed Matamec rare earths project, but we know the proposed location of the open pit mine, the waste

²³ <http://www.nrcan.gc.ca/mining-materials/green-mining/8214>

rock tailings, the new road construction, the processing plant and the tailings ponds are all located very close to rivers, lakes and wetlands in several watersheds of critical importance to our communities. In addition, there will be impacts from the construction of a powerline to the site from the town of Temiscaming.

Independent of our formal review process, local area residents and members of our First Nations have circulated a petition against the project. To date, this petition has 2,955 signatures and their efforts to oppose the project have gained the attention of local and regional media.²⁴

Our two First Nations strongly object to having our area considered a national sacrifice area for mining unknown toxic Rare Earths as a “strategic resource”.

Neither Canada, Quebec, or Matamec have the “social license” or the free informed consent of our two First Nations for this proposed Rare Earths Project to proceed to the development phase. We still need a lot more technical information regarding the management of the potential environmental impacts from the rare Earths mining. The corporation also has a long way to go to establish trust and a positive working relationship with our two First Nations.

We also regret that the governments of Quebec and Canada have failed to meaningfully consult our two First Nations about the proposed Matamec Rare Earths Project before it advanced to the current pre-development phase, but as we have already pointed out our two First Nations will make our own decision about whether we consent to this rare earths mine proceeding or not on our traditional lands!

Our two First Nations also object to the government of Quebec’s investment into this proposed rare earths mine without our free informed consent.

Social Environment:

The impacts of the mining to our people’s land and resource use should not be restricted to current and “planned” uses but also to potential uses. We assert our title and rights to the area for our future generations outside of any specific “plans” to use the land.

Social impacts are described very broadly. We would like to ensure that the following are included in the BAPE assessment as we are aware that, notwithstanding potential economic benefits, the impacts of mining projects on Aboriginal communities can often include significant adverse effects.

²⁴ <http://www.change.org/p/minister-of-natural-resources-quebec-protect-kipawa-lake>

Impacts on Housing:

All members of Wolf Lake First Nation and some members of Eagle Village First Nation do not live on reserve and we are concerned about their ability to continue to access adequate housing, should the Matamec project be approved. Increases in occupancy and rental rates are a common effect of new developments and may even precede the initiation of a project. Such changes would disproportionately affect already marginalised members of our community such as the elderly, single parents, etc.

Substance Abuse:

We are concerned that the influx of money to the local area will likely lead to an increase in substance abuse by various sectors of the local population. With increased access to drugs and the potential of increased income for some members of the community we are concerned that we will see an increase in drug and alcohol use in our communities. We are aware of other communities where this has occurred and will need this to be assessed and prevented if this project is approved.

Impacts on Tourism and Other Economic Opportunities:

Our communities have established tourism enterprises that depend on accessing our territory and on the land being healthy and free of industrial development. These include a fishing lodge and backcountry canoe tripping. The impacts on these and potential tourism operations within our territory must be considered as we are concerned that rare earths and uranium mining and its perceived and real impacts on the environment are not compatible with our established economic development plans.

Community Resilience:

Mining will have a limited operational timeframe in our communities. We are aware that many communities that depend on mining suffer long-term negative economic consequences due to the cyclical nature of the industry, the transient workforce, and compromises made in environmental and aesthetic conditions of a community. We are concerned that the resilience and long-term well-being of our communities could be compromised by a reliance on mining for regional economic development.

Cultural Environment²⁵:

The following briefly summarizes the cultural impacts of the proposed Matamec project.

An active presence on and attachment to the land remains central to our Algonquin personal and collective identity.

²⁵ “Cultural Impacts Assessment-Matamec Project: Zeus Property, Executive Summary” Prepared by Sue Roark-Calnek, Ph.D. Department of Anthropology (Emerita) State University of New York, Geneseo, 31 May 2013

There are four active Algonquin camps within a few kilometres of the proposed Rare Earth Open Pit Mine, road to processing plant, processing plant and tailings ponds.

The Desert's Post site is historically significant for the Eagle Village and Wolf Lake communities, and warrants archaeological site survey as a heritage site.

The Brennan Lake site is historically significant for Eagle Village and Wolf Lake communities, and warrants recognition if not archaeological site survey as a heritage site.

Traditional ecological knowledge (TEK) is acquired on the land, and requires continuing access to the land. Algonquin education is based on experiential learning in mentorship relations with knowledgeable harvesters. From our Algonquin community perspective, experiential learning is also a primary mode of cultural transmission. The knowledge pool shared by our communities and is built up out of local knowledge with contributions from each family. Disruption of these traditional processes of teaching, learning and sharing local knowledge would have significant effects on our two communities.

Algonquin TEK sees ecosystems as complex interdependencies. It is sensitive to imbalances in local environments, and is used to monitor indicators of ecosystem health. This orientation to the environment is compatible with changes in uses of the land, so long as the changes do not significantly threaten sustainability and renewability. Eagle Village First Nation and Wolf Lake First Nation concerns about the Matamec project are in line with these traditional understandings as well as with contemporary environmental science.

TEK is an organizing framework for human activities - harvesting, occupancy, and travel - on the land. Watersheds, wetlands, and the shorelines of water bodies are important. Algonquins are culturally attuned to the downslope and downstream effects of upslope and upstream events. This point applies to the present context, where Matamec proposes infrastructure on elevations sloping down to the Kipawa;

Algonquin harvesting is flexible and diversified in its use of resources, though certain prey categories (beaver, moose, fish) have had particular value. Hunting, fishing and trapping continue with occupational and income diversification, in part because of the cultural value placed on multiple, flexible resource use. But flexible harvesting is challenged when local resources are severely stressed. Digitized land use and occupancy maps and interview transcripts are evidence for recent Algonquin harvesting in the project area.

Algonquin harvesting has been guided ideally by norms of responsible stewardship: sustainability and mutuality and respect in human/nature and human/human relations. Management for sustainability and renewability is well documented in land use interviews.

Seasonal congregation at community rendezvous alternated with dispersal in extended families and partnering groups. It can still be recognized in short-term harvesting from camps and settlements, including Kebaowek I.R. and Hunter's Point). A permanent disruption of this rhythm, especially if it is caused by circumstances beyond the communities' control, would be an interference with this aspect of their culture.

Algonquins social organization was historically decentralized and kin-based, with several levels: task groups; (including mentorships and trapping partnerships); extended family wintering groups or other seasonal minimal bands; regional bands meeting at seasonal rendezvous; periodic alliances between bands; and on the widest level, the Algonquin Nation. Each regional band traditionally held a territory in common, and was organized under a formal political leadership (for some groups later, at least the informal influence of respected men and family elders). Traditional and emerging regional bands might agree to share joint exclusive use in areas of overlap, recognizing each others' converging histories. Eagle Village First Nation and Wolf Lake First Nation are in keeping with this pattern in their assertions of Aboriginal interests (title and rights) in the territory at issue.

Tenure was traditionally vested in the band, recognized in alliances with other bands, and exercised on the ground by families. It consisted of rights to include (invite) other people to share use and occupancy, and rights to exclude other people from use and occupancy. There were sanctions against trespass interfering with community and family use.

Algonquins have historically protested against the intrusion of third parties who did not recognize and were not bound by their own customary norms.

Elements of traditional land tenure have been adapted to introduced land use regimes. Ecotourism and other land-based community initiatives are consistent with these norms, as another form of adaptation. They require that the communities have continuing access to a land base which is not wholly and permanently alienated from sustainable or renewable use.

Community stakes in the land are an old and continuing concern for political leadership on the level of the band as well as the family. Band leadership faces in two directions: out to other communities and in to the community. Facing out, there is historical evidence for a traditional mandate (or at least community expectation) to defend collective interests and territory, by: engaging and allying with other First Nations; engaging with non-Aboriginal governments (and third parties) through petitions, consultations, negotiations, and claims. The current consultation process should be harmonized with that mandate from an Algonquin cultural perspective.

Algonquins place a high cultural value on personal and collective (community) autonomy. Their historical experience has only reinforced this value, and related

cultural resistance to dependency, nonconsensual interference, and external control. Eagle Village First Nation's and Wolf Lake First Nation's call for a thoroughgoing environmental review process in the Matamec area is consistent with these cultural values, which underlie and are integral to their distinct cultural identity. These patterns are also at issue, and at risk, in the current process. They have a place in the assessment of cultural impacts, and they deserve recognition and respect.

The conclusions of a Cultural Impacts report by Dr. Sue Roark-Calnek²⁶ are as follows:

Algonquin knowledge of the environment, technologies and skills, and ways of teaching and learning are all closely related and all integral to a distinct Algonquin cultural identity. They depend on continued use and occupancy of the land base to which the First Nations are deeply attached. If irreversible changes in the land forestall future use, they will further interfere with the transmission of Algonquin culture. The consequent changes in community demographics, "squeezing" people off the land permanently or at least in the long term, are also likely to have significant negative effects on community social fabric. They will further interfere with a traditional pattern of managing social relations by being able to go apart as well as come together. Occupancy sites ("camps" in the SE/ Baseline study report) in or near the footprint of the project are at particular risk. The impacts would be felt directly by the families using those camps, but indirectly and ultimately by the entire EVFN and WLFN communities.

Algonquins have developed exceptionally close and culturally distinct ways to assess changes in their environments. They have used their assessments to adjust their use and occupation accordingly. Algonquin local knowledge should be recognized, considered, and actively incorporated into the monitoring of ecosystem and socioeconomic health. If this does not happen, the monitoring is likely to be more difficult and less effective.

Algonquins defend their right to harvest for subsistence on unceded land they regard as their own. They have repeatedly appealed to the Crown to respect what they regard as honorable commitments. They have just as regularly challenged what they regard as intrusive interference with their lands and their people.

Mutuality, respect and consultation are integral to Algonquin social and political organization, on a number of levels: family to family, band to band, and nation to nation.

From an Algonquin cultural perspective, the current consultation process should be harmonized with that expectation. Failure to do so is likely to make for strains

²⁶ "Cultural Impacts Assessment-Matamec Project: Zeus Property, Executive Summary" Prepared by Sue Roark-Calnek, Ph.D. Department of Anthropology (Emerita) State University of New York, Geneseo, 31 May 2013

within the communities, with the likelihood that a range of social problems, including ones queried in the SE/ Baseline study, will increase.

Adaptive flexibility is a particular hallmark of Algonquin culture. But the capacity to adapt, on Algonquin cultural terms, requires some ongoing connection with the land base, and some ongoing capacity for communities, as well as individuals, to make their own choices, and to find a place in Canadian society that acknowledges their distinct status, history and relationship with the Crown. This capacity is seriously at risk if the [Matamec] project goes forward as presently contemplated. (pps.12-13)

SOCIAL AND ECONOMIC CONCERNS²⁷

Background

The Eagle Village First Nation and Wolf Lake First Nation commissioned this socio-economic baseline study to be used by Matamec Inc, a mineral exploration company, in its feasibility analysis and environmental impact statement for the proposed Kipawa Rare Earth Elements Mine. The mine would be located entirely on the asserted traditional territory of the two First Nations, who have occupied the land for millennia. A cultural impact analysis is being conducted separately, although the two authors have been collaborating with one another in the development of the reports.

Mines and mineral exploration may have long-term and deleterious effects on the way of life and the economies of Aboriginal people (and others) in the way of the development. These effects extend beyond the actual physical footprint of the mine to the people who still depend on the forest, waters, wildlife, fish and fauna that are part of that affected eco-system, and to the people nearby who have structured their social lives and economies to cope with the changes that have already been thrust upon them by colonial expansion and industrialization and now may face new pressures and threats.

Algonquins strenuously object to the use of the term “stakeholder” to describe their relationship to development projects, as it ignores their constitutionally protected rights and tends to put their concerns on the same level as those who have a choice in whether they will participate: the company, investors, workers, etc. It is their land, their waters and their home. They will live forever with the consequences.

On January 23, 2013, the Algonquin communities of Wolf Lake, Eagle Village and Timiskaming announced their assertion of Aboriginal Rights and Title to their traditional territories. The current social and economic circumstances for EVFN and WLFN are the product of colonial and racist government policies and the Aboriginal resistance to them. The baseline description of socio-economic conditions starts by acknowledging this

²⁷ “Algonquin Socio-Economic Baseline Report For the Matamec Rare Earth Project Seeking Mino Pimadiziwin” (The Good Life), Executive Summary, prepared by: Joan Kuyek, DSW, May 18, 2013

history, and by respecting the hard work undertaken by Algonquins to heal their land, to rebuild their communities, and to maintain their cultural identity in the face of it all.

Baseline Findings

Both Wolf Lake and Eagle Village have undertaken extensive community vision and planning exercises in recent years. The findings from those exercises were reinforced by comments made by participants in the first community meeting held on April 9, 2013. The core values of the members of the First Nations can be briefly stated as *our way of living is in harmony with the land and we contribute to the management of our territory's natural environment for the benefit of future generations.*

There are considerable challenges in establishing accurate demographic data for Eagle Village First Nation and Wolf Lake First Nation, as they are too small to be adequately described in the census. The population of Eagle Village is 300 with approximately another 600 members living off reserve. Wolf Lake members total 205. Wolf Lake does not have a reserve, and most of its members are dispersed among Kipawa, Témiscamingue or North Bay.

The area affected by the mine is dotted with Algonquin “camps”. For Algonquins, the “camp” has cultural and social significance: it is the base from which to access the territory; for sustenance activities on the land: fishing, hunting, gathering berries and medicines and trapping; bringing in the food supply for many people. It is the place where families reconnect with one another around the campfire and through traditional activities, where games are played, stories are told and values are transmitted. It is place to relax, hike, canoe and explore by boat and to connect with the ancestors. In many ways, the “camp” is more a home than the house or apartment where one has to live to work. Most of them spent all their weekends and holidays at the camp. These places cannot be dismissed as “summer cottages”; they are much more than that.

The families of the three cabin holders directly in the mine footprint are already experiencing disruption of their use of the land and are being effectively displaced by the mine. They have held these territories for generations, hunting, fishing, trapping and gathering.

Traditional resource use continues and is practised by a majority of people in the community: fishing, hunting, trapping and gathering, although there is concern about the depletion of wildlife, fauna and fish, and the increased number of non-native people on the land.

Traditional foods are an important component of members' diets, and other foods have to be purchased in North Bay (which involves a long drive) or at a depanneur and they are very expensive. The rising cost of obtaining food and the depletion of wild foods are a serious concern.

The community is physically healthier than many other FN's in Quebec; there is no overcrowding in housing. There is no gas sniffing; suicide is not a problem; nor are there serious problems with alcoholism; and people expect police to help when needed. Many homes have more than one income.

People in the two First Nations have maintained a social fabric based on barter, trade and helping one another. This mutual aid may be threatened by new people in the community, road hazards and the kind of jobs that the mine will offer.

There is little evidence of gender bias in employment, housing or use of the land, except at Tembec; nor is there indication of much violence against women. Members think that there is a growing problem with prescription drugs used illegally, and the First Nations do not have the resources to cope with, contain or reduce this problem.

People are fairly well educated, but most do not speak French as a result of their history, and partially because of a Quebec French language curriculum that does not recognize this history and is not appropriate to their culture. Secondary education, most community, and health services for members have to be obtained in Témiscamingue or North Bay. This entails many road trips from Kipawa or from Témiscamingue.

Most FN members with qualifications to work at the mine are probably already employed elsewhere. Those people seeking employment have too little formal education, are not physically able, or do not speak French.

The governance of the two First Nations is competent and respected by community members; however, it is stressed to the limit of its resources and unable to deal effectively with mineral exploration and development demands on their time. Cumulative effects on Aboriginal governance need to be considered in the EA.

The community members spend an inordinate amount of time traveling to North Bay, back and forth from Kipawa to Temiscaming and traveling on the Maniwaki Road. Increased industrial traffic poses a real, physical threat.

Members of the two FNs perceive the mine as an enormous risk. Mineral exploration is already having a substantial effect on many traditional users. The mine threatens their way of life, their water and the wildlife, and, despite the possibility of jobs in the short-term, they want it to "go away".

Methodology

The methodology for this socio-economic impact assessment is based on advice from three key documents: World Health Organisation Determinants of Health, the Mackenzie Valley Impact Review Board (MVEIRB), Issues and Recommendations for Social Impact Assessment in the Mackenzie Valley. and The Canadian Handbook on Health Impact Assessment, Chapter 3: Social Impact Assessment in Environmental

Impact Assessment Protocols: A Social Science Perspective. These documents describe SEIA elements with respect to determinants of health, social and health indicators, Aboriginal traditional activities and risk perception. Experience has shown that the opening of new mines can worsen social and economic problems for vulnerable populations, especially Aboriginal peoples and women.

How did we get the information we need:

- Two community meetings; one with Chiefs, Council and staff from both EVFN and WLFN using a participatory methodology; another for members of the two First Nations after the Matamec presentation;
- A survey and analysis of a sample of the membership of both First Nation (*the Algonquin socio-economic survey*) that had 113 respondents.
- Structured conversations with 16 key informants in the two First Nations
- Structured interviews with three key Aboriginal cabin holders within the mine footprint area, including the trapline holder in the mine site.

Effects Analysis Valuable Components (VCs)

The socio-economic baseline study has identified some key socio-economic issues that the Effects Analysis in the Aboriginal section of the Matamec Environmental Assessment (EA) must address.

They are highlighted throughout the document in boxes as “Key Vulnerabilities” and are listed below. They provide a basis for the selection of Valuable Components for the EA.

Algonquin values: Any assessment of the socio-economic and cultural effects of the project must be measured against its potential impacts on these high-level values held by the Aboriginal people upon whose territory the project will take place.

Health: overburden of the health care system, road accidents, increase in community use of drugs and alcohol, violence, diseases related to toxins either shipped to the mine site or released into land, air or water, increased violence against women

Language: inability to rebuild interest in Algonquin language, increased discrimination and tension over the language issue

Education: increased pressure on the school system and day care; worsening achievement by Aboriginal children; increased sense of hopelessness for youth unemployed

Jobs: few or no job opportunities for EVFN and WLFN members, *skimming* effect from EVFN and WLFN businesses.

Governance: inability of FN governments to cope with the extra burden of consulting effectively with mining companies and mineral exploration companies and the permitting regime that will ensue; draining of community resources from other programs to deal with these pressures; the possibility of corruption in the future as the company seeks its *social licence to operate*.

Social Fabric: tearing of the social fabric and the patterns of mutual aid if the wage economy exacerbates inequities in the community and uses up the time of important contributors to the traditional economy. Loss of respect for this unpaid work.

Traditional resource users: destruction of the harvesting base and the habitat it depends upon, loss of transmission of traditional practices to future generations, increasing population of disrespectful non-natives on the territory.

Cabin Holders in the Mine Footprint: effective displacement and removal of the three families in the mine footprint from their traditional homes

Housing: over-crowding; increased rent; more disrepair, increased costs for repairs.

Food security: Increased pressure on traditional food sources; loss of food due to contamination or perceived contamination; poisoning of the food source for some people; poisoning of the drinking water sources, increased costs to obtain food leading to poorer nutrition.

Cash Economy: lost opportunities to expand and develop sustainable Aboriginal businesses due to landscape and environmental degradation and the skimming effect; exacerbation of gender inequality through mine hiring practices.

Transportation: more road accidents; potential spills; more time required to carry out daily activities that require driving; deteriorating road conditions and hazards; lack of access to parts of the traditional territory for FN members; increased access to territory by non-natives.

Safety and Security: Increased drug use and concomitant problems like theft and violence; less sense of safety; increased perceived discrimination due to race, gender and language in the communities.

The basic question for the Algonquins is “Do we need this mine?”

This question is addressed powerfully in Seven Questions for Sustainability- a 2002 project of the North American Section of the Mines Minerals and Sustainable Development initiative of 23 of the world’s largest mining companies:

“If there is a fundamental question underneath all others, it is the question of whether society—or the world—“needs” any given project or operation. A significant debate has emerged regarding what would constitute a full needs assessment. The debate encompasses mining and minerals but also covers all other interventions in the natural environment as well—dams, irrigation projects, highways, pipelines and even urban expansion.

The question arises because of growing concern that current human activity is undermining the capacity of future generations to meet its needs. This concern is a central driver of the sustainability/sustainable development set of concepts and the issue is very simple: why do something that is undermining the capacity of future generations?

CONCLUSION

After a detailed analysis of the available information on the various aspects of rare earths and uranium activities as enumerated above, the Wolf Lake First Nation and the Eagle Village First Nation renews our firm and definite opposition to the development of the Rare Earths and uranium industries.

The Wolf Lake and Eagle Village First Nations therefore demand a complete moratorium on the exploration and mining of rare earths and uranium.

The Wolf Lake and Eagle Village First Nations support the Brief on Uranium Industry Issues in Quebec Presented by the Assembly of First Nations of Quebec and Labrador (AFNQL) & the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) to the Bureau d’audiences publiques sur l’environnement (BAPE) inquiry commission hearings on uranium industry issues in Quebec

ANNEXES

- A. TFN-WLFN-EVFN Statement on Asserted Rights & Title and Map.**
- B. WLFN-EVFN Map of Current-Use in and around the proposed Matamec Zeus Site.**
- C. AFNQL Support Resolution (NO. 05/2012)**



Timiskaming, Wolf Lake and Eagle Village

Members of the Algonquin Nation

Statement of Assertion of Aboriginal Rights & Title

OVERVIEW

11 January 2013

For further information contact:

Chief Harry St. Denis, Wolf Lake 819-627-6211

Chief Terence McBride, Timiskaming 819-629-7091 (English/Français)

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TIMISKAMING, WOLF LAKE & EAGLE VILLAGE, MEMBERS OF THE ALGONQUIN NATION:

STATEMENT OF ASSERTION OF ABORIGINAL RIGHTS AND TITLE

11 January 2013

OVERVIEW

Strong *Prima Facie* Claim

This Statement of Asserted Aboriginal Rights and Title (Statement) establishes that the Claimants possess a strong *prima facie* claim to their traditional territories, which straddle the Ontario-Quebec border along the Upper Ottawa River, as depicted in the map attached to this Overview. The claimants have never surrendered their Aboriginal rights and title by treaty or otherwise, and have never authorized any Aboriginal group in Quebec or Ontario, including the Algonquins of Pikwakanagan (Golden Lake), to negotiate for them in relation to such rights.

Timiskaming, Wolf Lake and Eagle Village First Nations are Rights Holders

The Statement has been prepared on behalf of the First Nations of Timiskaming (TFN), Wolf Lake (WLFN), and Eagle Village (EVFN), who are all members of the Algonquin Nation. It provides a summary of the evidence collected to date, supporting their assertions of Aboriginal title and rights within their traditional territories.

TFN, WLFN and EVFN are all descended from the Algonquin Bands who traditionally used and occupied the territory in question, namely the Timiskaming, Dumoine and Mattawa Bands of the 19th century. Their members can trace their ancestry and continued use and occupation of this territory back to time immemorial.

TFN, WLFN and EVFN are all recognized as “Bands” within the meaning of the *Indian Act*, and come within the meaning of “Indian peoples” in section 35 of the *Constitution Act, 1982*. They have never entered into a land cession treaty surrendering their Aboriginal rights and title; nor have they authorized any other nation or entity to negotiate on their behalf for such title and rights. Therefore, their Aboriginal rights and title have never been extinguished and exist to this present day.

The Crown Owes a Duty to Consult and to Obtain Rights Holders’ Free Prior and Informed Consent

The purpose of the Statement is to set-out the evidence to support WLFN, TFN and EVFN in their efforts to engage the honour of the Crown and its duty to consult them and accommodate their interests in matters affecting their traditional territories. It is intended to engage Canada’s obligations under domestic law (*Constitution Act, 1982, s. 35* and the *Haida* case) and international law, the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which requires free prior and informed consent before any development activities within the traditional territories of Indigenous Peoples.

The Statement is provided as an interim step prior to the completion of formal Statements of Claim from TFN, WLFN and EVFN, and is provided at this time to give the Crown formal notice of their asserted Aboriginal rights and title. The research documenting WLFN and TFN's Aboriginal title and rights is largely complete, and will be followed in due course with a Statement of Claim. EVFN's research is still underway, and will take further time before it is completed. The form and content of this Statement reflects this: it is directed primarily to the assertions of TFN and WLFN. EVFN's asserted rights are covered in a separate chapter, which identifies what sections of the main document contain evidence common to all three communities, as well as additional assertions that can be made with specific reference to EVFN based on research to date.

Although the Statement is only a summary of the evidence, it is intended to provide enough evidence to trigger the Crown's duty and to establish that the scope of that duty is at the high end because of the strength of the claim.

The Claim – Asserted Aboriginal Rights and Title

WLFN and TFN assert Aboriginal rights and title over the territory identified in the body of the Statement, outlined in a series of maps which are included to identify the general boundaries of the "Asserted Aboriginal Rights and Title Area", including areas over which Aboriginal title is asserted, as well as areas over which Aboriginal rights (but not title) are asserted.

This Statement asserts both Aboriginal title and site-specific Aboriginal rights. The following jurisprudence is relied on in support of asserted Aboriginal rights: *R. v. Adams*, *R. v. Van der Peet*, and *R. v. Côté*. The area over which Aboriginal title is asserted is identified in the maps contained in the Statement and is supported by the Supreme Court of Canada decision, *Delgamuukw v. British Columbia*.

Date of Contact is *circa* 1680 and the Date of Sovereignty is *circa* 1850

The date of contact for purposes of the legal tests for Aboriginal rights is sometime after 1680, when the French built trading posts in the Temiscamingue region. The evidence shows that the ancestors of TFN, WLFN and EVFN were present in the territory at this time.

For purposes of proving Aboriginal title the date of Crown sovereignty is *circa* 1850, the time the Crown began to exercise effective sovereignty in the region. The evidence indicates that the Timiskaming, Dumoine and Mattawa Bands, ancestral to today's Timiskaming, Wolf Lake, and Eagle Village First Nations, occupied their territories at this time to the exclusion of other groups.

Establishing Aboriginal Rights and Title: Culture and Social Organization

WLFN, TFN and EVFN belong to what is now known as the Algonquin Nation, and self-identify as *Anishnabe*. The social organization of the Algonquin Nation was such that the Band, made up of extended families, was the land holding unit. Some responsibilities lay at the nation level. The nation and its member bands were governed by commonly recognized traditional laws and customs that regulated land ownership, tenure, access, and resource use.

The activities asserted as Aboriginal rights by WLFN, TFN and EVFN are those which are integral to the culture and traditions of the Algonquin people at first contact, and which continue to be exercised in the modern context. There are territorial (site-specific) and non-territorial aspects to these activities, that include such things as hunting, fishing, trapping and gathering, all of which had economic and trade aspects, and which find contemporary expression today.

These activities are not unique to WLFN, TFN and EVFN, but are practiced in common across the Algonquin nation, and their importance and continued significance are amply demonstrated by current use and occupancy studies commissioned by the Algonquin Nation Secretariat.

Establishing Aboriginal Rights and Title: Occupancy

WLFN, TFN and EVFN assert that they meet the evidentiary requirements for use and occupancy under the tests for both Aboriginal title and Aboriginal rights. Their members continue to use and occupy lands and waters within their respective traditional territories, as well as lands within the boundaries of the Algonquin Nation territory. Historically, they relied on well-established customs and laws to regulate tenure, land use, and allocation, therefore meeting the tests for legal occupancy. There is sufficient evidence to satisfy a connection to the areas identified, and to satisfy the legal tests needed to establish occupancy. Current use and occupancy is put forward as presumptive proof of Aboriginal rights and title.

Analysis of Continuity: Pre-History and History of the Region

Archeological, historical and genealogical evidence confirms the presence of the ancestors of WLFN, TFN and EVFN in the area for centuries. Archaeological evidence at the Obawjeewong / Fort Temiscamingue site confirms continuous occupation for a period of between 6,000 and 7,000 years. General knowledge of the Algonquin-speaking groups by the French dates back to the first half of the seventeenth century with the earliest contact occurring around the year 1603. As previously mentioned, sustained contact with the ancestors of WLFN, TFN and EVFN began after 1680 when the French began building trading posts in the Temiscamingue region.

Analysis of Continuity Particularly for Aboriginal Title: Bands and Band Territories

The territories of WLFN, TFN and EVFN changed considerably in the period 1850-1951 as the dominant economic activities transitioned from the fur trade, to lumbering, to colonization and agriculture, and finally hydro, mining, and tourism. Dispossession of their traditional territories, coupled with devastating waves of epidemic diseases, had a dramatic impact on the people, and required significant adaptations, including the reconfiguration of traditional bands, and a realignment of use and occupancy patterns. However, despite these changes, the current rights holders and their ancestors maintained significant continuity in terms of their membership, and in the use and occupancy of their traditional territories. This is demonstrated by the evidence.

The Crown has Consistently Recognized the Aboriginal Rights and Title of the Algonquin Nation and TFN, WLFN and EVFN: The *Royal Proclamation of 1763* and Treaties of 1760-64

The historical evidence shows a long history of political recognition of the existence of TFN, WLFN, and EVFN and their predecessors. The French, the British Crown, and the Crown in Right of Canada recognized the traditional territories, rights and interests of the Algonquin Nation, including the ancestors of TFN, WLFN and EVFN. Their traditional territories were included in the area covered by the *Royal Proclamation of 1763*, a fact which has been acknowledged by recent Canadian governments.

A series of treaties made with the British between 1760 and 1764 recognized the territorial rights of the ancestors of WLFN, TFN and EVFN. However, despite these things, over time the Crown allowed the lands of WLFN, TFN and EVFN to be overrun by third parties, without their consent and without any form of compensation. The Crown did not fulfill its duty to protect the land as obligated by the honour of the Crown and its fiduciary duties; nor did it enter in a land treaty in accordance with the requirements of the *Royal Proclamation of 1763*. As a result, TFN, WLFN and EVFN suffered significant harm.




Non-Extinguishment

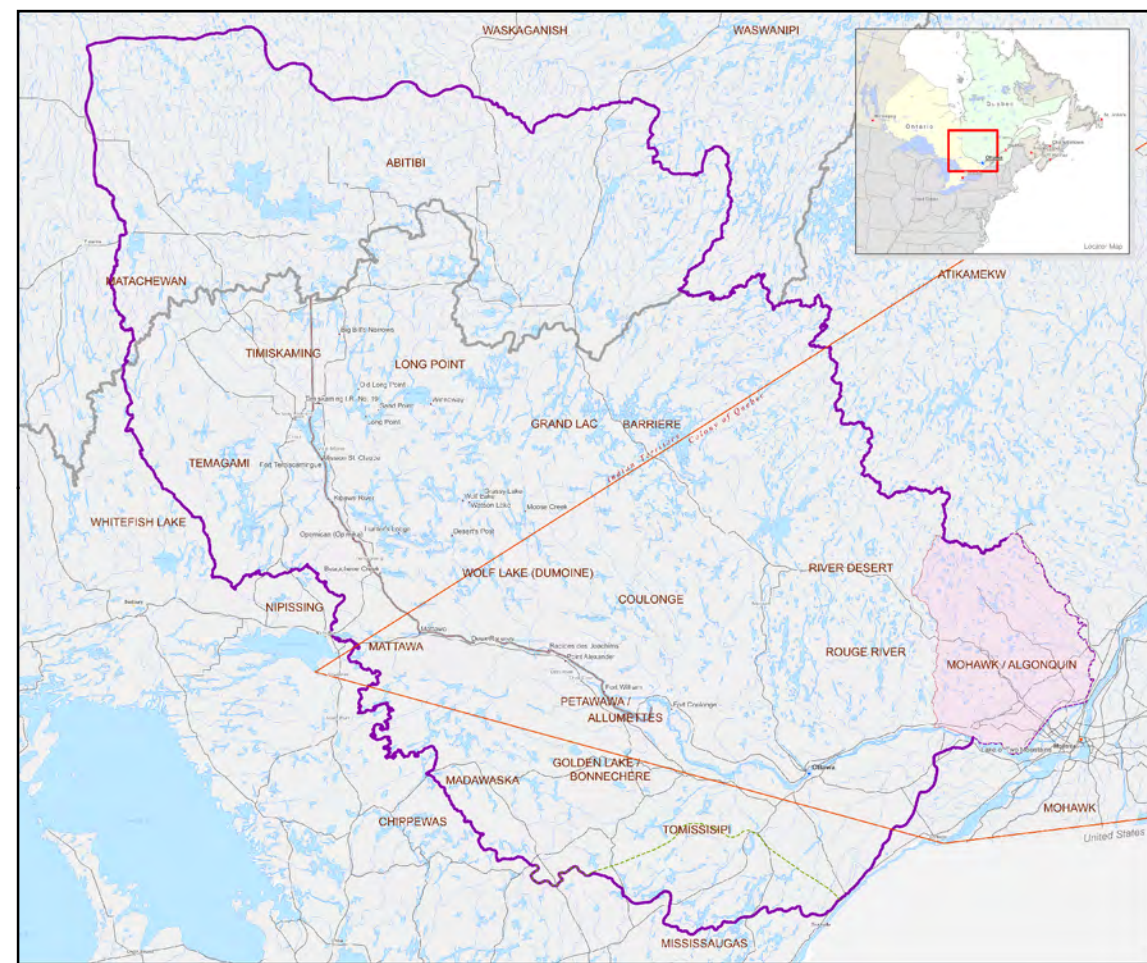
The Aboriginal title and rights of TFN, WLFN and EVFN have not been extinguished by treaty or any other lawful means, and there is no evidence of there being a clear and plain intention to extinguish such rights. There are no land cession treaties covering the portions of WLFN, TFN or EVFN territory now lying in Quebec. Although there are several treaties in Ontario which purport to cover the parts of the traditional territories of the Algonquins generally, and TFN, WLFN and EVFN in particular, a review of these treaties will make it clear that neither TFN, nor WLFN, nor EVFN, nor their predecessors, participated in any of these treaties. Section 35 of the *Constitution Act, 1982* stipulates that these rights can only be extinguished by consent, in accordance with the test proving extinguishment laid down in *R. v. Sparrow*. Furthermore, TFN, WLFN and EVFN have never authorized any Aboriginal group in Quebec or Ontario, including the Algonquins of Pikwakanagan (Golden Lake), to negotiate in relation to their Aboriginal rights and title.

**Timiskaming, Wolf Lake and Eagle Village:
Asserted Aboriginal Rights Area**

This map shows the area over which the Algonquin First Nations of Timiskaming, Wolf Lake, and Eagle Village assert continuing Aboriginal rights. This territory, which measures approximately 34,209 square kilometres (13,208 square miles), straddles the Ontario - Quebec border, and includes the areas over which each of these communities asserts its own Aboriginal title, as well as Aboriginal rights. The Timiskaming, Wolf Lake and Eagle Village First Nations also assert rights over the traditional territory of the Algonquin nation (see inset below) that inhere as a result of being part of the Algonquin nation.

The inset map below shows Algonquin Nation territory in the period 1850-1867. The total area of the nation's territory at this time measured about 195,772 square kilometres (75,587 sq mi), of which 38% lies in what is now the province of Ontario. For reference purposes, the map also shows the boundary established by the Royal Proclamation of 1763 between the new British Colony of Quebec (carved out of the former French colony of Canada or New France) and Indian Territory.

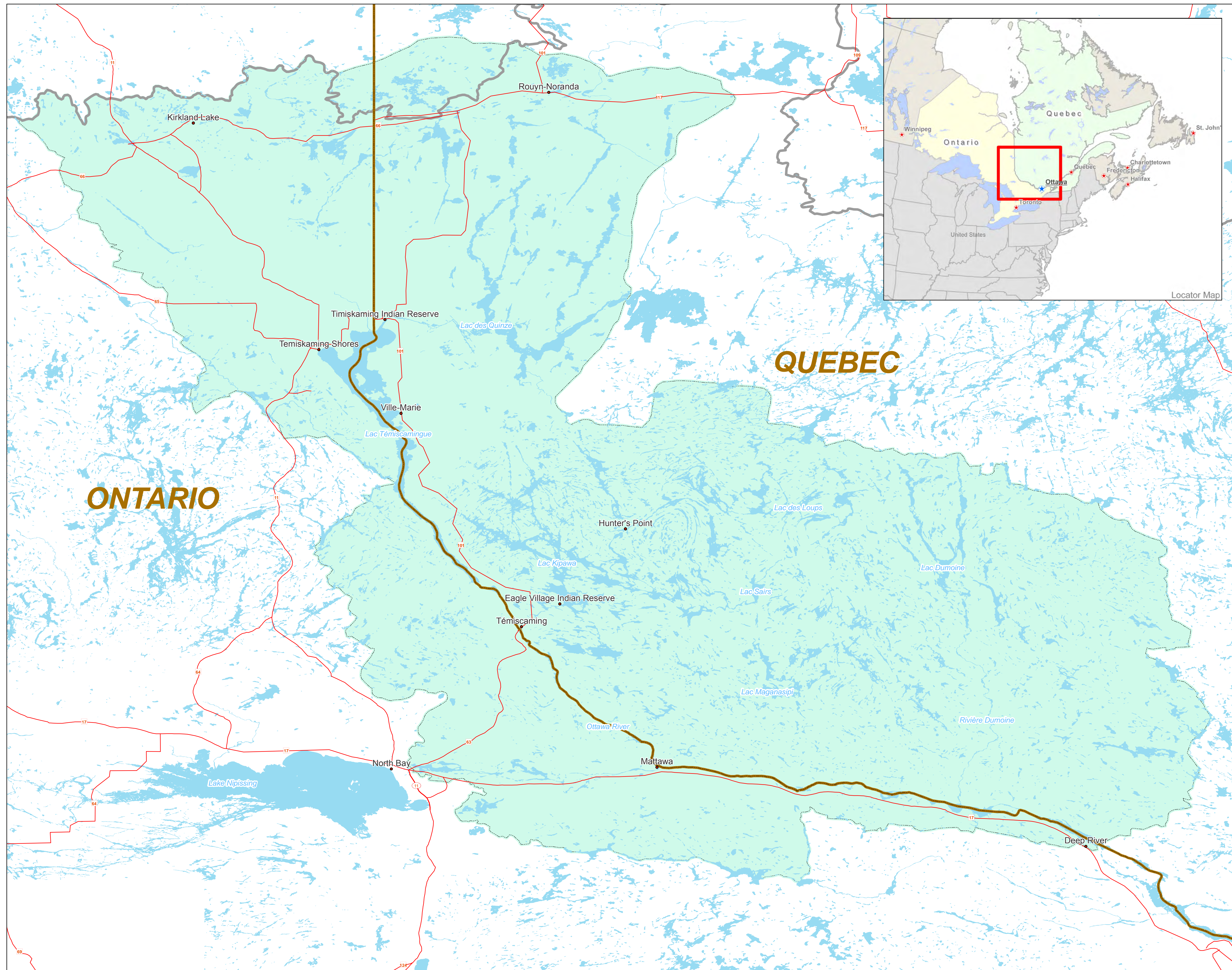
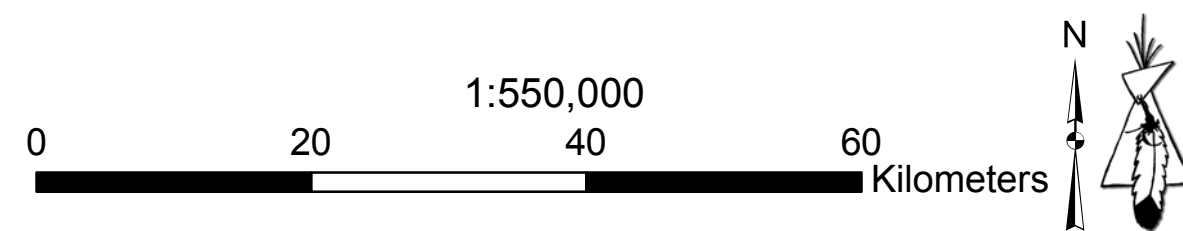
- Legend**
-  Ontario & Quebec Boundary Commission line of 1875
 -  Height of land
 -  Timiskaming, Wolf Lake, and Eagle Village Rights Area



"... an aboriginal society asserting the right to live on its ancestral lands must specify the area which has been continuously used and occupied. That is, the general boundaries of the occupied territory should be identified. I recognize, however, that when dealing with vast tracts of territory it may be impossible to identify geographical limits with scientific precision. Nonetheless, this should not preclude the recognition of a general right of occupation of the affected land. Rather, the drawing of exact territorial limits can be settled by subsequent negotiations between the aboriginal claimants and the government." Delgamuukw v. British Columbia [1997] 3 S.C.R. 1010, per La Forest, J., at para. 195

Without prejudice and for discussion only. This map is provisional. Boundaries are based on the results of research to date and may change as additional materials are discovered. This map is not to be displayed, used, or reproduced without prior approval of the Algonquin Nation Secretariat.

Prepared by Pierre Giaro for the Algonquin Nation Secretariat, January 2013. RN 51836.



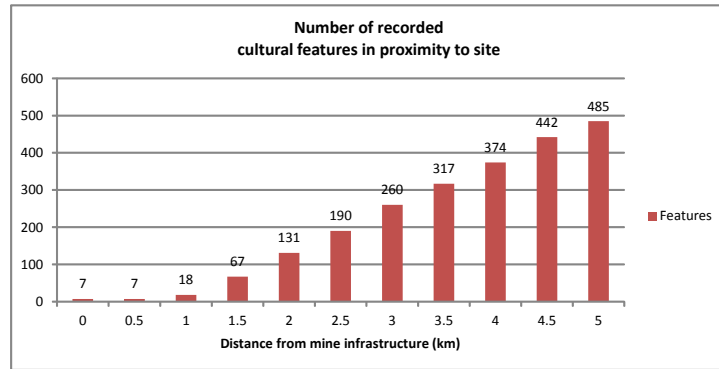
Locator Map

Matamec Kipawa Rare Earth Project and Recorded Cultural Use and Occupancy Features Assessment

Matamec is a junior mining company whose main focus is in developing the Kipawa heavy rare earths deposit on its Zeus property. The 17,678 hectares property falls within the asserted Aboriginal Rights and Title areas of Wolf Lake and Eagle Village First Nations.

Mining operation will use a conventional (truck and shovel) open pit mining method, providing ore at a rate of 1,500,000 t/y (4,110 t/d) starting from the beginning of the second year of the mine life, for the life of the mine (13 years). The Kipawa project includes the development of a tailings management facility from the concentrator and another tailings site for the Hydromet plant. Most of the water sent to the Kipawa tailings will be recycled in the process. However, since the precipitation exceeds the evaporation, there will be an effluent in the environment especially at snowmelt.

The total capital costs presented in the study are \$315,763,000. The total yearly operating cost is \$89,210,000 with an estimated total mine workforce of 221 people. Total revenue before taxes from TREO concentrate sales will be \$2.8 B during a Life-of-Mine (LOM) of 13 years.

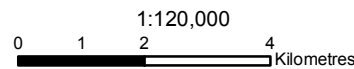


Within 2km of the proposed mine infrastructure (pit, waste pile, plant, tailings pond option 1), 20 harvesters have recorded 131 cultural use and occupancy features, including trapping, moose and geese kill sites, harvesting sites and overnight sites. Within 5km, 29 harvesters recorded 485 features (see chart, above).

Catchment	Harvesters	Features
Kipawa, Rivière: Lac		
McLachlin - Lac Sairs	31	311
Lac Booth	23	97
Lac Sairs	32	381
Rivière des Jardins	18	207
Rivière Maganasipi	9	69

Given the potential impacts to water, an analysis has been completed to identify recorded cultural features and the number of harvesters by the five impacted Algonquin water management units (catchments). There are 311 features recorded by 31 harvesters in the main Rivière Kipawa catchment and 381 features recorded by 32 harvesters in the Lac Sairs catchment (see table, above).

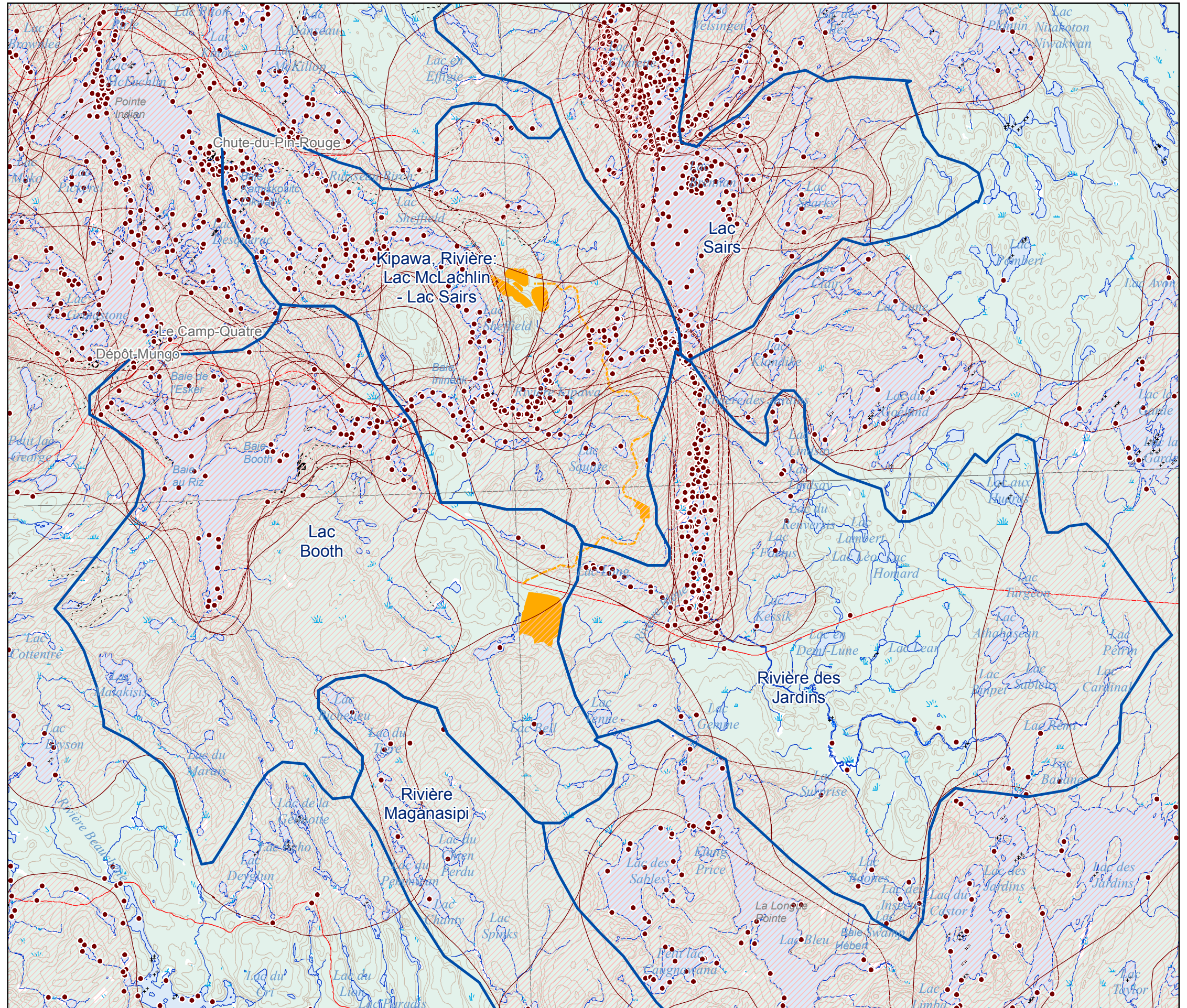
- Use and Occupancy Site
- Trapping Areas
- Algonquin Water Management Units (catchments)
- Matamec proposed infrastructure

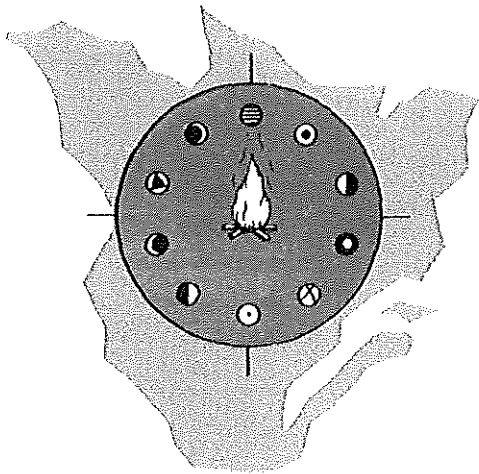


This map is the property of the Wolf Lake and Eagle Village First Nations and may not be viewed by unauthorized individuals, replicated in any manner, or distributed without permission from the Nations. The information displayed on this map is for reference only and does not constitute all of the cultural information, patterns of use or connections with the land or resources. Permission to use this map does not lessen the users obligation to consult with the Nations regarding any activity that can impinge on Aboriginal interests, jurisdiction, rights or title.

Map produced by: D. Carruthers, PlanLab Ltd. for Wolf Lake and Eagle Village, May 22, 2013
 For more information, please contact:
 Brenda St-Denis, Wolf Lake First Nation
 Algonquin Lands and Resources
 442 Kipawa Rd
 Kipawa, QC J0Z 2H0
 Tel: 819-627-3096
 Base data Source: CanVec Version 10.0
 Cultural data: Tobias & Associates, 1995-1996
 Mining Claim boundary:
 gestim.mines.gouv.qc.ca
 Projection: UTM Zone 17N, NAD 83

DRAFT 2.0 - for internal use only





Secrétariat
de l'Assemblée des
Premières Nations
du Québec
et du Labrador

Secretariat of the
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RESOLUTION NO. 05/2012

SUPPORT FOR EAGLE VILLAGE AND WOLF LAKE RIGHT TO FREE PRIOR INFORMED CONSENT TO MINING ON THEIR TRADITIONAL LANDS

WHEREAS

- A. The Algonquin First Nations of Wolf Lake and Eagle Village share traditional lands within the area now referred to by the Quebec government as the Abitibi-Temiscamingue Administrative Region; and
- B. The Algonquin First Nations of Wolf Lake and Eagle Village assert Aboriginal Rights and Title over the Abitibi-Temiscamingue Administrative Region in Quebec; and
- C. Quebec's Mining Act allows exploration activities, including aerial surveying, felling trees, blasting and drilling, trenching and the construction of temporary roads and shelters, without any consultation with First Nations or environmental assessment;
- D. Claim staking represents alienation of First Nations territories and mineral exploration may have direct impacts on Aboriginal rights;
- E. Canadian courts have held, over and over again that there is a clear, constitutional obligation for governments to carry out meaningful consultation and accommodation before any decisions are made that could impact on the rights and interests of First Nations. The purpose of such consultation is to identify and accommodate any First Nation concerns;
- F. The Government of Quebec enables mineral claim staking and then requires the claim-holders to conduct subsequent mineral exploration activities and may issue permits related to mineral exploration such as tree cutting permits;
- G. Recent case law in the West Moberly, Constance Lake, Ardoch, Kitchenuhmaykoosibinninuwig, Yellowknives and Lutsel'ke, and Wahgoshig decisions, have affirmed the Crown's duty to consult on mineral exploration activities;


- H. Meaningful consultation did not occur before exploration for Rare Earth Elements, Uranium, Gold and Copper occurred on lands subject to Wolf Lake and Eagle Village shared Algonquin Aboriginal Rights and Title;
- I. Implementation of an antiquated Quebec Mining Act based upon "free entry" has meant that the rights of Wolf Lake and Eagle Village as First Nations to protect their communities, lands and waters are quickly being eroded by existing mining staking and exploration activities within their shared traditional lands;
- J. At this time, the Wolf Lake and Eagle Village shared traditional lands and their constitutionally protected rights are being significantly impacted by mineral exploration. Several projects are advancing through the mining sequence with the most advanced project estimating a possible start date of operation in 2015;
- K. The initiative of the Quebec Government to reform the Mining Act is completely inadequate and does not meet the requirements for meaningful consultation as set out in national and international standards, particularly the right to Free Prior Informed Consent as is set out in the United Nations Declaration on the Rights of Indigenous Peoples;
- L. Of particular concern to the Wolf Lake and Eagle Village Algonquin First Nations is claim staking and exploration as these activities are occurring across their shared territory;
- M. As it is currently drafted, Bill 14 fails to provide any mechanisms for the recognition of the unique constitutional status of the Wolf Lake and Eagle Village First Nations, the Crown's Duty to Consult and Accommodate the Wolf Lake and Eagle Village rights & interests, or Canada's international obligations towards Wolf Lake and Eagle Village First Nations as Indigenous Peoples,

THEREFORE IT IS RESOLVED THAT AFNQL CHIEFS' ASSEMBLY:

1. Support the request of the Wolf Lake and Eagle Village Algonquin First Nations to seek amendments to Quebec Bill 14 (**An Act respecting the development of natural resources in keeping with the principles of sustainable development**) to ensure the application of Free Prior Informed Consent of development on their traditional lands, including mining (exploration & development);
2. Support the position of Wolf Lake and Eagle Village Algonquin First Nations that the mining (exploration and development) of any minerals, including Rare Earth Elements, on their shared traditional lands shall not occur without the Free Prior Informed Consent of the Wolf Lake and Eagle Village Algonquin First Nations;

3. Support the position that all mineral exploration companies located on the Wolf Lake Eagle Village shared traditional lands negotiate Memorandum of Agreements with the Wolf Lake and Eagle Village Algonquin First Nations;
4. Direct the AFNQL Regional Chief to communicate this resolution by letter to the Premier of Quebec and relevant Ministers, the Quebec Mining Association and the Quebec Prospectors Association.

PROPOSED BY: Clement Bernard, proxy, Gesgapegiag
SECONDED BY: Chief Rick O'Bomsawin, Odanak
ADOPTED BY CONSENSUS IN MONTREAL ON JUNE 12, 2012



Ghislain Picard
Chief of the AFNQL