

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

ÉTAIT PRÉSENT: M. PIERRE BÉLAND, président

**AUDIENCE PUBLIQUE
SUR LE PROJET DE RÉSERVES DE BIODIVERSITÉ
DU MASSIF DES LACS BELMONT ET MAGPIE, DES BUTTES DU LAC AUX SAUTERELLES,
DES BASSES COLLINES DU LAC GUERNESÉ ET DES COLLINES DE BRADOR
DANS LA PROVINCE NATURELLE DU PLATEAU DE LA BASSE-CÔTE-NORD**

PREMIÈRE PARTIE

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MOT DU PRÉSIDENT

LE PRÉSIDENT:

5 Good evening, Ladies and Gentlemen. I'm sorry for this delay. There was a mixup apparently. There was one announcement that said we would start at 7H00 and another one said it would start at 7H30. So, we waited a bit to make sure that all those who wanted to be here right from the start would make it.

10 So, if you will bear with me for a few moments, I will make an announcement in French and then we will proceed in English as I understand that most people here are more familiar with English than with French.

15 Alors, bienvenue à tous à cette première partie de l'audience publique sur quatre projets de réserve de biodiversité dans la province naturelle du Plateau de la Basse-Côte-Nord. La présente séance portera plus spécifiquement sur deux de ces réserves qui sont à proximité de Saint-Augustin, les basses collines du lac Guernesé et les collines de Brador.

20 Évidemment, toute question peut être adressée sur les deux autres également qui sont le massif des lacs Belmont et Magpie et les buttes du lac aux Sauterelles.

25 Puisque nous sommes dans une communauté qui est à très grande majorité anglophone, nous allons tenir cette séance dans les deux langues. Si les gens ne comprennent pas l'anglais, ils n'ont qu'à me le signaler et je m'arrangerai pour qu'une traduction soit faite sur place.

30 So, I am back with you and we are going to hold this meeting in either language. If you want to address the Commission in English, there is no problem. We will try and answer in English. If we have problems with translation, we might get your help momentarily. And if I am not clear or I use the wrong words, don't hesitate and we will be able to understand each other.

35 So, welcome to this first part of a public hearing on a project on projected biodiversity reserves on the Lower North Shore. This Commission is examining four projects, two that are roughly north of Magpie or Havre-Saint-Pierre, Rivière-Saint-Jean, and they are called massif des Lacs Belmont and Magpie and buttes du lac aux Sauterelles.

40 And two other projected biodiversity reserves that are basically north of here and all the way up to about Blanc-Sablon, they are basses collines du lac Guernesé and collines de Brador.

40 My name is Pierre Béland. I am the sole commissioner on this Commission. So, I will be of course chairing. I will take about ten minutes to describe the rules of proceedings. I don't know if a commission from BAPE or I should say a public hearing board has come to this place

before. And many of you may have heard about such hearings or been to such hearings elsewhere, but I will explain a bit how we function.

45 Then I will introduce the members of our team and then the experts we have invited to help answer some questions, and then the representatives of the Ministry of Sustainable Development, Environment and Parks who is the proponent for these two projects.

50 We are here on a mandate from the Minister of Développement Durable, Environnement et Parcs, Monsieur Claude Béchar, who sent a letter to BAPE or Public Hearing Board President, William Cosgrove, mandating us to hold a public hearing on this project. He sent actually two letters, one for the two north of Havre-Saint-Pierre and one for the two here.

55 Let me remind you again that what we are examining tonight, of course, has not been decided upon, otherwise we would not be here. And we are here to hear your comments, your views on this project and how they can be made better by changing the limits, by changing the location or whatever your views are on this project.

60 So, let me introduce the members of our team. To my left is madame Sophie Hamel-Dufour who is analyst and another analyst is sitting back there, David Boudreault.

65 In the back, Anne-Lyne Boutin coordinates the secretarial aspects of our work. She is responsible for logistics. She got us all the way here so far. And she also receives and archives all documents that are submitted and received by the Commission, and she ensures the link between external sources.

70 Madame Catherine Roberge, communication specialist, is responsible for relations with citizens and with the media. And during public sessions, she is the one in charge of the register which is something I will tell you a little bit more about later on. We are also assisted by Madame Louise Marois who is not here tonight.

The setup and technical aspects carried through government services is represented by Michel Filteau on my left.

75 And everything that is said here, as well as everything that is said in other sessions for this same hearing, is recorded by madame Lise Maisonneuve. Everything will then be put in print and put on our website as well as paper copies will be sent to a number of repositories, including the one that you have here in St. Augustine.

80 Normally, our hearings have two parts. The first part is what we are doing tonight and the first part is for people to come and ask questions on the project. The second part is normally restricted to expressing your opinion on the project, whether you are for or against it. But in the case of public hearings for biodiversity reserves, we do accept expressions of opinion right from the start.

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The first part started on Monday in Rivière-Saint-Jean. We held a session there. We had a session in Blanc-Sablon on Wednesday night. We had one session this morning in Pakuashipi right across here from the river, although it's a long way to get there. And this is the last session for this first part.

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The second part of the hearing is usually held about a month later than the end of the first part. So, you can expect the second part of the hearing to start in the week of November 21 or so.

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We have not decided yet what form it will take, whether we will come and go to every one of those places again and sit here and discuss with you or whether we will do it differently. It will depend on what you tell us you intend to do. And as we proceed, you will know more about what this means.

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So, as soon as I am done, I will ask these people on this side, resource people, to introduce themselves, although one of them you already know quite well. And I will ask then the proponent to introduce his team and to make a short presentation of the project.

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Then we will pause for a coffee break. That is when the register will be open. The register is simply a list where we write down the names of people who want to address the Commission, whether you want to ask a question, a specification or something that is not clear to you, or whether you want to express your views on the project.

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You first have to go and see madame Roberge and write your name down on the register. So then I will call them in the order that they are written on the list.

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When your name is called, you come to this microphone there and you have the floor. And you always address me directly. You do not ask the question from the representatives of this Ministry or from the resource persons. You ask the question to me and I will direct the question to the appropriate person.

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Similarly, these people are supposed to be talking to me and not to you. Why we do that is that sometimes we run into projects with a private sponsor, for example, where people really do not like the project. And we do not want to go into a fight over the project. We just want serenely to be able to examine the issues and then come up with solutions.

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What else should I say? Well, we do not tolerate expressions of strong approval or disapproval, desultory remarks, contemptuous or slanderous comments. We just want to ensure a calm and fruitful process so that we end up with the best project possible.

Of course, at any moment, I will myself intervene and ask my own questions if

something is not clear. And if you are not satisfied with the answer, in the sense that what you heard was not clear, just let me know and I will go over it, we will go through it again.

130 Sometimes, an answer cannot be provided right away. For example, I don't remember which session, but we wanted data on caribou, how many caribou there are. So, we asked the Ministry to come up with a list of data from their office in Havre-Saint-Pierre and, eventually, we got it.

135 So, if a question cannot be answered tonight, we will make sure that the answer is given. This answer will also be put in print both on the website and in the depository here.

140 The depositories are the office of the Municipalité régionale de comté, Regional County Municipality of Havre-Saint-Pierre; the Town Hall office of the Municipalité of Rivière-au-Tonnerre; the Innus Council in Ekuanitshit, that is near Mingan; the Innus Council in Pakua Shipu; the municipal office of the Municipalité of Saint-Augustine; and the municipal office of the Municipalité of Blanc-Sablon.

145 We have in the back a number of forms there in blue color. And we would like you to fill them if you would help us to provide you with better services in the future. It is just an evaluation of how we do our job. And it is important to ask, to hear from you what you think of this process and how we can do it better.

150 So, please, when you leave this room or during coffee break, just fill one of those forms, it is easy and it helps us.

As commissioners, we are committed to a code of ethics and we have to be fair. We have to favor integrity, impartiality and transparency. And we are to avoid conflicts of interests, real or perceived.

155 The Hearing Board is independent from the individual departments. So, we are here a bit as a judge to look at issues and eventually produce a report to the Minister. Our job is to report to the Minister of the Environment what the people think of whatever project is on the table. So, we want to heard about all sides, for, against, all possible changes. And we produce a report that we submit to the President of the Hearing Board who himself submits it to the Minister.

160 The law mandates us to submit our report six months after the end of the second part. In our case, we intend to do it within three months. So, by mid-February, we will submit our report to the Minister who will then do one of two things: he will make it public or he will not make it public.

165 In the case of a hearing on a biodiversity reserve, he does not have to make it public right away. There is no limit of time.

170 And eventually to reach a decision, the Minister will make recommendations to the Council of Ministers who eventually will make a decision on this project.

175 So, what I would like to remind you of is let us know as soon as possible, maybe right after the end of this meeting tonight, whether you intend to submit a brief to this Commission either in writing or orally for the second part of this hearing, so that we can arrange whether or not we will be coming back to this place as well as to all the other towns and villages we have visited.

And if you intend to submit a brief, at least send it to us by November 17 so that we are able to read them. And if we come back here, we will know what you have written already and we can engage in a conversation with you on what you have written in there.

180 So, if you require any more information, clarifications, do not hesitate to contact David or Sophie for technical aspects on the project or anything else you can clear up with Anne-Lyne Boutin and Catherine Roberge in the back.

185 It is always difficult both for us and for commissioners, but we are not supposed to be talking directly with you outside of this official process here. So we are not supposed to be talking with anybody but the members of the Commission. This is meant to maintain not only a semblance, but reality of impartiality.

190 So now let me go over this side and ask the persons there which are resource persons to introduce themselves.

Mr. SÉBASTIEN DESROCHERS :

195 Good evening. My name is Sébastien Desrochers and I am the coordinator for the protected area strategy for the Ministry of Natural Resources and Wildlife.

THE CHAIRMAN :

200 So Mr. Desrochers is able to answer anything that relates to Hydro-Quebec plans for power development, mining, forestry and wildlife. He does not know all these things, but if he does not have the answer, he can phone a number of colleagues of his in various sectors who are to be able to answer whatever question you may have.

205 Mr. Fequet?

Mr. CAMILLE FEQUET :

Camille Fequet, Mayor. I am here to observe and take notes of what the population has

to say about the project and, a little bit later on, probably have some comments myself.

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THE CHAIRMAN :

Thank you. So this looks a bit formal and whenever you come here, you have to use the microphone. The reason is that madame Maisonneuve has to be hearing it through the headphones or the loudspeakers so that she records exactly what you have said, what every person here has said. So, it is a true record of everything that will be happening here tonight.

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So now I will ask the proponent of these two proposed biodiversity reserves, the Ministry of Sustainable Development, Environment and Parks.

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It is the first time I do it in English and I always use the French words and names. I do not even know if they are the English names of Quebec departments. So, I am doing my best to translate. If I am not using the official terms, you will know what I mean, I hope.

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So, I will ask Mr. Patrice Beauchesne to introduce his team and then to make a presentation of what they intend to do, what this is all about. Then we will break for coffee. Thank you.

Mr. PATRICK BEAUCHESNE :

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Thank you, Mr. President. So my name is Patrick Beauchesne, I'm the acting director at the Direction of Ecological Heritage and Parks.

I am assisted with Mr. Oliver Bérard on my right who is the leader project for the four biodiversity reserves here in the Lower North Shore. At the extreme right, Marilou Tremblay who is a regional analyst at the regional office in Baie Comeau. Marilou is acting as a coordinator for our Ministry here in the Lower North Shore for all the biodiversity reserves.

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So I will ask Olivier to make the presentation for the two projects which concern more the St. Augustine Municipality and that are collines de Guernesé and collines de Brador.

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Mr. OLIVIER BÉRARD :

Good evening. So, just to beginning our expectation tonight, it is to present to you these two projects that are two proposed biodiversity reserves. That is two protected areas, but they are not national parks projects. Hear also the concern of views of the population regarding these projects; discuss with you the different aspects; improve our analysis and comprehension of these territories; and ensure that the local population are partners of this project.

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So, as we said before, this week public hearings have also been held on two other

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proposed biodiversity reserves in the Havre-Saint-Pierre region concerning Belmont and Magpie Lakes Massif and Sauterelles Lake Knolls.

255 So, just some historical benchmarks just to have an idea where does it come from. In 1992, during the Earth Summit, protected areas have been identified as a key element to ensure the protection of the biodiversity. Biodiversity is all natural components like species, habitats or processes like fires or disease, natural disease.

260 In 1999, Quebec made a summary of the existing protected areas in the province.

265 In 2000, the government adopted a strategic orientation to set up a network of protected areas with three targets. The first one was to establish a network that will be representative of the Quebec's biodiversity. A social target, it is to take into account the socioeconomic conditions of the population and its communities. And the last one was a quantitative target, it is to protect 8 % of the surface area of Quebec by 2005. This quantitative target has been reevaluated to 2008.

So to be able to implement this strategic orientation, in 2002, the Strategic Plan of Action for Protected Areas and the Natural Heritage Conservation Act have been adopted.

270 And in 2003, the government assigns the status of proposed biodiversity reserve to Guernesé Lake foothills and Brador hills.

275 So, in Quebec, we decided in the first step to exploit or to harvest natural resources before protecting it. So forestry activities, mining activities, wildlife management and hydraulic force exploitation is all around the territory and our objective is just to make 8 % of the territory where these activities won't take place.

280 So, that is just a map just to help you to locate the two projects. You can also have a look during the break on the different maps that are on the wall.

Guernesé Lake Foothills reserve is around 2,000 square kilometers. It is located north to Saint-Augustin et rivière Saint-Paul. The major rivers that are inside the project are Coxipi, Napetipi and Saint-Paul River, and also Ruisseau Chagnon and Bujeault River.

285 And also the Brador hills is a small territory about 32 square kilometers. And it is located 15 kilometers north to Blanc-Sablon.

290 So, why we decided to protect these territories? These territories contribute to protect the biodiversity of the natural province. I am going to explain a little bit further what is a natural province.

For Brador Hills, it is hills with limestone. It is five hills with limestone rocks specific to this region. We only find these kinds of rocks or soil in this area. There is also presence of a vascular flower specific to this soil.

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For Guernesé Lake Foothills, it is all spruce forest in the west side of the territory. And the east side, it is dry heaths. And the foothills are very representative of the physical environment of the Lower North Shore. There is also important salmon rivers and also presence of woodland caribou.

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So, just to give you an idea of what the landscape or the different habitats that are located inside the Brador hills biodiversity reserve, there is five hills. It is White Mountain, Black Mountain and the Three-Mountains. And the lake in the middle is Three-Mountain Pond.

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That is the same kind of information for Guernesé Foothills. So, at the bottom of the image, you can see the five major rivers.

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And just to give you also an idea of the contribution of the two other territories that we discussed in Rivière Saint-Jean Monday night, they are protected for different aspects of the biodiversity. For example, in Belmont and Magpie, it was gray pine forest or mountain and subalpine black spruce forest.

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How have they been selected? We use a tool to be able to select territories and to make sure that we are able to make our decision and to make sure that we can get our objectives.

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We use different criterions like soil, rocks, vegetation, forest cover, climatic conditions. And the four territories are located on the Lower North Shore. It is the natural province as you can see on the screen here. So, here it is around Sept-Îles and Blanc-Sablon, all this sector.

So, that is a closer look at the natural province of the Plateau de la Basse-Côte-Nord. So, tonight Guernesé is here and Brador project is here.

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So, natural province. By natural province, for each one, the first step is to assess the ecological value of all the territory. In the different criterions that we are using, we can identify some territories of interest or representative territories that we can see in blue color.

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And after that, we assess potential economic impacts of this whole territory of interest and to make sure that we take into account the potential impacts on the local communities and on different industrial activities.

So after that, we are able to select territories that are contributing to protect biodiversity and also have the less impact on the socioeconomic activities. So Guernesé and Brador here.

335 So what is a biodiversity reserve? So, as I said in the introduction, it is a protected area.
It is an area dedicated to the protection of the different aspects of the environment. It is designated
by an act and it is an area managed through legal and effective means.

340 And a biodiversity reserve is more specific to promote and maintain the biodiversity that is
representative to all habitats or species that are located in Quebec.

So just to give you also a better idea of what a «proposed» status mean? It's a land put
aside to create a permanent biodiversity reserve.

345 In this territory, when we have a proposed biodiversity reserve, major industrial activities
are prohibited. So, no forest management, no hydraulic forces exploitation or mining.

Existing recreational activities, leases and rights are maintained.

No new activities that may significantly harm the biodiversity. No new leases.

350 And permanent status will be adopted following Public Hearings. So, that is the step
where we are tonight.

355 So, for the two territories, their proposed status has been assigned in June 2003. And the
government has four years to assign the permanent status. So, for these territories, it is before
June 2007.

360 So, about land use, for travelling, it is ATVs and snowmobiles. There is also camps or
cabins; berry and plant gathering; wood harvesting for building and heating purposes; fishing,
trapping, hunting, outfitting. For Guernesé, it is in Saint-Paul River. There is also Native
traditional activities and all these activities are practiced on a regular basis. And accessibility is
better during winter when all lakes and rivers are frozen.

365 So, the government has identified some conservation issues for these territories. The first
one is to maintain the biodiversity of the habitats or species that are protected. So, in general, it is
to ensure protection of all species' habitats and for sensitive species. And it is also to make sure
that all activities that are in place inside the limit is of the minimum impact on these species or
habitats, just to make sure that they will be protected for the future.

370 Also another issue is to increase our understanding of these territories and promote
general public awareness of the importance to protect environment and, at the same time, to be
able to use it or to be able to practice some recreational activities at the same place.

375 These is also two socioeconomic issues. The main is to involve local representatives. So
the government would like to involve local users of these two territories in the management

action at the local level. And it is to take into account the lifestyle and activities of the inhabitants of the Lower North Shore while respecting the conservation objectives of the biodiversity reserves.

380 And the last one, it is to promote sustainable development. The development will be permitted, but we have to make sure that the development or the different actions to develop some activities are respecting the conservation issues.

385 So, the Ministry proposes to implement seven principles for the management. Just to make a brief summary, it is going to be management at the regional level with the involvement of local users and make sure that all different acts or legislation are coherent on the territories and responsible, and just to make sure that the territories are protected for now and for the future.

390 So, the first step when we want to create this network, it is to put aside land with the proposed status to make sure that all industrial activities will be prohibited and get permanent status of protection. So, it is ensure protection of resources and natural habitats through an appropriate framing of certain activities.

395 And after that, to define specific management rules for each territory. There is a working group at the Ministry level in place which is starting to define this management action. And this step will be based on the involvement of local users, or groups, or organizations.

So, there is three categories of activities. There is prohibited activities. So, as I said, industrial activities like forest management or mining development are prohibited.

400 There are some activities requiring an authorization, for example for new constructions.

405 And there is also permitted activities. All rights acquired prior to the implementation of the proposed reserve are maintained. And other activities like wild berry gathering, hunting, fishing, trapping, native activities or outfitting is still permitted.

410 So, just in conclusion, this project will allow to preserve the different habitats and the quality of these habitats at the regional level, and to protect particular species, habitats and ecosystems that are specific to the region. It be an opportunity to involve local users in the management of these territories and it is to find a balance between protection, development and uses. Thank you.

THE CHAIRMAN :

415 Thank you, Mr. Bérard.

We will now have a short break. You can have a coffee, or juice, or water. And then as the register is now open, you can go and write your name down there. I really encourage you to

participate in this, because we are here for no purpose other than to hear what you have to say.

420 So, we will start with your questions after this short break. Thank you.

SUSPENSION OF THE HEARING

CONTINUATION OF THE HEARING

425

THE CHAIRMAN :

I will now call Mrs. Rachel Bilodeau.

430 **Mrs. RACHEL BILODEAU :**

Good evening.

THE CHAIRMAN :

435

Good evening.

Mrs. RACHEL BILODEAU :

440 I would like to know the exact location for this project.

THE CHAIRMAN :

Okay. In terms of...?

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Mrs. RACHEL BILODEAU :

Exactly where near St. Augustine are you looking at?

450 **THE CHAIRMAN :**

Mr. Beauchesne?

Mr. PATRICK BEAUCHESNE :

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Is it possible to Olivier to respond to that question please?

Mr. OLIVIER BÉRARD :

460 So, for Guernesé Foothills biodiversity reserve, in the north, the boundary is the 1927

delineation established by the Privy Council decision, and it's not final between Quebec and Labrador. In the west part of the territory, it is the Coxipi River. And on the east side, it is Capannan Lake, and it is a little bit further east of the Bujault River. And on the south side, it is around 30 kilometers north to the coast in average.

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Mrs. RACHEL BILODEAU :

I am lost.

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THE CHAIRMAN :

It is according to this map there.

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Mrs. RACHEL BILODEAU :

Yes, but it is because we have so many summer cottages on the outside islands.

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THE CHAIRMAN :

Yes.

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Mrs. RACHEL BILODEAU :

So, my concern is that will it affect our summer cottages, you know?

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THE CHAIRMAN :

Yes.

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Mrs. RACHEL BILODEAU :

If this project falls through. This is what we want to be ensured about.

THE CHAIRMAN :

So, according to this map there, do you estimate that your cottage would be within the limits of this reserve?

Mrs. RACHEL BILODEAU :

Not near Coxipi, but out north, or out south, or out east, you know?

THE CHAIRMAN :

505 Okay.

Mrs. RACHEL BILODEAU :

510 I don't know if we will be affected.

THE CHAIRMAN :

515 So what I will do is I will ask Mr. Desrochers who represents the Ministry of Natural Resources and Wildlife who are responsible for cottages on public lands.

 Mr. Desrochers?

Mr. SÉBASTIEN DESROCHERS :

520 Yes. As I heard for the question, because I was just looking for the...

THE CHAIRMAN :

525 Mrs. Bilodeau is worried about what will happen to their cottages...

Mr. SÉBASTIEN DESROCHERS :

 Yes.

530 **THE CHAIRMAN :**

 ... on public lands that would, in some cases, fall within the limits of the proposed reserve.

Mr. SÉBASTIEN DESROCHERS :

535 First of all, it is important to say that everyone who wants to build a camp on a public land should have a land right. So, that is the general rule for all the Quebec land.

540 In 2005, we were informed that there were some non-registered occupation within the boundaries of the biodiversity reserve and we made an overview by helicopter in 2006, in March.

 Now, we have more information about that and we do approximate about thirty non-registered occupations within the boundaries. And what we can do from now is to offer to grant a land right for those people who have a non-registered occupation and we offer to those people to

545 ask the Minister for a land right.

So maybe I can explain the other activities. So, from now, you can ask about the local office of the Ministry here in Saint-Augustin. And the next step will be for us to analyze this demand with all the information we have for planification and also the condition that could put in the
550 réglementation for the Ministry of Environment.

And next of it, we are going to be sure that if we grant a land right, it is going to be okay with the Natives. So, we are going to ask them if it is okay. And after that, if the demand is okay, we are going to lease a land right.

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THE CHAIRMAN :

So, to summarize Mr. Desrochers, those cottages that are within the reserves, that are presently – quote, unquote – «legal», will remain as they are. And those who are not – quote, unquote – «legal», these people can apply to the local office to get the situation analyzed and then
560 – quote, unquote – «legalized»?

Mr. SÉBASTIEN DESROCHERS :

565 Yes, for those we can regularize them.

THE CHAIRMAN :

Mrs. Bilodeau, does that answer your question?

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Mrs. RACHEL BILODEAU :

Well, if I understood correctly, there is probably thirty cottages that would be affected in this region.

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THE CHAIRMAN :

Within the boundaries, yes. I think the ones you have identified are shown by pink triangles on the map?

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Mr. SÉBASTIEN DESROCHERS :

Yes. Most of them are on the east side of the reserve mostly and maybe two or three are in the middle and on the west side.

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Mrs. RACHEL BILODEAU :

But do you have a map for the Lower North Shore showing all the outside islands?

590 **THE CHAIRMAN :**

Showing all the...?

595 **Mrs. RACHEL BILODEAU :**

All the places on the outside islands where people have cottages.

THE CHAIRMAN :

600 Oh! On the outside islands?

Mrs. RACHEL BILODEAU :

Yes.

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THE CHAIRMAN :

In the ocean? It has no bearing at all. The proposed biodiversity reserve is 30 kilometers inland from here.

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Mrs. RACHEL BILODEAU :

So, it is not going to affect...

615 **THE CHAIRMAN :**

North of here.

Mrs. RACHEL BILODEAU :

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... any summer cottages at all?

THE CHAIRMAN :

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Anything that does not fall within the red line there, we do not even want to hear about tonight... well, we might, because it might be interesting, but it is not within the project at all.

Mrs. RACHEL BILODEAU :

630 Thank you very much.

THE CHAIRMAN :

You're welcome.

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Mister Fernand Dumas.

Mr. FERNAND DUMAS :

640 Mr. President, I have a few questions for you. First one is concerning this reserve. My opinion on this reserve, is it on concrete, is it done or we have the choice to refuse or to accept it.

THE CHAIRMAN :

645 It is a project, as I understand. And I will ask Mr. Beauchesne to explain further.

Mr. PATRICK BEAUCHESNE :

650 Mr. President, there is two steps as explained before by Olivier during his presentation. In 2003, the government took a decision to label this territory of Lac Guernesé Foothills with the label of «proposed biodiversity reserve».

When the government took that decision under la Loi sur la conservation du patrimoine naturel...

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THE CHAIRMAN :

Natural Heritage Conservation Act, I guess.

660 **Mr. PATRICK BEAUCHESNE :**

Thank you, immediately it became a protected area. So, since it is a protected area, there is no more industrial uses that can be given on that territory.

665 We have four years to make the step to a proposed biodiversity reserve to a permanent one. And during that period, we have the steps of the public hearings where different propositions can be analyzed. Limits may be modified. Accommodation can be made to make sure that the project will be socially accepted.

670 But for us, there is a main objective that we want to pursue, is to make sure that the

area that will be final would help us to attain the objective of 8 %, first of all. And the other one is to make sure that that territory, that protection of the land that we want to put aside, will help us to protect what we call the representativity of biodiversity. That is what I can answer for now.

675 **THE CHAIRMAN :**

Mr. Dumas, it that clear or no?

680 **Mr. FERNAND DUMAS :**

No. I am still missing a part of it. What I am missing part of it, we are here tonight to offer our opinion on this project. What assume in 2003, some people decide somewhere without asking us, «What would you like to do in the future? We are planning on to make a reserve. What is your opinion? What is your idea? What do you suggest? What we should do?»

685

Now, what Mister is saying, we have got somebody in 2003, do not know who it is, decided, «The Lower North Shore, we are going to give you guys as a reserve, this is going to be a reserve.»

690

But having a look on your map, Mr. the President, compared to Montreal, Quebec, where the most population in this area, they have got a very small area of zone reserve. So, I assume in this project we should be as beginning approach, «There will be a reserve», offer us to give our opinion, not to impose a reserve.

695

It seems that I am here tonight, I do not know about the rest. Impose, «We decide you are going to have a reserve.» We will have to bend right and left. «And that is the whole territory you guys are going to have to deal with.»

700 **THE CHAIRMAN :**

Let me first get an answer to your first subquestion.

Who decided in 2003 that this area would be set aside?

705 **Mr. PATRICK BEAUCHESNE :**

710

It is a team of specialists who is working at the Sustainable Development, Environment and Parks Ministry, we have chosen those territories on ecological principles, about representativity and what is the contribution of that piece of land to the objective that was given by the government which is 8 % of the public land, and make sure that the network of protected area... because, of course, we are discussing here, Mr. President, about one proposed biodiversity reserve, but we are working in a network perspective.

So, this is one site but we are working on more than 100 sites for the moment.

715

THE CHAIRMAN :

More than...?

720

Mr. PATRICK BEAUCHESNE :

100.

THE CHAIRMAN :

725

100 throughout Quebec?

Mr. PATRICK BEAUCHESNE :

730

Yes. And the larger map which is tagged on the wall is showing some parts of those 100 sites. You see some yellow and red spots on that map. And all of those sites contribute to, one, protect some specific piece of land and altogether they are constituting the network of protected area.

735

THE CHAIRMAN :

If you allow me, Mr. Dumas, on that map, there are large letters, like there is a «E» over the Lower North Shore and I can tell a «D» somewhere. What do these letters refer to?

740

Mr. PATRICK BEAUCHESNE :

Those letters refer to the natural provinces which is the ecological framework that we are using to evaluate which sites will be in the network of protected areas.

745

THE CHAIRMAN :

This is what is showing on the map now?

Mr. PATRICK BEAUCHESNE :

750

Yes.

THE CHAIRMAN :

755

On the screen?

Mr. PATRICK BEAUCHESNE :

760 Yes. And what I would like to add to my first answer is that the decision to protect the land through a network of protected areas belongs to the government. We have that responsibility. We are implementing the laws.

765 And those actions to protect biodiversity came from international treaty like the biodiversity protection convention that was signed by 150 countries. Canada signed that convention. And all those countries who have signed the Rio De Janeiro Convention in 1992 had to take action to protect more pieces of land for future generations.

THE CHAIRMAN :

770 So Canada signed this convention to protect, say, 8 % of the land. Then every province has to set aside, within its own territory, 8 % of its land as reserves?

Mr. PATRICK BEAUCHESNE :

775 Well, the convention doesn't specify a precise percentage.

THE CHAIRMAN :

780 A percentage.

Mr. PATRICK BEAUCHESNE :

785 A percentage. They have to increase their effort to protect biodiversity through protected areas.

THE CHAIRMAN :

790 So, then you broke the province into a number of areas that are different in terms of their plants, and animals, and what have you?

Mr. PATRICK BEAUCHESNE :

795 You are right.

THE CHAIRMAN :

And in each one of them, you said, «I am going to find 8 % or 10 % of the land to put aside as reserves.»

800 **Mr. PATRICK BEAUCHESNE :**

Yes, because all of those thirteen natural provinces are constituted with different types of forests, wildlife, rock, lakes, rivers. And we have to choose some portions of the land which include that variability of ecosystems.

805

THE CHAIRMAN :

And then Mr. Bérard was explaining that you determine that in some areas, because of hydro power dams or the potential for dams or mining, you could not set it aside in order not to disrupt possible economic interests. And then you found where would be the best place, say, to have X per cent of the area in zone E, and this is one of them.

810

Mr. PATRICK BEAUCHESNE :

815

You are right, that is right.

THE CHAIRMAN :

Mr. Dumas, is this a bit clearer now?

820

Mr. FERNAND DUMAS :

Well, it is all clear. I am still missing a part of my question.

825

THE CHAIRMAN :

Which is...?

Mr. FERNAND DUMAS :

830

The part I am missing, Mr. le President, is concerning... I understand there is a law, Canada, the rights and all that. Who decided, «We are going to take the Lower North Shore, this here, and we are going to take this amount» without asking the population for their opinion?

835

THE CHAIRMAN :

Okay.

Mr. FERNAND DUMAS :

840

Do you understand? Is it in the province of Quebec the government decides, «We are going to impose this and that's it»?

THE CHAIRMAN :

845

So what they did is they determined based on their maps and all that, «It will be here and there.» And they are now coming to you to say, «This is what we have selected in your area. What do you think about it?» And what you say is you would have preferred them to come here in 2003 and ask you what areas you think should have been selected.

850

Mr. FERNAND DUMAS :

As what you are doing tonight.

855

THE CHAIRMAN :

Okay.

Mr. FERNAND DUMAS :

860

Before to impose this.

THE CHAIRMAN :

865

Mr. Beauchesne, why was it not done the other way?

Mr. PATRICK BEAUCHESNE :

870

What I can say now is that what Mr. Dumas said, we are doing this actually. We are doing information session. We have a proposition mechanism where citizens, groups, organizations came make some propositions to the government that we consider. But we consider those propositions through our objective of 8 % and representativity.

875

We did not do that when we started to work on the projected area strategy back in 2001. We have corrected that method since then, but you are right, in the Lower North Shore, we did not consult before selecting territories. We have selected territories on the ecological contribution of each and every sites that we had chosen at that time.

THE CHAIRMAN :

880

Is it getting more to the bottom of it now?

Mr. FERNAND DUMAS :

885

It is getting more or so. But still in the future, hoping this not will pass. But I still would

like to have a reserve, a certain part of it, but this amount of it...

THE CHAIRMAN :

890 So, you agree with the principle of a reserve.

Mr. FERNAND DUMAS :

895 I agree with the principle, but this amount of quality of land for our population compared to the rest of the province, we are just giving the...

THE CHAIRMAN :

900 Yes.

Mr. FERNAND DUMAS :

905 ... the ball, that's it, you take it. That is what I do not appreciate. Like as I say, it should be in 2003, he should be here asking us.

THE CHAIRMAN :

Okay.

910 **Mr. FERNAND DUMAS :**

I still like a reserve, conserve park. My next question, Mr. President, is concerning what Miss asked about our cabins...

915 **THE CHAIRMAN :**

Mrs. Bilodeau? About the cabins, Mrs. Bilodeau?

Mr. FERNAND DUMAS :

920 Excuse me, Miss Bilodeau.

THE CHAIRMAN :

925 Bilodeau.

Mr. FERNAND DUMAS :

Okay.

930

THE CHAIRMAN :

Rachel Bilodeau.

Mr. FERNAND DUMAS :

935

Rachel Bilodeau. Concerning our chalet we have inside of the boundary...

THE CHAIRMAN :

940

Yes.

Mr. FERNAND DUMAS :

945

... you are telling us that we have certain right to this. Could I ask more information on this?

THE CHAIRMAN :

950

Yes. Mr. Desrochers, will you explain in more details what is a legal situation and a not so legal situation? And how can one become the other?

Mr. SÉBASTIEN DESROCHERS :

955

A legal situation is when you have a land right from our Ministry. So, what we are going to try to do within the boundaries is to rent a lease and for those who ask us.

960

Without the boundaries, we don't know exactly where are all the cabins. And so we are not going to ask the population for now to ask for a lease, but the law is everyone could have a lease for have a cabin on a public land. That is the general law.

Mr. FERNAND DUMAS :

Could I ask ...

965

THE CHAIRMAN :

Yes, sure.

Mr. FERNAND DUMAS :

970

What I would like to know concerning about the lease, I understand the lease, the right.

I have a cabin on that site with no right. I have a squatter right. And I say there is 75 % or, say, maybe 90 % of us have a squatter right and I am not talking about only this «behalf». I am talking about this «behalf» and all the «behalf».

975

Are you going to give me my right in this where I am at now or are you going to kick me out if I ask you and you say «no»?

THE CHAIRMAN :

980

What happens, Mr. Desrochers? Suppose he goes to the office tomorrow morning – tomorrow is Saturday, you better go on Monday – and he says, «Here is where my cabin is. I know I have not a legal situation, I am a squatter, but I want to legalize this», what is the procedure? How many steps and how much time does it take? And does he get a «yes» or a «no» in the end?

985

Mr. SÉBASTIEN DESROCHERS :

It is the same thing that I explained before within the boundaries.

990

THE CHAIRMAN :

Yes.

995

Mr. SÉBASTIEN DESROCHERS :

For those who are within boundaries. So, they ask for a lease and we are going to analyze case by case if it corresponds with the planification for the public land. And then we are going to ask the Natives before granting the lease. And if everything is okay, we are going to grant the lease.

1000

THE CHAIRMAN :

So, the procedure is...

1005

Mr. SÉBASTIEN DESROCHERS :

If it is not, we are going to ask if there is another localisation.

1010

THE CHAIRMAN :

So the procedure is the same whether it falls within the boundaries of the reserve or not.

Mr. SÉBASTIEN DESROCHERS :

1015

Yes.

THE CHAIRMAN :

1020

You are saying «no», but he says «yes».

Mr. FERNAND DUMAS :

1025

Mr. le President...

THE CHAIRMAN :

Yes.

1030

Mr. FERNAND DUMAS :

... I do not agree with... what he is telling me here tonight, it is a war. You are telling me tonight, «We going to agree your cabin if the Innus say "yes". If the Innus say "no", you are going out of it.» That is what he is telling me.

1035

Mr. SÉBASTIEN DESROCHERS :

No.

1040

Mr. FERNAND DUMAS :

No?

THE CHAIRMAN :

1045

Is this...

Mr. FERNAND DUMAS :

1050

But if the Innus say «no», what are you going to say about my cabin?

THE CHAIRMAN :

1055

Mr. Dumas, I will ask Mr. Desrochers to be more precise in terms of...

Mr. SÉBASTIEN DESROCHERS :

Yes.

1060 **THE CHAIRMAN :**

... what do you mean by planification for the land?

1065 **Mr. SÉBASTIEN DESROCHERS :**

I don't know, maybe I can say it in French. Le plan régional de développement du territoire public.

1070 **THE CHAIRMAN :**

It's the regional development plan for public lands.

Mr. SÉBASTIEN DESROCHERS :

1075 Yes.

THE CHAIRMAN :

Is this a plan that is in writing? Does it exist?

1080 **Mr. SÉBASTIEN DESROCHERS :**

It is going to be final in a couple of months.

1085 **THE CHAIRMAN :**

A couple of months?

Mr. SÉBASTIEN DESROCHERS :

1090 Yes.

THE CHAIRMAN :

1095 Before this Commission has ended its work or...

Mr. SÉBASTIEN DESROCHERS :

No, after.

1100 **THE CHAIRMAN :**

After?

1105 **Mr. SÉBASTIEN DESROCHERS :**

After.

THE CHAIRMAN :

1110 So this document doesn't exist.

Mr. SÉBASTIEN DESROCHERS :

Yes.

1115

THE CHAIRMAN :

But can you tell us more about it?

1120 **Mr. SÉBASTIEN DESROCHERS :**

Yes. With this plan, we are... excuse me, because it is not my language, I just have some difficulty to explain correctly, but...

1125 **THE CHAIRMAN :**

I will translate.

1130 **Mr. SÉBASTIEN DESROCHERS :**

I am going to do it in French because I just want to be sure everyone understands the part of that.

1135 Je vais reprendre du début pour être sûr que tout le monde ait bien compris, puis si vous pouvez peut-être résumer les propos.

Les gens qui veulent occuper le territoire avec un bâtiment doivent demander un droit. Cette demande-là sera analysée dans le cadre des outils de planification du territoire dont nous disposons, dont le plan régional de développement des terres publiques.

1140

THE CHAIRMAN :

So far, he said what he said in English.

Mr. FERNAND DUMAS :

1145

I understand what he is saying so far.

THE CHAIRMAN :

1150

That if you want to legalize your situation, they will analyze it on the basis of, one, the regional development plan for public lands which is not available yet, but which will be in a few months.

Mr. SÉBASTIEN DESROCHERS :

1155

Yes.

THE CHAIRMAN :

1160

What is in general terms in that plan?

M. SÉBASTIEN DESROCHERS :

1165

Les informations générales que nous avons là-dedans, c'est que nous avons une affectation du territoire, c'est-à-dire qu'on va déterminer les zones dans lesquelles la villégiature peut être permise. La villégiature dans la région comme ici, c'est au premier requérant, la première personne qui le demande va pouvoir avoir un droit si elle répond aux normes d'établissement de leur occupation, juste en comparaison avec d'autres régions où, étant donné qu'il y a une forte demande, on va procéder par tirage au sort.

1170

THE CHAIRMAN :

1175

So what this plan will determine, for example at a given area, public land is open for private cottages. In an area like here where there are few people, as you said, compared to Montreal, you simply apply and...

M. SÉBASTIEN DESROCHERS :

1180

Premier arrivé, premier servi.

THE CHAIRMAN :

1185

First come, first served basis. In other areas near Montreal, it is going to be a ballot if many people want to have a cottage on a given public land.

So, here basically this plan will determine, say, west of this river, people can have

cottages; east of it, they cannot. And what else?

M. SÉBASTIEN DESROCHERS :

1190

En résumé, voici ce qui est plan.

THE CHAIRMAN :

1195

So, there will be zoning. All the public land will be zoned?

Mr. SÉBASTIEN DESROCHERS :

Yes.

1200

THE CHAIRMAN :

In every area?

1205

Mr. SÉBASTIEN DESROCHERS :

Yes.

THE CHAIRMAN :

1210

What happens with cottages that are already somewhere, have a legal right, but they are not in the proper zone?

M. SÉBASTIEN DESROCHERS :

1215

Dans cette situation-là, les gens n'auraient pas eu le droit de s'installer à cet endroit-là. Nous allons offrir aux gens un endroit qui serait approprié dans le contexte.

THE CHAIRMAN :

1220

But if they are already there and your zoning doesn't conform, don't they have a right or how do you call that?

Mr. FERNAND DUMAS :

1225

Certain right, «droit acquis», droit...

THE CHAIRMAN :

1230 Historical right, if you want.

Mr. FERNAND DUMAS :

1235 Yes, something like that.

THE CHAIRMAN :

Ancestral right.

1240 **Mr. FERNAND DUMAS :**

Yes.

THE CHAIRMAN :

1245 Would they have an ancestral right?

M. SÉBASTIEN DESROCHERS :

1250 Dans une situation comme ça, il faudrait voir avec le représentant local, monsieur Beaudoin, qui traite avec ces gens-là depuis...

THE CHAIRMAN :

1255 He is not sure. And he said another thing, that if you happen to be in the wrong place, they will offer you another spot in the right place. That is another possibility.

And then what concerned Mr. Dumas was the issue about you asking the aboriginals or Amerindians or whatever name we may use what they think of the situation.

1260

M. SÉBASTIEN DESROCHERS :

Avant d'accorder le droit, d'octroyer le droit, nous allons consulter les Autochtones pour avoir leurs commentaires sur la localisation du bail en question.

1265

THE CHAIRMAN :

So, they will...

1270 **Mr. SÉBASTIEN DESROCHERS :**

Consult.

1275 **THE CHAIRMAN :**

... check with the local Innu community, I guess.

1280 **Mr. SÉBASTIEN DESROCHERS :**

Yes.

THE CHAIRMAN :

The local Innu community to hear about their comments on where your cottage is.

1285

M. SÉBASTIEN DESROCHERS :

1290 Cette obligation-là découle de l'arrêté de la Cour suprême du Canada, l'arrêt Haida et Taku River qui, dans un certain sens, balise ou demande au gouvernement de consulter et d'accommoder. Il ne s'agit pas pour les Autochtones d'avoir un droit de refus...

LE PRÉSIDENT :

Oui.

1295

M. SÉBASTIEN DESROCHERS :

... mais c'est de consulter et d'accommoder dans l'éventualité où ce droit-là viendrait en opposition avec les activités traditionnelles des Autochtones.

1300

THE CHAIRMAN :

This comes from a judgment of the Supreme Court of Canada. Will you name this judgment?

1305

Mr. SÉBASTIEN DESROCHERS :

It's Haida and Taku River.

1310 **THE CHAIRMAN :**

It's on the West Coast, B.C.

Mr. SÉBASTIEN DESROCHERS :

1315

Yes.

THE CHAIRMAN :

1320

There was a judgment...

Mr. FERNAND DUMAS :

1325

The West Coast?

THE CHAIRMAN :

... made by the Supreme Court of Canada ...

1330

Mr. SÉBASTIEN DESROCHERS :

West Coast of Canada.

THE CHAIRMAN :

1335

... which says that from now on, where there are ancestral claims by Innu or by any other Amerindian community, the Quebec or federal government has to consult with them, not necessarily ask their permission, but consult with them.

1340

Mr. SÉBASTIEN DESROCHERS :

Consult and accommodate.

THE CHAIRMAN :

1345

And accommodate, if possible, their ancestral rights. I think, monsieur Dumas, it does not mean that they can say «no» to your cottage, but they have an obligation to go and see them and explain the situation.

1350

Mr. FERNAND DUMAS :

And, Mr. President, if ...

THE CHAIRMAN :

1355

And we are all bound by this Supreme Court decision.

Mr. FERNAND DUMAS :

If they say «no»?

1360

THE CHAIRMAN :

Can the Innu community say «no»?

1365

M. SÉBASTIEN DESROCHERS :

La communauté doit démontrer aussi que le droit vient en contradiction avec la réalisation de leurs activités traditionnelles.

1370

THE CHAIRMAN :

To say «no», first the Innu community would have to show that your cottage is in contradiction with their being able to exercise their ancestral rights. Is that clear enough?

1375

Mr. FERNAND DUMAS :

Yes, still clear was almost like a war is coming up if they happen to decide to say «no», because there is lots of white people who got cottage. If Innu say «no», could be no problem. You guys say, «We are going to give you a park», we're going to start a war.

1380

THE CHAIRMAN :

Yes.

1385

Mr. FERNAND DUMAS :

We will start a war between the Innu and the French in case they decide to...

THE CHAIRMAN :

1390

Let's not mix up everything. A park, you mean the reserve?

Mr. FERNAND DUMAS :

1395

Yes, because I am in the reserve.

THE CHAIRMAN :

So you ...

1400

Mr. FERNAND DUMAS :

I have a cabin in the reserve.

1405

THE CHAIRMAN :

Let's use the word «reserve», because a park is a totally different thing.

1410

Mr. FERNAND DUMAS :

But the park is the situation...

THE CHAIRMAN :

1415

Biodiversity reserve.

Mr. FERNAND DUMAS :

I have a cabin there.

1420

THE CHAIRMAN :

Yes.

1425

Mr. FERNAND DUMAS :

I have to pass all by those law.

THE CHAIRMAN :

1430

Yes.

Mr. FERNAND DUMAS :

1435

And if it refuses, you are going to say, «Excuse me, we just decide to make a park.» «You're in the park, you got to move out.» I have no opinion on this in 2003. You go bang! this.

1440

And the next question on this, maybe it is the best thing for everyone that has illegal or do not have the right to have a cabin to put pressure together to have automatically right now. We are there now, you are going to give us a right, we are all there. We are maybe 90 % of us. So, you got 90 % of us against maybe 10 % have their right. So, we got more pressure. We should all get together. We are here today. We got to keep our cabin.

1445 And in the future, any future cabin or future cottage should ask the permit or the right.
Starting today, we start at zero.

THE CHAIRMAN :

1450 Okay.

Mr. FERNAND DUMAS :

That is what I recommend this...

1455 **THE CHAIRMAN :**

We hear you, it will be in the records. But I would like to finish with this process we were trying to establish.

1460 So you have to consult with the Amerindian communities, wherever they are, throughout the province or even throughout the country for other provinces.

Mr. SÉBASTIEN DESROCHERS :

1465 No, local Natives.

THE CHAIRMAN :

1470 No, but if we were in Ontario, it would be the same thing.

Mr. SÉBASTIEN DESROCHERS :

Oh yes, the same thing. It is the same thing.

1475 **THE CHAIRMAN :**

Or Manitoba, wherever.

Mr. SÉBASTIEN DESROCHERS :

1480 Yes.

THE CHAIRMAN :

1485 And then they could say «no», but if they say «no», they have to demonstrate...

Mr. SÉBASTIEN DESROCHERS :

1490 They have to explain why they say «no» and they have to demonstrate that they are in contradiction with their traditional activities.

THE CHAIRMAN :

1495 But in many cases, that would be hard to demonstrate. For example, if their traditional activities is going up and down the stream and fishing, the fact that there is a cottage on a bank somewhere does not prevent them from going up and down and fishing.

Mr. SÉBASTIEN DESROCHERS :

1500 Yes.

THE CHAIRMAN :

1505 So it is not easy to make this demonstration. I think it is important, before we go to war, we should maybe examine how to make the peace. And what is the next step?

Mr. SÉBASTIEN DESROCHERS :

1510 For example, if someone asks for a lease next to a cabin for a Native's trapping lines or something like that, very close, next to him...

THE CHAIRMAN :

1515 So the trapping line goes up the front door and out the back door...

Mr. SÉBASTIEN DESROCHERS :

Sometimes maybe the Native can...

1520 **THE CHAIRMAN :**

Yes.

Mr. SÉBASTIEN DESROCHERS :

1525 ... can say that... but if it is far and it does not matter, because the lease is not for hunting and trapping, it is not the right for hunting and trapping or fishing, it is only for a land right.

THE CHAIRMAN :

1530

Yes.

Mr. SÉBASTIEN DESROCHERS :

1535

So it is not in contradiction with their activities.

THE CHAIRMAN :

1540

So, what is the next step then once you have done that?

Mr. SÉBASTIEN DESROCHERS :

We are going to grant the lease.

1545

THE CHAIRMAN :

You grant the lease.

Mr. SÉBASTIEN DESROCHERS :

1550

Yes. But I want to make sure that everyone is understanding that, for tonight and for the next years, it is only within the boundaries that we are talking about...

THE CHAIRMAN :

1555

Yes.

Mr. SÉBASTIEN DESROCHERS :

1560

... legalized and registered occupation.

THE CHAIRMAN :

1565

So we are not going to worry about anything that is outside the boundaries of the proposed biodiversity reserve.

Mr. FERNAND DUMAS :

1570

Mr. le President...

THE CHAIRMAN :

Yes, sir.

1575 **Mr. FERNAND DUMAS :**

... Mister got two laws? For those people, get applied the law and for the rest don't apply the law?

1580 **THE CHAIRMAN :**

No. It is the same thing, but I think...

1585 **Mr. FERNAND DUMAS :**

But he said in the boundary. «And out of the boundary, we are not touching.»

THE CHAIRMAN :

1590 Okay.

Mr. FERNAND DUMAS :

But I got the same problem.

1595

THE CHAIRMAN :

1600 Two things. Two things. First, our mandate, this Commission is only within the biodiversity reserve. Second, I think – and correct me if I am wrong – you are thinking in terms of priority. The same rights apply inside and outside, but because there is this project on the table, of course they are going to put more attention on those cabins that are within the reserve.

Mr. SÉBASTIEN DESROCHERS :

1605 Yes, because we were informed that, at those places, there were non-registered occupations and we made an overview.

THE CHAIRMAN :

1610 Yes.

Mr. SÉBASTIEN DESROCHERS :

1615 So, if you know other places, the people can say to us and we are going to make something, but if we do not know where they are, we are not going to do anything for that.

THE CHAIRMAN :

1620 Is this clear? It is just because they surveyed the reserves. So they know where the cabins are. Outside of the reserves, they don't know. But if you want to go and see them and tell them, «I have one which is 5 kilometers south and I want to legalize my situation», they will not shut the door on you.

Mr. FERNAND DUMAS :

1625 Mr. President...

THE CHAIRMAN :

1630 Yes, sir.

THE CHAIRMAN :

1635 ... Mr. Sébastien, before he closes his file, will have to take into consideration in and out before he finalizes his paper concerning «I am giving you a cabin», «I am not giving you a cabin», he is going to find lawyers in and out in his study, because when he is going to make his study, like he said, he is not finished, he got to make sure that he is going to include in his right and what he is doing in his work that we are giving the people inside of the park the okay. We got even to think about the people outside too.

1640

THE CHAIRMAN :

1645 Yes, yes, yes, but if you have a cabin outside of the reserve, you can go on Monday to the office and go through the same process.

Mr. FERNAND DUMAS :

Yes, but...

1650 **THE CHAIRMAN :**

What he was saying is simply that he knows about the ones that are within the reserve but he doesn't know about those that are without.

1655 **Mr. FERNAND DUMAS :**

But before he finalizes his file, he should make a study of the whole coast and make one decision, that's it...

1660 **THE CHAIRMAN :**

Okay.

1665 **Mr. FERNAND DUMAS :**

... and start in the future.

THE CHAIRMAN :

1670 I can see the cost there. We are going to hire five or ten civil servants that will go through this process. I am not sure we all want that, but we hear you.

Mr. FERNAND DUMAS :

1675 Thank you, Mr. President.

THE CHAIRMAN :

Thank you.

1680

Monsieur Nicolas Shattler. Good evening, sir.

Mr. NICOLAS SHATTLER :

1685 Good evening, Mr. President. From my understanding...

THE CHAIRMAN :

Tell me...

1690

Mr. NICOLAS SHATTLER :

Yes.

1695 **THE CHAIRMAN :**

... should I be called Chair or President? I have been wondering for the last...

Mr. NICOLAS SHATTLER :

1700

Mr. Béland sounds good.

THE CHAIRMAN :

1705

Okay, great.

Mr. NICOLAS SHATTLER :

1710

Mr. President, from my understanding so far, what the Commission is saying is that the only people that are affected by what you are trying to implement here by this biodiversity reserve is going to be just the non-Natives that will be affected by it, is that correct?

THE CHAIRMAN :

1715

Let me get an answer from Mr. Beauchesne. Did you understand what he said? That from what he has heard, the only people that will be affected by this reserve... Negatively affected?

Mr. NICOLAS SHATTLER :

1720

Well, yes. I mean what you are saying is that...

THE CHAIRMAN :

1725

Are the non-Natives.

Mr. NICOLAS SHATTLER :

1730

Are the Natives going to have to get permission or licenses as well as the non-Natives? Are we all on the same roof or we are separated?

THE CHAIRMAN :

1735

Mr. Beauchesne?

Mr. PATRICK BEAUCHESNE :

For us, the biodiversity reserve is first maintaining all the activities that people are doing in that territory. So, Olivier presented earlier that hunting activities, trapping, fishing, those kinds of activities are maintained.

1740

THE CHAIRMAN :

Irrespective of a person being Innu or non-Innu?

1745

Mr. PATRICK BEAUCHESNE :

Right, you are right.

1750

THE CHAIRMAN :

Montrealer or Quebecer, they can still go through there and hunt and fish?

Mr. PATRICK BEAUCHESNE :

1755

Yes, you are right. About maintaining cabins which are within the boundaries of the biodiversity reserve, what we are intending to do is to maintain those occupations. That is, I would say, the spirit of the conservation plan. That's one thing.

1760

All the question about lease is a process within the specific law under which a lease is given. It is a kind of a separate basis.

THE CHAIRMAN :

Their department, their Ministry.

1765

Mr. PATRICK BEAUCHESNE :

1770

Yes. But what we have to keep in mind is that the biodiversity reserve is a protection status which maintains occupation and activities which is done by local population and communities with or without it is for Native people or for other ones.

THE CHAIRMAN :

So, it is not a museum. You recognize that people are part of their environment.

1775

Mr. PATRICK BEAUCHESNE :

1780

I would say that that is the specific character of the biodiversity reserve. The main objective is to withdraw the possibility to have major industrial activities within that territory...

THE CHAIRMAN :

Yes.

1785 **Mr. PATRICK BEAUCHESNE :**

... but still permits a use of the land, of the natural resources that don't impact biodiversity.

THE CHAIRMAN :

1790

So, you prohibit mining, cutting down the forest and hydro power dam because they change the nature of the environment there, the forest and the vegetation, but you don't prohibit activities that are part of the natural process, like going there and fishing, and hunting, and walking, and having a trail. As long as you don't destroy the place, it is allowable.

1795

Mr. PATRICK BEAUCHESNE :

And as long as it is planned in the conservation plan or in the action plan...

1800 **THE CHAIRMAN :**

Okay.

Mr. PATRICK BEAUCHESNE :

1805

... which is specific to that territory, right.

THE CHAIRMAN :

1810

Are we getting somewhere?

Mr. NICOLAS SHATTLER :

Well, he is not really answering my question...

1815

THE CHAIRMAN :

Okay.

1820 **Mr. NICOLAS SHATTLER :**

... because really what I am asking him is if a Native or a non-Native... okay. If a Native wants to start a forestry company two years down the road in the zone, can he start a forestry company?

1825

THE CHAIRMAN :

Mr. Beauchesne?

1830 **Mr. PATRICK BEAUCHESNE :**

The answer is «no», Mr. President.

THE CHAIRMAN :

1835

The answer is «no».

Mr. NICOLAS SHATTLER :

1840

Okay. So ...

THE CHAIRMAN :

No forestry, no mining, no hydro power.

1845

Mr. NICOLAS SHATTLER :

Okay. So the same restrictions are put on non-Natives as well as Natives?

1850 **THE CHAIRMAN :**

Yes.

Mr. NICOLAS SHATTLER :

1855

Concerning the same thing.

THE CHAIRMAN :

1860

That is what I understand.

Mr. PATRICK BEAUCHESNE :

For industrial and commercial purposes, my answer is «yes».

1865

Mr. NICOLAS SHATTLER :

Then the second part of my question is, well, my statement actually is that St. Augustine is a Métis Inuit community which has been in existence since 100 years or more.

1870

Are we going to be asked by other people if they can put their cottages? Because we are also aboriginals. We are a Métis Inuit community. We have 850 people in St. Augustine and 750 are Métis Inuit, are descendants of the Inuit. Are we going to be asked the same things that you would ask the Innu?

1875

THE CHAIRMAN :

Mr. Desrochers, when you said that you have to consult with aboriginal people, does that include Métis people?

1880

Is that what your question is about?

Mr. NICOLAS SHATTLER :

If we are considered Aboriginal.

1885

THE CHAIRMAN :

Does that include Métis people?

1890

Mr. SÉBASTIEN DESROCHERS :

Actually, the judgment from the Supreme Court...

1895

THE CHAIRMAN :

Supreme Court of Canada.

Mr. SÉBASTIEN DESROCHERS :

1900

... Supreme Court of Canada, it is including Native, but it is not including Métis.

THE CHAIRMAN :

1905

So Métis are not included.

Mr. NICOLAS SHATTLER :

So what you are saying then, us as Métis Inuit people still have to get permission from Innu in order to put our cabins or whatever we want to do on this biodiversity reserve.

1910

THE CHAIRMAN :

From the discussion we had earlier, I don't think we should call it «ask permission», but this judgment says that they have to be consulted.

1915

Mr. Desrochers?

Mr. SÉBASTIEN DESROCHERS :

Consult and accommodate if the rights are in contradiction with their traditional activities. But if it is not in contradiction, there is nothing to...

1920

THE CHAIRMAN :

Yes.

1925

Mr. NICOLAS SHATTLER :

Because traditionally, the territory that you are talking about was used by the Métis Inuit. It was used by our people also. Right now, we are into courts with the provincial government over hunting and fishing rights, our ancestral right. So, what you are talking about is part of what we are fighting for.

1930

THE CHAIRMAN :

Yes.

1935

Mr. NICOLAS SHATTLER :

So, I mean what is going to happen there five years down the road when we get our right? Is that going to change everything that was done today?

1940

THE CHAIRMAN :

I understand your concern. I think it is part of the record now and we will consider it while we are preparing our report, of course, yes, yes.

1945

1950 But it is important to make a distinction between «asking permission» and «consulting», because they have to make a case that your being there prevents them from doing what they were doing traditionally.

Mr. NICOLAS SHATTLER :

Yes.

1955

THE CHAIRMAN :

And this is a demonstration that has to be made.

1960

Mr. NICOLAS SHATTLER :

Well, he is talking about aboriginal people...

THE CHAIRMAN :

1965

Yes.

Mr. NICOLAS SHATTLER :

1970

... or Innu, we are aboriginal. We are descendants of the Inuit. We are considered Métis, half-breed, whatever you want to call us, but we are still aboriginals.

THE CHAIRMAN :

1975

Thank you, sir. Another question?

Mr. NICOLAS SHATTLER :

No, that's it.

1980

THE CHAIRMAN :

Thank you.

1985

Mr. Keith Maurice.

Mr. KEITH MAURICE :

1990 Yes, Mr. President. I don't have to go to the mike because Mr. Patrick Beauchesne answered the question. I wanted to know about the hunting rights. He answered it for Mr. Nicolas.

THE CHAIRMAN :

1995 So the answer was given...

Mr. KEITH MAURICE :

Yes.

2000 **THE CHAIRMAN :**

... to your question that we did not hear, but it must be a similar question.

Mr. KEITH MAURICE :

2005 Yes.

THE CHAIRMAN :

2010 Thank you. Anybody else who wants to say something, make a comment or ask a question? No?

I will ask Mr. Fequet - I have your name here - to make a statement.

2015 **Mr. CAMILLE FEQUET :**

Thank you, Mr. President. Our territory is very small on the Lower North Shore. First, we're not even began to have any kind of industry development. We are only in the first phase.

2020 The area in question, mining is restricted, hydro dams is restricted, forestry is restricted. And that is the only three potential areas that the whole region of the Lower North Shore have to develop.

2025 And I think the Minister should look at this long and hard for our region. For example, he has got our coastline shut down in the front. The whole coastline is shut down with the fisheries. The quotas and everything else is gone.

2030 He is coming in in the back door taking the territory in the back. It is already in process with the Innus for the agreement in principle for land claims which they are going to take to the west.

The Minister is going to have to send a big ship and take us all somewhere else because there is nothing left, we can't move.

2035 The idea is good and I am sure everyone would agree with it, but if he takes this territory, where do we go? There is no future for no generations because the tree resources that we could go and develop in this sector is gone. Absolutely gone.

THE CHAIRMAN :

2040 Mr. Fequet, before you go on with your statement, I would like to ask from Monsieur Desrochers when the Ministry of the Environment came to see your department, you or someone else there, with this proposed reserve, did you look at the potential of this area for forestry, or mining, or hydro power development?

Mr. SÉBASTIEN DESROCHERS :

2045 Yes. Every time the government protects the territory, we analyze with those angles, I mean with mining activities, forest activities and Hydro-Quebec activities.

2050 And at that time, there was a convention for forestry close to St. Augustine. So, at that time, we thought it was a good spot for forestry. And in the north, we can protect another part on the territory.

2055 And for mining activities, the information we had at that time, it means that there is no high potential for mining activities.

2060 And for Hydro-Quebec, their lower part of the territory, maybe it is more important. It has a potential, but it is not for the next few years for a project, it is a long-term project. And for the next ten years, there is going to be Petit-Mécatina and La Romaine rivers and, after that, it is too long to say from now.

THE CHAIRMAN :

2065 So, you assess that the forestry potential was limited, or non-existent, or that there was a potential for forestry?

Mr. SÉBASTIEN DESROCHERS :

2070 There are trees for sure, but how can they be... management and have some cutting wood activities there, it is difficult to say with the information we have now. But we compare in the situation that there is a spot, the yellow one, very close to the community...

THE CHAIRMAN :

2075 Very close to St. Augustine.

Mr. SÉBASTIEN DESROCHERS :

2080 Yes, it is really close to the community and there is a large spot between those boundaries and we analyze with that context.

 So, at that time, we did not know that the St. Augustine community wanted to go really, really far for cutting wood, but for us, we decide to protect this.

2085

THE CHAIRMAN :

 And how about mining? How do you determine that this area had no mining potential?

2090 **Mr. SÉBASTIEN DESROCHERS :**

 Our expert examined the territory and with a lot of information like geological maps and information we have from exploration first of all. And second, we also checked if there is a lot of exploration activities on the territory.

2095

THE CHAIRMAN :

 Were there mining claims within this area?

2100 **Mr. SÉBASTIEN DESROCHERS :**

 It is a part of the information and we deposed to the Commission a map that shows the claims all around the North Shore.

2105 **THE CHAIRMAN :**

 What is the code number for that map? Because it must be in the depository here in St. Augustine.

2110 **Mr. SÉBASTIEN DESROCHERS :**

Yes. It is in the back.

2115 **THE CHAIRMAN :**

It is in there.

Mr. SÉBASTIEN DESROCHERS :

2120 There is a big map at the back. I don't know what is the number, but if someone wants to consult it, it is at the back.

THE CHAIRMAN :

2125 But it will also be in St. Augustine. Is it the Town Hall or the municipal office where we deposit all the documents relevant to this Commission? Okay. So, there is a copy here in St. Augustine of this map which shows the mining potential...

2130 **Mr. SÉBASTIEN DESROCHERS :**

The mining claims.

THE CHAIRMAN :

2135 ... as being low.

Mr. SÉBASTIEN DESROCHERS :

2140 The mining claims actually, but it is not showing the potential.

THE CHAIRMAN :

Okay.

2145 **Mr. SÉBASTIEN DESROCHERS :**

Potential, it is another evaluation.

THE CHAIRMAN :

2150 And hydro power development, you said there was not much potential?

Mr. SÉBASTIEN DESROCHERS :

2155 The potential was just estimated by Hydro-Quebec a couple of years ago like Saint-John River, but it is not for the next ten years. They are doing other projects.

2160 In the Quebec strategy of energy that the government adopted a couple of months ago, they asked Hydro-Quebec to identify 4,500 kWh, and the two projects on the North Shore is Petit-Mécatina and La Romaine, and those two projects make 3,000 kWh. And Hydro-Quebec had to identify another 1,500 kWh all over the province.

THE CHAIRMAN :

2165 The province.

Mr. SÉBASTIEN DESROCHERS :

2170 Yes.

THE CHAIRMAN :

Thank you.

2175 Mr. Fequet, I interrupted you, but I wanted to explore this further. You can carry on.

Mr. CAMILLE FEQUET :

2180 Yes. Most of this, I mean we are listening to, but as he just said, the Ministry of Natural Resources is always moving it of our population, because they have the information before us and is this example.

2185 There has been exploration going on with mining on the coastline for the last five years right on our territory, but the reason why they could not move in this reserve is because it was restricted since 2003. So, you know, the Ministry of Natural Resources can't tell us there is no mining or no potential and no one is allowed to explore it.

2190 So, that is what we are saying here. A strong point is this area is one of the areas that has future potential. Ten years down the road, will we all sit around this table again? It is a possibility, but at least give our population the chance somewhere to develop.

2195 The south of our territory is gone. The west is gone. And now you are taking the north. I mean east of Havre-Saint-Pierre into the territory that you touch, it could even destabilize the populations also.

THE CHAIRMAN :

Thank you. Mr. Desrochers, comment on if nobody can explore, how can you tell there is no potential?

2200

Mr. SÉBASTIEN DESROCHERS :

We have to take a decision at one time, okay? So, the government by the same time wants to protect some part of the land. So, the objective is 8 %. And on the other side, they want to maximize the exploration, mining activities.

2205

But when we analyze the territory, when we analyzed it with all the information we have at that time, and at that time, the evaluation was it is not... it is not meaning that there is no potential at all. It means that there is very low potential and maybe there is... the decision that was made at that time, it was that the conservation was the good thing for that part of the territory.

2210

THE CHAIRMAN :

Mr. Fequet, we did not really explore tonight whether or not the limits could be changed. You know, the proposed limits of this reserve, would there be a better way of designing it?

2215

Mr. CAMILLE FEQUET :

Well, this area...

2220

THE CHAIRMAN :

Because you said that you are not opposed to having a biodiversity reserve.

2225

Mr. CAMILLE FEQUET :

Exactly.

2230

THE CHAIRMAN :

It is just a matter of where, and when, and how.

Mr. CAMILLE FEQUET :

2235

For example, west of Havre-Saint-Pierre, because...

THE CHAIRMAN :

West of...?

2240

Mr. CAMILLE FEQUET :

West of Havre-Saint-Pierre.

2245

THE CHAIRMAN :

Yes, west of Havre-Saint-Pierre.

Mr. CAMILLE FEQUET :

2250

Because they have already the industries in place. The population is stable. You have got no 50 % of your population leaving every year. The population is all year-round, just stabilized with the mining and Parks Canada and whatever.

2255

East of Havre-Saint-Pierre, we have zero. Zero. There was only the fisheries and the Ministry of Fisheries is taking that away every day. Now, the Ministry of Environment is coming on the back of us and taking the rest away. It is not a good picture for the region.

THE CHAIRMAN :

2260

Mr. Beauchesne, would you have a comment on that? Like west of Havre-Saint-Pierre instead of here, would this be still feasible or...

Mr. PATRICK BEAUCHESNE :

2265

For the part of west of Havre-Saint-Pierre, we were in public hearings Monday this week about two projects which is the...

THE CHAIRMAN :

2270

Can you show them on the map?

Mr. PATRICK BEAUCHESNE :

2275

Yes. There is the Magpie biodiversity reserve and ...

THE CHAIRMAN :

So these are biodiversity reserves?

2280

Mr. PATRICK BEAUCHESNE :

Yes.

2285

THE CHAIRMAN :

These are the ones we were looking at on Monday. It was the Magpie?

2290

Mr. PATRICK BEAUCHESNE :

Yes. It is exactly the same kind of territory that we are proposing for Guernesé and Brador. And there is also buttes aux Sauterelles which is a little territory.

2295

So, for us, like we had told the Commission before, in our objective to get a certain percentage of territory, which is 8 %, and the objective of representativity, those territories contribute to the establishment of a good network of protected areas.

2300

So we consider that the western part of Havre-Saint-Pierre do contribute to the protection and the objective that the government has for the establishment of a protected area network.

THE CHAIRMAN :

How about another angle? How about making this one here smaller? Does it have to be that big?

2305

Mr. PATRICK BEAUCHESNE :

2310

Of course, when it is a proposed biodiversity reserve, in the objective of the public hearings that we are conducting until last Monday, it is to get preoccupations of communities. We have to take that into account.

2315

But one thing is sure for the government, is that we have to pursue the project that we have in establishing a network of protected areas. We have to work with different kinds of status, because some territories, I am not talking necessarily about the territories here in the Lower North Shore, but some territories need a more severe kind of protection.

2320

So with the information that you are giving us, that the Commission is receiving tonight, of course, we can reevaluate what kind of scenario is more acceptable on a social basis, but we have also to take in good consideration the objective of representativity of biodiversity.

So, yes, it is possible to modify the delineation, the pattern of the proposed protected area to make sure that it is the more acceptable possible.

THE CHAIRMAN :

2325

Because last night in Blanc-Sablon, some people suggested to eliminate a little piece of it where they have most of their cottages. And then you might be willing to consider suggestions by the community here as to modifying the limits to perhaps reduce or use an area that is maybe closer to St. Augustine, or further west, or east, or whatever.

2330

Mr. PATRICK BEAUCHESNE :

It is possible, but I would say for now, Mr. President, that the proposed territory that we have chosen does contribute each and other to the objective that we have but the door is not necessarily closed about reevaluation of proposed sites.

2335

THE CHAIRMAN :

Mr. Fequet?

2340

Mr. CAMILLE FEQUET :

But the objectives of the Minister, for example old spruce forests, we have not seen the Minister of the Environment down the coast here in the last thirty years. The wood is going more and more each year with the worm. You can go on any river, anywhere, it is more trees and forest going all the time.

2345

If there is such an interest in protection, I mean we have got to protect everywhere. It is just that the Minister of Environment is not doing anything. We have forest fires year after year, after year, after year taking the forest. But the worms are not taking, the fires are takings. We don't see anybody.

2350

Now, we are seeing people when they want all the territory. But when it was time over the years for protection, we didn't see anyone.

2355

In reality, the arguments of the population is much more stronger than those reasons, because your forest is going. Every day after week, you are losing more forest and we don't see anyone.

2360

THE CHAIRMAN :

Thank you, Mr. Fequet. Any other comments or questions? If not, I will end this session which actually marks the end of the first part of the public hearing.

2365 I encourage you to do two things: check our website or go to the repository here for all the documents where you can read about all that was said both in Pakua Shipu this morning, what was said at Blanc-Sablon and what was said in Rivière Saint-Jean.

2370 And please let us know if you intend to submit a brief outlining perhaps changes you suggest to the reserve, or stating that there should not be a reserve, or there should be a reserve, but it should be done differently, and also your interest in eventually helping the management of that reserve.

2375 Mr. Beauchesne said that it was a regionalized management which I guess, from what I heard elsewhere, means that local people would be involved in designing what the conservation plan will be for that reserve, and how it will evolve in time, and how it will be protected, because everyone knows that if the local people take something at heart or if they sort of... I can't find the word for it, but if it is your reserve, you are going to manage it better than someone from outside who doesn't know as much about the local conditions as you do.

2380 So, please let us know about your intention of preparing a brief and giving it either orally or in writing.

2385 I wish to thank all of you who have participated, not only here but in the other places throughout this week.

As I said, the second part will be starting during the week of November 21. We might come back here in the same spot to hear what you have to say if you indicate that you want us to come and hear you. And otherwise thank you very much. This is a beautiful place.

2390 *****

Je, soussignée, **LISE MAISONNEUVE**, sténographe officielle, certifiée sous mon serment d'office que les pages ci-dessus sont et contiennent la transcription exacte et fidèle des notes sténographiques prises au moyen du sténomasque, le tout conformément à la loi.

2395 Et, j'ai signé :

2400 **LISE MAISONNEUVE, s.o.**