

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

ÉTAIENT PRÉSENTS: Mme SYLVIE GIRARD, présidente
 M. BERTRAND BOUCHARD, commissaire

**AUDIENCE PUBLIQUE
SUR LE PROJET D'AMÉNAGEMENT
HYDROÉLECTRIQUE À ANGLIERS**

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THE PRESIDENT:

5 So, like in the first part, we ask you not to express your opinions, but just ask for technical questions. This time, we want to hear your opinion but, of course, you will not have in counterpart the opinion of the Commission.

10 So, during the second part of the hearing, the promoter of the project and the resource persons have no particular role to play. They are invited to attend the hearing and to hear the points of view expressed on the project.

15 Following the second part of the public hearing, the Commission will write its final report for the Minister. This report will include the findings and the analysis of the Commission concerning the project being studied.

20 I remind you that the mandate that the BAPE has received is for four months and the BAPE's report should be delivered to the Minister of the Environment at the latest next August 28th. Then the Minister will make the report public within 60 days after.

25 The decision to authorize or to reject the project belongs to the Council of ministers upon recommendation of the Minister of the Environment.

30 So, there are many processes going on at the same time, but the BAPE process is independent. And at the same time, there is the process of the Department of the Environment on the environmental assessment and they too will submit recommendations to the Minister. And it is following those recommendations and the analysis of the project by the Department and the recommendations of the BAPE that the Minister will make a decision that he will recommend to the Cabinet.

35 Let us mention that everything that is said here is recorded. Transcriptions are done by Miss Nicole Raymond and they will be available in the consultation centers approximately one week after the end of the second part of the public hearing, as well as on the Internet Web site.

40 We do have simultaneous translation. So, you can get a receiver in the back. And just like for the first part of the hearing, the verbatims of the hearing will also be translated into English and will be available in the consultation centers as well as on the BAPE's Web site. You just have to click when you see «translation», click on that and you go to the English version of the verbatim and other documents.

45 The members of the team in attendance today are Mr. Yvon Deshaies, policy analyst for the BAPE, and Marie-Ève Chamberland in the back, she is communication officer or adviser, and Miss Marie-Ève Rochette, coordinator of the secretariat of the Commission. And for the MRCl, the responsible of the technical organization, Mr. Grenier on your left, and the sound technician, Mr. Jean Métivier just over there.

50 I would like to remind you also where the consultation centers are located and they are accessible throughout the mandate and where you can consult the documents. There are two regional centres, one in Angliers, 14 Baie-Miller Street, at the La Bouquine Library, 50 rue Notre-Dame-de-Lourdes, and a third one, Timiskaming Economic Development, 9 Algonkuin Avenue.

There is also two additional centres, the BAPE office in Quebec City, St. Amable Street, 2nd floor, and the central library of the Université du Quebec in Montreal.

55 In the coming weeks, any new information obtained by the Commission will also be made public in the consultation centres. So, if we ask questions... as I explained, our mandate is to hold the hearings, but also to do our own inquiry. So, following the public hearings, the Commission may still have some unanswered questions. So, we will submit both the questions and the answers in the documentation centres and on the Web site of the BAPE.

60 For any additional information concerning the consultation centres or any complementary information, you can always contact the BAPE. The Commission also has a Web site. You can have the address with the coordinator in the back.

65 So, for tonight or this afternoon and tonight, we will have fifteen speakers who have registered on the agenda. Out of these fifteen — we have what we call a verbal presentation — four persons will make a verbal presentation. The others have submitted a written paper and they will be made public as well. And they will come and present their paper.

70 I would ask you to limit your interventions to ten minutes to leave us some time to share, to discuss. Beyond the text that you will submit, as I said earlier, which will be taken into account by the Commission in full length, it is also important to be able to discuss among ourselves, to share information. And it allows the Commission to clarify certain aspects of your interventions.

75 I would also like to remind you of the importance that the Commission grants to a peaceful debate. We will not tolerate any defamatory or offensive words. You know, the BAPE process, beyond that very rigid context, very legal context, we are there for you, for the public and we want to allow you to have a very fruitful discussion, both for you and for us.

80 This sharing of information allows perceptions to evolve or... perceptions of the situation. And if we had to stick only to an impact study, of course, we would not need any hearing. But since we go beyond the impact assessment study by having public hearings, we allow people who know the environment, who know the place... we allow them to come and share their opinions. In practically all cases, it makes the whole issue evolve both for the promoter and all the other interveners. And it is very important to allow people to express their opinions, but also to do it in a very peaceful way that respects the other interveners.

85 In addition, I would like to mention that, just like for the promoter and the resource people, you have the possibility to correct the facts if you deem it useful. This right must be used only to rectify or correct the facts and not to express opinions on already expressed opinions. Like for
90

instance, «The dam is at 150 metres from such or such a point» and you can say, «Okay, it is not 150, it is 300 metres.» So, you can rectify like this or make those type of corrections.

95 To exercise this right, you have to register with the coordinator. The registered people who will want to make corrections will be invited to do their intervention at the end of the session.

100 We want to mention also that the Bureau d'Audiences Publiques sur l'Environnement, the BAPE, also has a declaration of services to the citizens and a questionnaire is at your disposal in order to assess the quality of our services. You will find that at the door.

I remind you that it is not permitted to smoke in the room. So, now we will start with the presentation of the submissions.

105 Just before, I would like to make sure that... are there enough chairs for everybody? If we could add a few more chairs to make sure that people are comfortable. There are some still free chairs. So, if you want to come up front. Otherwise, we will manage to find seats if there are any missing. There is more chairs there. So, tell us if there is not enough chairs, we will add some more. I think there is enough for everybody. All right?

110 So, we will now call a first intervener. The order was done on the first-come-first-served basis. So, there were particular requests from people who could not be there either this afternoon or tonight, but general speaking, from the time we received confirmation of the submission paper, we registered the people in that order.

115 So, the first one, the MRC of Témiscamingue, Mr. Fidèle Baril please. Good afternoon.

MR. FIDÈLE BARIL :

120 I am accompanied by Mr. Denis Clermont, secretary of the Témiscamingue MRC.

THE PRESIDENT :

Thank you. Just for the recordings, I need to have the names. So, please speak in the microphone to make sure that everything is recorded.

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MR. FIDÈLE BARIL :

Excuse me. I want also to say that Mr. Daniel Dufour from the MRC could also intervene to answer your questions.

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THE PRESIDENT :

Thank you. All right, we can start. Go ahead, Mr. Baril.

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MR. FIDÈLE BARIL :

Madam Chair, it is my pleasure to welcome you to Témiscamingue. The Angliers Project is very important. Its development seems to be endless. We understand that you have received from the Minister of the Environment a mandate of information and consultation. Rightfully or wrongfully, we claim that everything has been said in the past year. Time has come to act.

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So far, we have noticed that you have been going fast in your agenda. So, from that perspective, we will take a few minutes to reiterate our vision of the situation and share with you our determination to go ahead with the Angliers Project now.

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(READING OF THE BRIEF)

Thank you.

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THE PRESIDENT :

Just a little detail on two points that you brought up. When you talk about delay, the importance of delay, I would like to remind you, as I did in the first part of the hearings, that the mandate of the BAPE exists within a structure. We have an obligation to make the consultations public within four months. So, it doesn't add any delay to a project in the sense that it occurs in the same time as the Minister of Environment's environmental impact analysis, as well as it is the case in the analysis that the federal government is conducting to determine if the project falls under certain aspects of the federal law.

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So, I just want to remind you that the BAPE doesn't go beyond the four months. When we can do it earlier, we do it earlier. It doesn't make the process any longer.

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Another thing as well that I would like to... another precision on your memoir. On page 6, you talk about six jobs created at the plant. So far in the first part of the hearings as well as in the

165 impact study, we talked about four permanent jobs. Is that a mistake or are additional jobs, employment will have to be created by the MRC?

MR. DENIS CLERMONT :

170 I would like to verify with the promoter before answering.

THE PRESIDENT :

175 Thank you very much. So, I would like to hear you. I would like to hear your comments, like you share in your memoir the experience that you had with the Rapides-des-Quinze Project where, from what I can see, the documentation that was given, the MRC gave a mandate to an organization, COMAXTEM, in order to help to optimize the economic spin-off, the local and regional spin-off.

180 I would like to know what the intention of the MRC is for the Angliers Project. Will the MRC give a mandate following an agreement?

MR. DENIS CLERMONT :

185 Same kind of agreement if possible.

THE PRESIDENT :

190 Where are you at right now? Are there discussions that you are having? Are you signing a contract with the promoter or an agreement? How is it going to work?

MR. DENIS CLERMONT :

195 COMAXTEM hasn't been mandated for one specific project. It is there to respond to situations for two years, the next two years, and in the future.

THE PRESIDENT :

200 And this committee was created during the Rapides-des-Quinze Project?

MR. DENIS CLERMONT :

Rapides-des-Quinze was the first pilot project indeed that COMAXTEM had to handle.

205 **THE PRESIDENT :**

210 You refer to several projects for which the goal, the main goal is to foster economic spin-off of a project, to help the various businesses to be in a good position to be able to be involved at the maximum level possible in terms of employment for people.

215 So, my question is, if we assume that there are several projects that have occurred, that have started already, what is the experience that comes out of this intervention for the community? What are the positive impacts? Was it up to your expectations? Do you realize that some aspects should be reviewed? What is your current experience?

MR. DENIS CLERMONT :

220 For Rapides-des-Quinze, Hydro-Québec was the first experience and as other projects will occur, the performance will be improved. Right now, it is very satisfying.

People from SDT will be here later on today. They will explain in more details. You will meet people from COMAXTEM who will give you some figures as well.

THE PRESIDENT :

225 Right now, there is only Rapides-des-Quinze that is in operation. Are there other projects that are emerging as well?

MR. DENIS CLERMONT :

230 We are talking about an organization that has been created a year ago, a year and a few months ago. We are talking about major projects. COMAXTEM intervened towards Hydro-Québec. COMAXTEM had interventions on touristic promotions and local development projects.

THE PRESIDENT :

I would also like to know. In one of the projects, potential projects for the MRC, you talk about a development, a major development project, one 500-cottage project for example.

240 Is there an impact on the Municipality of Angliers, environmental impacts of building 500 cottages? Among the projects of the MRC, are there some environmental impacts. You talk about development projects at several places, especially housing projects that could attract about 350 to 500 cottages. So, is that around Angliers? Is that beyond Angliers?

245 **MR. DENIS CLERMONT :**

There are some in Angliers. There is five great lakes in Témiscamingue, Témiscamingue, Kipawa, Angliers, Des Quinze. There is a planning for housing development for Angliers.

250 **THE PRESIDENT :**

So, can we expect eventually an increase of population in the area?

255 **MR. DENIS CLERMONT :**

Each municipality will grow based on their potential and we will see what results will occur. But for Angliers, yes, it should improve the quality of service and the quality of the region, and everything else.

260 **THE PRESIDENT :**

So, what you are saying is, for what is expected for Angliers, the agreement that will be signed with COMAXTEM will be a similar agreement that the conditions that you are proposing to the promoter, they are the same kind of... this is the same kind of agreement?

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MR. DENIS CLERMONT :

Yes. That is what we are hoping for, to have people who will take care on a daily basis to make the necessary links.

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THE PRESIDENT :

So, I thank you for your participation. As I was saying a while ago, we are looking at the whole of a memoir. There are not necessarily many questions on each of the documents that you are tendering. We are just asking you for clarifications.

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So, I will call the second... now, le Regroupement Écologiste Val d'Or et Environs, Mr. Henri Jacob and Yvan Croteau please.

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Good afternoon!

MR. HENRI JACOB :

I got my voice back since the last time! I lost my voice not too far from the dam!

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THE PRESIDENT :

So, we are listening.

290 **MR. HENRI JACOB :**

Good afternoon everyone. I would like to introduce... I am going to sum up, the summary, what is the Regroupement Écologiste Val d'Or et Environs.

295 (READING OF THE BRIEF).

REVE was born in 1987 following a problem that occurred around Val d'Or and Senneterre where a BPC incinerator was to be built. It became a historical file.

300 REVE works on various files at different levels, local, provincial and international levels. At the local levels, we have worked to develop interpretation paths, it is called l'École Buissonnière, near Val d'Or. We have worked to the construction of green spaces. We work on various files.

305 We have solved the problem with Hydro-Québec. There was a problem with fishery eagles who were getting electrocuted. And we found a way to solve this problem.

310 REVE has participated, since the beginning, to different meetings all over the place, from Rio to Budapest to Vienna. Especially the Earth Summit in Rio, we participated in it. We are working right now on different issues, on forestry, waste management, energy, education and international matters.

315 REVE worked in collaboration with various groups all over the place in Canada, the update of what we call the Green List which includes 2,600 ecological groups similar to the REVE in Canada.

320 On the international scene, REVE was picked as one of ten groups to belong to what is called Eco-Volunteers for United Nations program. It is a program... they wanted us to help some groups who were living similar problems all over the globe.

The range of action of the REVE is limited to Val d'Or. It is a local group. So, whatever happens outside the ozone layer, we don't work on it. But we are within the ozone layer here, so we are going to work on it.

325 I am going to give the microphone to my friend.

MR. YVAN CROTEAU :

(READING OF THE BRIEF).

330

Thank you very much.

THE PRESIDENT :

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I will let it go for now, but usually we do not want any manifestation of anything. Please do not applaud. It will take time away from people. We also ask people not to express or to give their opinion on other people's opinions or other people's memoir. We also don't want any kind of expression, of applauding, cheering or yelling on any intervention.

340

So, a few questions for you. You were talking about the historical background of your committee. You said it was created in 1987 by several people. How many people are members of this group?

MR. HENRI JACOB :

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Over 250 members paid their membership.

THE PRESIDENT :

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Thank you. ... a few questions.

MR. BERTRAND BOUCHARD, Commissioner :

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Just a general question. You' ae talking in your paragraph «About Environment» about several impacts of the plant, but a minimum that will be added to other potential impacts of projects of a river. Will it be possible that you could be more specific than that? What will be these impacts?

MR. HENRI JACOB :

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When we talk about impacts, it is a cumulative impact. Here in Québec, we have public hearings but, in general, we tend to have a project by project analysis. We don't include all the projects that affect this river.

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So, it is another additional project, but it is added to it without taking into consideration what happened in the past on this territory. Because we know that this power plant itself, there is going to be a problem for the environment, because it is going to be a water control, different water controls.

370 And also for fish, the fish will go through the turbine. Every year we have fish going through a turbine. We are talking about many fish and, of course, they don't survive.

When we talk about cumulative impacts on the fish, the fish cannot go up the river. It becomes trapped between two dams. There are thirteen dams on this reservoir.

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MR. YVAN CROTEAU :

For the Outaouais River, we talk about 46 power plants. So, that is the impact of Angliers. That is cumulative to all the others as well. But as to the pressure that it puts on the environment, nobody looks at the big picture.

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THE PRESIDENT :

You opened a door to a question. You say in your document that the projects cannot be realized, only with a precautionary approach involving the research and environmental impact, the reversibility of the installations and the use of the river.

385

I am making myself the devil's advocate and I am asking you, you just raised the point that Outaouais River is a river that currently there is many... there are many installations (...) reservoirs, et caetera. So, the question that I am asking is that since we have a project in front of us, the way it is presented to us, there are very little changes. There is no change in the water control. There is no change in the flow, what is... what currently exists will not be disturbed, will not be changed.

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I am not saying that there was not any changes before, but I would like to precise that in the BAPE analysis, it is a large analysis on the socio-economical impacts, as well as environmental impacts, sustainable development and cumulative impacts.

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But since you have in front of you a project that will avoid to go for potential needs to justify, but will limit the impacts in a virgin region, you already have the plant, you already have the installations, according to what is presented to us, there will be very minimal environmental impacts. So, for you, isn't that the best solution or the lesser of two evils?

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MR. HENRI JACOB :

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Well, the first problem in environment is over-consumption. And this project will serve over-consumption. We do not need any energy in Québec. It is recognized even by the government of Québec. In the future, there might be needs, but if it was to meet the needs, real needs, we will consider this project on this aspect to meet a need.

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Right now, we don't have these needs. We are sending this energy to the States. The money is our money, but cannot be invested in the environment. But we will have to buy back this energy with the taxpayers' money by Hydro-Québec. And so far, we don't get specific figures, but it was bought at a loss. So, we are selling it at a cheaper rate than what we are buying it.

415

So, these millions won't be reinvested for projects that are more environmental or social projects.

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So, I would like to ask a question. You are President of the Commission. You acted as President in Grand-Remous, for the Commission in Grand-Remous?

And the paragraph you have read was in your own document, from your report. The document that you have read, the paragraph that you have read on the environmental impacts.

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THE PRESIDENT :

You have plagiarized me!

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MR. HENRI JACOB :

Yes, I copied it. I forgot to ask you for copyrights!

THE PRESIDENT :

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So, I want to thank you for your intervention.

And I am going to call the third person, Mr. René Massie. Welcome, Mr. Massie. The floor is yours.

440

MR. RENÉ MASSIE :

Thank you, Miss Chairperson. My name is René Massie. I took part in the first and second public hearings concerning the project here in Angliers. I decided afterwards to write a paper and I am presenting it to you today.

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(READING OF THE BRIEF).

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Miss Chairperson, La Régionale has demonstrated its capacities in other provinces with small hydroelectric plants in terms of the environment. So, the reservoir of Lac des Quinze will remain intact. And it is in this perspective that I approve the project in here, in Angliers. Thank you.

THE PRESIDENT :

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So, I will let my assistant here speak first.

MR. BERTRAND BOUCHARD, Commissioner :

460 Yes. In your paper, you talk of an agreement that should be struck between La Régionale and resource people. Could you be a little more specific? What type of agreement and what type of resource people should be involved?

MR. RENÉ MASSIE :

465 The agreement that was signed... well, there is always water that will be passing over the dam. I think it is 10 cubic metres per minute, if I am not mistaken.

THE PRESIDENT :

470 10 cubic metres/second.

MR. RENÉ MASSIE :

475 And at the bottom of the dam, there is a spawning area that is there in the spring. And during the month of spawning, the two doors close to the spawning area, they are right aligned. The two dams doors that are right in front of the spawning area, well, affect the spawning area.

These resource people could help... have an agreement with the resource people...

480 **MR. BERTRAND BOUCHARD, Commissioner :**

Concerning an artificial spawning...

MR. RENÉ MASSIE :

485 Well, that would be in addition to the natural spawning area. If there is food in both areas, so the fish will be moving from one area to another.

THE PRESIDENT :

490 You say you have been living in Angliers for some time?

MR. RENÉ MASSIE :

495 Yes. I have been living here since 1972 and my wife comes from here. Yes, I know the area since 1950.

THE PRESIDENT :

500 You are referring to the fact that royalties would be paid to the community, that would help solve a problem for you in terms of drinking water. So, we know what was evaluated by the Ministry of Environment according to the water problems they have. But how do you explain that yourself? There is a lot of water...

505 **MR. RENÉ MASSIE :**

Well, it is not that we have a lack of water. We have a filtration plant. We are pumping the water directly into the taps in the homes. So, there is no filter. There is just a screen to prevent fish from coming into our homes, in our toilet bowls! So, we need a filtration plant really to have quality drinking water.

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THE PRESIDENT :

515 So, in everyday use, well, you have no problems for water supply or in terms of the quality?

MR. RENÉ MASSIE :

Well, there is no real problem. You have to just boil water five minutes.

520

THE PRESIDENT :

And it has always been this way or has it gotten worse?

525 **MR. RENÉ MASSIE :**

Well, it hasn't always been like that. But for the last couple of years, they tell us to boil the water when need be. They announce about it on the radio. They are radio spots. Sometimes, it is okay, you don't have to boil it.

530

THE PRESIDENT :

535 So, given you know Angliers well, in the impact study we talked about, a period in Angliers there was 800 people. Now, it has decreased. So, what impact does this have on the municipality? Was it difficult?

MR. RENÉ MASSIE :

540 Well, yes. This created a lot of damage. When the companies started leaving, like the Canadian International Pulp and Paper Company, they had operations... when the CPR stopped coming here and sawmills stopped operating. There were over 700, 800 families back then.

THE PRESIDENT :

545 That is why people left?

MR. RENÉ MASSIE :

550 Yes. People left for the cities, because there was fewer jobs.

THE PRESIDENT :

And now it has stabilized?

555 **MR. RENÉ MASSIE :**

Yes, it has been stable in the last five, six years. But we need some money to maintain our current systems and to develop others. Water is one of them.

560 **THE PRESIDENT :**

So, do you think this type of problem prevents people from coming to live here?

MR. RENÉ MASSIE :

565 Well, I think, yes. With the project, well, it will add more value for tourism. We have various tourist attractions, lumberjacks camp, boat rides. So, this allows us to survive here in Angliers and we hope to see other projects such as this project by La Régionale. This will really be helpful in our economic development.

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THE PRESIDENT :

Thank you, Mr. Massie.

575 We have another speaking from Timiskaming First Nation. I don't know who is going to come up, Ms. Ada or Ms. Beverly Chevrier-Polson. Could you state your names for the record please? So, welcome. We have Mrs. Beverly Chevrier-Polson? I am sorry, because I have two possible names and I want to make sure that I am talking to the right person.

580 **MR. RANDY POLSON :**

If you allow me, Miss Chairperson, Randy Polson for the Timiskaming First Nation, I am a counselor. And with us, we have Mr. Charlie Angus who is a consultant with the First Nation of Timiskaming.

585 During the presentation of the Chief, we have some information to provide. But in my presentation, we will be making reference to the four files.

590 And if you will allow me, I would like to talk about the agenda before we start. I think we have three spots for Timiskaming First Nation this afternoon and we would like to leave a place to the Long Point community, because I see they are not on the agenda. From my understanding, their elder is here with them and I would like their elderly to express their position and not hold them till tonight, because people from Long Point came over by boat this afternoon, arrived during the lunch hour. So, I would like to grant one of our spots to the Long Point community.

595 **THE PRESIDENT :**

Yes, there were two people. You were before the end of the afternoon and there is Eric Thivierge.

600 **MR. RANDY POLSON :**

Yes. If we could...

605 **THE PRESIDENT:**

If you could ask him if he could make his presentation tonight instead?

MR. RANDY POLSON to MR. THIVIERGE:

610 You go tonight and Winneway is going your place.

THE PRESIDENT :

615 You have no problems to change with...

MR. ERIC THIVIERGE :

620 It is okay.

THE PRESIDENT :

There is no problem. These are people... Long Point weren't enrolled for tonight?

625 **MR. RANDY POLSON :**

No.

THE PRESIDENT :

630

Well, you may be able to decide tonight. I would like to specify for all... tonight, we have about five people enlisted. If there is time, we could add some more. So, instead of letting your place, you could maybe insert your presentation tonight.

635 **MR. RANDY POLSON :**

Yes. We will make arrangements with Long Point. Thank you, Mrs. Chairperson.

THE PRESIDENT :

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Very well. You can go ahead. So, welcome Ms. Chevrier.

MRS. BEVERLY CHEVRIER-POLSON :

645 Thank you, Madam Chairman. My name is Beverly Chevrier-Polson. As acting Chief of Timiskaming First Nation, I would like to welcome this Commission to the traditional territory of the Timiskaming First Nation.

(READING OF THE BRIEF)

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We must state for the record that this session, which is designed to hear general public concerns, does not fulfill the constitutional obligation of the Crown in right of Quebec to consult with our First Nation, neither does it absolve the proponent of their legal duties to consult fully with our First Nation.

655

A hydro development of this scale entails numerous technical issues and poses a number of potential impacts on our territory. But to properly address these issues, we would need access to technical and scientific resources. We do not have access to such expertise.

660 In light of our inability to fully determine the environmental impacts of this proposal, I will limit my comments here today to an outline of our legal interest in this land and your legal responsibilities to protect our fiduciary and aboriginal rights.

665 **Obligation to consult.** What is implicit in the duty to consult is the requirement for free and informed consent, consultation. This obligation implies a number of things, including the ability of the First Nation to have ability to have independent legal advice. The process that has been set up to oversee comment on the Angliers Project is deficient in two respects.

670 First of all, our First Nation does not have the technical or financial resources to ensure that the environment of our rights and interest will not be negatively impacted. And second, there is the issue of language.

675 English is the working language of our Council and our community. I, as acting Chief, do not speak French. We have requested that your Commission, the proponent and the Quebec government provide us with the technical documents in the written language of our community.

In refusing this request, you have effectively ensured that any comments we make will be superficial and lacking in a necessary critique of the proponent's claims.

680 **Deficiency of process.** In the case of the Angliers Project, the government's deficiency can be summarized as follows.

685 1) Failure on the part of the Crown to consider the project's potential impacts on the aboriginal and treaty rights of the affected First Nation, rights which are protected by Section 35 of the Constitution Act, 1982.

Secondly, failure on the part of the Crown to engage in consultations regarding potential infringements of aboriginal and treaty rights.

690 Thirdly, failure on the part of the Crown to provide our community with independent resources with which to accurately assess and respond to the risk of this project. We cannot be expected to rely solely on technical documents that have been paid for by the proponent as these are clearly intended to prove the proponent's case. Without independent technical verification of these claims, our interests are put at a disadvantage.

695 The failure to provide our community with information in English, which is the working language of our community, is a clear breach of fiduciary obligation to ensure that we are able to fully represent our interest in this matter.

700 Obligations of the proponent. Case law, the second *Haida* decision also states that the proponent has a duty to consult as well. And a full and open consultation process with the proponent should have taken place.

705 We object to attempts to characterize an information session put on by the proponent as having met with the need to consult. We made our position clear at the time of this information session and we reiterate it again today.

710 Having sat through a sales pitch from the proponent was a goodwill gesture on our part. It in no way was meant to alleviate the legal obligations of the proponent to ensure that concerns have been met.

715 Issues of title. Timiskaming First Nation exerts undistinguished title to our traditional territory and we assert other aboriginal rights protected by Section 35 of the Constitution. That being said, as case law the two *Haida* cases and the *Taku River* decision has shown, it is not up to the First Nation to establish aboriginal title or rights to lands before being owed an obligation by the Crown or the proponent to protect those interests.

720 According to case law, it simply falls to the First Nation to establish a prima facie case for title. We do not intend at this point in the process to put forward our full historical and legal case for title, but will simply provide enough map and written record to establish our prima facie grounds for consideration.

725 Territory maps. I submit today the following two maps which have been prepared by our land claims research team. The first map outlines the traditional territory of our community as it stood in 1867. The second map establishes current land use patterns of our community. The map was developed through extensive land use study of the territory. As you will see from both maps, the Angliers Project falls within our territorial and present day land use patterns.

730 Dr. Speck Report. I will also submit today a report prepared by the respected anthropologist, Doctor Frank Speck, entitled «*Family hunting territories and social life of various Algonquin bands in the Ottawa Valley*». The report was prepared for the Department of Mines Geological Survey in 1915.

735 You will see from this report that Doctor Speck makes it clear that territorial land use from the Algonquins was strictly defined. You will also see that Doctor Speck identifies the land in question as being within the territorial land use area of the Timiskaming First Nation.

740 Obligations relating to issues of title. It must be made clear that the issue here is not whether Timiskaming First Nation can prove there are unresolved environmental issues relating to the Angliers Project. The issue is in fact whether or not the government of Quebec has ensured that our aboriginal rights, as laid out in Section 35 of the Constitution Act, 1982, have been respected.

745 Level of obligation of the Crown. We believe that the level of obligation for the government has been raised by the fact that the Crown is acting on both the arbiter in this process and as promoter of the new hydro developments in the province. There is a perceived conflict that the government, through its stated policy of encouraging new hydro developments, is acting as a promoter of the new hydro developments in the territory. And yet, at the same time, the government has a fiduciary obligation to protect First Nation interest.

750 The Commission should be cognizant of the extra-fiduciary obligation that is entailed because of its perceived conflict and should exercise caution as a panel mandated by the government to assess impacts of new developments.

755 Supreme Court case law. There have been a number of court decisions made in recent years relating to obligations of the Crown to protect aboriginal rights when the issue of infringement on aboriginal title has been raised.

760 I have mentioned the two *Haida* cases and the *Taku River* case. There is also *Adams and Côté* case establishing that the common law doctrine of aboriginal rights applies in the province of Quebec.

765 *Delgamuukw* decision. In the Supreme Court *Delgamuukw* decision, the Court concluded that where aboriginal title exists, the Crown must justify its infringement and reconcile its assertion of Crown title with aboriginal title. The Court identified three aspects of aboriginal title that must be considered in connection with infringement and justification.

Aboriginal title encompasses the right to exclusive use and occupation of the land.

770 Aboriginal title encompasses the right to choose to what uses the land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of Aboriginal peoples.

Lands held pursuant to aboriginal title have an inescapable economic component.

775 Obligations established under *Delgamuukw*. Once the Crown has justified its infringement, it must take steps to reconcile its assertion of title with aboriginal title. This can take a number of forms.

780 In some instances, consultation will be required, but in most cases, it will be substantially deeper than mere consultation, in other words a real authentic role in land uses management and allocation decisions. In other instances, the First Nation consent will be required.

785 If infringement can be justified, then compensation may be due. According to the value inherent in aboriginal title lands and resources, the Court indicated that diminished rights would normally require valuable consideration.

Thus the Supreme Court of Canada has recognized that aboriginal title is a real property right, and that has a value.

790

Angliers obligation. If we look over the written record of correspondence on this file, it is clear that the government of Quebec has not met its legal obligations in terms of consulting our people and carrying out its fiduciary obligations to protect our interests.

795

Failure to provide English language documents. We see the failure of fiduciary responsibility most clearly in the refusal of the government and the proponent to provide us with documents in English, which is the working language of the council and the community of the Timiskaming First Nation.

800

Back in November 2001 when BAPE was here having hearings on the retrofit of the Des Quinze dams, Chief Daniel Chief wrote to Quebec requesting that studies be given to us in English. Quebec refused.

805

With the Angliers development, both Long Point and Timiskaming wrote to the Minister of Environment in March requesting that the studies be made available in English. We never received a reply. On April 25th, our lawyers wrote to the Minister once again requesting that materials be provided in English. No answer was given.

810

Our request to be able to assess the documents relating to this project in the language of the community is not a request. It is not a stalling tactic and it is certainly not a favor that would be bestowed on us by the Commission. Our ability to partake fully in these hearings through access to technical documents in a language we understand is a legal right. And it is a legal obligation of the Crown to ensure that we are able to participate.

815

Financial issues. The Angliers Project is a \$55 millions development. Once built, it will provide millions of dollars every year in revenue. This money will be generated off Algonquin resources and no mention has been made of any revenue sharing benefits that will accrue to the people who hold original title to these lands.

820

Even more, despite the great wealth generated by this project, we have been told that there is no money to provide our people with documents in a language we can understand.

825

The Angliers Project will provide clear benefits to the proponents, Hydro-Québec and the government, and yet this government has left the people of Timiskaming First Nation to scramble out of the limited resource budget to provide whatever technical or legal advice we can manage to cobble together. This isn't good enough. We cannot accept this.

830

Willing to assert title. Our history of accommodation with the settler population has not been a happy one. Since the time of European contact, we have been pushed to the very margins of life in this territory. As a result, we have been forced on a number of occasions to assert our territorial rights.

835 Obadjiwan, the Old Fort occupation. In the 1990s, our Council expressed his interest in working with Parks Canada to help revitalize the Old Fort at Ville Marie. The site Obadjiwan had existed as an Algonquin meeting place for thousands of years and, yet, our attempt to have our interest represented was rejected.

840 When we found out that Parks Canada had begun digging up an ancestral burial ground, we were forced to occupy the site and stop all work until our concerns were addressed. This occupation would not have been necessary if Parks Canada had sat down and worked with our people from the beginning.

845 That being said, the government has now recognized our interest by naming us as joint owners of the site.

Adams Mine. In the fall of 2000, our people blockaded the Adams Mine road to stop the development of the Adams Mine dump proposal. This blockade was forced on us after years of being ignored by the government of Ontario over the issue of aboriginal title at this site.

850 Throughout this process, we attempted to have our issues addressed by the government panel and the proponent. Unfortunately, the government continued to push ahead until we had to settle the issue in confrontation.

855 The Bennett toxic waste incinerator. In 2002, the Ontario government began licensing the Bennett toxic waste incinerator at the edge of our traditional territory. We made it clear to the Ontario government that our right to be consulted would not be overlooked as it was with the Adams Mine. As a result, the Ontario government, perhaps having learned its lesson on the Adams Mine issue, named Timiskaming First Nation, the Algonquin Nation Tribal Council and the Quebec-based Algonquin community of Abitibiwinni to its Government Review Team for the project.

860 Lessons learned from confrontation? I bring these examples forward today to show you that the Timiskaming First Nation will act to protect its legal rights for the benefit of our future generations. As well, these examples show that there are ways to avoid conflict. But the Crown must realize that it is better to work in partnership than in adversarial position.

870 Next steps. We realize that Angliers is just one of a series of projects that could take place on our territory in the coming years. We also recognize that there never will be a convenient moment for the government to address our issues of title or accommodate our interest.

In light of this, the Angliers Project will set a test case for future relations between our First Nation and the government of Quebec.

875 Therefore, we are calling on the BAPE Commission and government of Quebec to rectify the failings of this process and initiate a process where we can work together as partners to rectify the situation.

880 Moratorium on the project. As an initial first step towards developing a process for dealing with our concerns, we are calling on this Commission to immediately halt any further moves on this file until three remedial steps have been taken:

That the Commission authorize the proponent to provide us with technical documents in our language.

885 Secondly, that the Commission or the government ensure that we are able to access financial resources to hire an independent review team to assess Angliers.

890 Thirdly, the government sit down and consult with our First Nations to establish a protocol that will ensure that cooperation, rather than conflict, will mark the development of our region.

895 The Algonquin people wish to work as partners with our neighbors. We wish to be part of the sustainable development of our region for the benefit of future generations, but we are not willing to accommodate a speedy approval's process that puts our rights and interests in jeopardy. We are not willing to be pushed to the sidelines by time lines that limit our voice to that of an 11th hour complaint.

We have lost too much over the last 200 years and we simply can't afford to lose any more. Megwitc.

900 **THE PRESIDENT :**

Thank you, Ms. Polson. First, I would like to say that as concerns the Commission, we have heard you. We received your comments... I was waiting for you to put on your earphone. The Commission has heard you. We welcome your comments and we will take them into account in our proceedings. And I thank you for participating based on the arguments that you raise in your paper.

910 Just a small clarification. Beyond what we cannot resolve ourselves, which is not part of our own mandate, but as much as possible, we try to provide maximum access to certain documents that we do produce... try to translate them into English and also have simultaneous interpretation.

915 I would also like to clarify, contrary to what is said in the paper, it is not the Commission that refuses that the promoter gives the documents in English, but we cannot require. We can ask him, but we cannot require or demand. And there is a matter of delay also.

920 So, beyond this problem, as I said earlier, I do not have the mandate or the capacity to resolve either in terms of land claims or languages issue, but still there is a way to proceed. But it will feed our reflection on this whole process.

925 And I would also like to ask some questions. I know you were in the first part of the hearing. In the project that was submitted, in terms of concerns for the citizens of all walks of life, some proposals or propositions have been made in order to optimize the spin-offs of the projects for the population, both native and non-native population.

930 As an example, people mentioned what was done in terms of organization for the Rapides-des-Quinze Project that you referred to in your paper, by creating a committee which tries to maximize the spin-offs in terms of employment for the local people as well as for businesses, aboriginal and non-aboriginal.

935 From what I could read in documents of the COMAXTEM Committee, they had planned to have an aboriginal seat.

MR. RANDY POLSON :

Madam Chair, concerning the spin-offs for the community, you are asking if jobs were created for us? No, we benefitted from no creation of jobs.

THE PRESIDENT :

940

Were there any aboriginal businesses that were able to bid? In the current process, is there any sharing with you, anybody representing your nation?

MR. RANDY POLSON :

945

Yes. A person went to get our maps. I know they are trying to offer us some jobs, but...

THE PRESIDENT :

950

For the more specialized jobs that are governed by the Commission de la Construction du Québec. But currently in the region, are there any aboriginal businesses who have a certain expertise in this type of project?

MR. RANDY POLSON :

955

We have a company who has hauling trucks, transportation, you know, gravel transportation and big heavy equipments, you know. We have that in the community. We have another company, they sell iron steel to James Bay, to Hydro in James Bay, but I don't know if they're dealing with the réfection du barrage des Quinze. I wouldn't think so, but we have two companies for sure in the community who could benefit from the spin-offs of the construction of the Des Quinze power station.

960

THE PRESIDENT :

965

Are there any members in your community in terms of construction cards and all the categories of employment? In your community, are there many people who do hold these cards to work on construction site?

MR. RANDY POLSON :

970

That is another issue. It is a matter of language also. But I know the former Council, when I was elected, they had taken some steps to organize some training. I think it was safety, a safety course, but it did not give any much results. We didn't get any job opportunities on the renovation of the Des Quinze Dam.

975

I see some labor pushing wheelbarrows on the dam. We could do that to, but we never had equal opportunities or even one job offer for our community.

THE PRESIDENT :

980

So, in other words, for the past year, since the COMAXTEM committee has been in place to maximize the spinoff... I know the work is not completed. I guess there will be more intensive periods for certain shifts of work.

985

But what I would like to know is, is there a good relationship, a good connection, a good sharing of information with the different communities to maximize the economic spin-offs in relationship with the aboriginal community on the Rapides-des-Quinze project? Do you feel that there is a possibility for a discussion to be fully part of this project?

990

MR. RANDY POLSON :

I think that our Chief, Daniel Chief, has ordered some documents in English from the BAPE. But we never received any job offers or job opportunities. And I don't think anybody tried to find a procedure, a way, a method for our people to obtain these competency cards.

995

THE PRESIDENT :

1000

So, for you in the community, this is not visible. Even though it's been only a year, there is nothing going on right now, both in terms of personal jobs or businesses?

MR. RANDY POLSON :

1005

No, there's nothing. As the Vice-Chief mentioned earlier, we are not against development. But we would like to take part in it and let them be made aware of our concerns.

In my presentation later on today, I will refer to some maps and I will give you the vision of our community and what we're facing with this project.

1010

THE PRESIDENT :

All right. So, I thank you. I would like to remind you that beyond what you said in your submission, rest assured that there is at least one thing, the Commission is not giving any opinion right now. We will give our opinion in the final report.

1015

But contrary to what you believe, if I quote you, you know, in terms of our own concerns, we will be concerned with all the aspects of the problems. We will be concerned with all the First Nations. As I said, our mandate is very broad in this respect. So, thank you.

1020 **MR. RANDY POLSON :**

Madam Chair, the Vice-Chief read her submission. Can she file it? She mentioned the report by anthropologist Frank Speck.

1025 **THE PRESIDENT :**

Yes, you can file this document. Go and see the coordinator. We have the verbatim in both languages, but if the document is different from the one you have already submitted, you can file it in the back with the coordinator. Thank you for your participation.

1030

You referred to some maps. If you want to file in the maps as well. Is it possible?

1035

MR. RANDY POLSON :

You want me to refer to the maps?

THE PRESIDENT :

1040

No. Earlier you talked about two maps. So, I would like you to file those maps for the Commission at the end of the proceedings.

MR. RANDY POLSON :

1045

The maps are only in a draft form. They're not even complete.

THE PRESIDENT :

1050

No, but it is simpler for us. Since you are referring to a document, we need simply a copy.

MR. RANDY POLSON :

1055

We don't have money to give you a copy!

THE PRESIDENT :

1060

Well, we will take care of that. Yes, we will take care of that. I am asking you, so we will pay for the cost, for whatever it may cost.

MR. RANDY POLSON :

Thank you, Madam Chair.

1065 **THE PRESIDENT :**

Thank you. Now I would like to invite another intervener, a last one before the break. I don't know if you are starting to get hot! I will hear a last one before the break. Ms. Lyna Pine for the Municipality of Angliers.

1070

You are with Mr. Paul Coulombe. Welcome to the Commission. Okay, we are listening to you, go ahead.

MRS. LYNA PINE :

1075

(READING OF THE BRIEF).

MR. BERTRAND BOUCHARD, commissioner :

1080

I have a question, a clarification. You say that the Angliers hydro project will result in an increased growth for the municipality. Do you have any projections in terms of this growth, any projection that was done in terms of population growth for the coming years?

MR. PAUL COULOMBE :

1085

Yes. I think that with this project, not only will we attract tourists, but also we are also trying to reduce the taxes with such a project so people would come in greater number to settle in Angliers.

1090

La Régionale project will... with that project, there are going to be many people. It is going to be a touristic parish. The more people retire, the more they want to go and live near water. So, with such a project, it is going to be favorable for us, you know, to attract people to come and settle here.

1095 **MR. BERTRAND BOUCHARD, commissioner :**

So, it is an anticipated growth, but it is not based on any demographic study?

MR. PAUL COULOMBE :

1100

No. But for many years now, people are asking for sites, building lots, and the current tax rate is a bit high because... In the past, we had 700 people in Angliers and we had a network to supply 700 people. Now, we have 90 families and we still have the same water system. So, it's not easy.

1105

There are going to be some royalties and I think we can improve the infrastructures accordingly. And I think that tourists and retired people will come and settle in Angliers.

MR. BERTRAND BOUCHARD, commissioner :

1110

My second question is concerning another statement in your submission: the municipality has even selected the final site of the power plant. Can you explain following which process was this choice made?

1115

MR. PAUL COULOMBE :

1120

First, there were two options, even three options to select from for the site. One option was on the dam side, on the east side close to the village. And following a discussion with the municipality and the people, we thought that it would be a lot better to build it on the west side, because maybe for the noise, nuisance, and for the aesthetic aspect.

1125

Because we have a small park near the dam on this side and it would have taken part of the whole site. So, we prefer to go on the other side. So, following a discussion, everybody was in agreement with that, to go on the other side of the dam.

MR. BERTRAND BOUCHARD, commissioner :

Following discussions with the promoter?

1130

MR. PAUL COULOMBE :

With the promoter and the local people.

1135

THE PRESIDENT :

In your paper, you say that the municipality becomes a partner with La Régionale. Are you referring to an agreement or just an informal partnership? How would you define this partnership with La Régionale?

1140

MR. PAUL COULOMBE :

1145

It is an agreement that we have signed for the economic spin-offs and also for jobs. The agreement provides that all the jobs will be created in Abitibi and Témiscamingue. And the contractors and all the material required for the construction, if we can manufacture them here, we will do so in Témiscamingue and in Abitibi.

And also we have signed a protocol agreement with La Régionale in that sense, you know, for the economic spin-offs to create jobs in Abitibi-Témiscamingue.

1150

THE PRESIDENT :

Thank you for your participation.

1155

I think we have time for another person, Mr. Anthony Peluso before we take a break.

Good afternoon, Mr. Peluso. We are listening to you. Welcome.

MR. ANTHONY PELUSO :

1160

(READING OF THE BRIEF).

THE PRESIDENT :

1165

Thank you, Mr. Peluso. So, I guess my colleague will have a few questions.

MR. BERTRAND BOUCHARD, commissioner :

1170

In your paper, you state that there will be a lower water level that will affect Miller Bay. Is it true?

1175

As we come here, we cross a bridge on the right where Miller Bay is. And through this bridge, we communicate with what we call the downstream bay of the dam. So, if there is no change in the water level of the new power plant, how could there be a decrease in the water level in Miller Bay?

MR. ANTHONY PELUSO :

1180

In front of the «barrage» Des Quinze, now water is running out of the doors of the dam and it is higher than in Miller Bay, because it is the outlet. So, if you stop all the water from running, and you send it to another outlet, automatically water level will be lowered. At least, that is how I see it. That is my theory.

1185

It sometimes happens that water is very low and we can see it, because it sucks the water in the power plant. Since it is going to be in the front, it is going to be worse. There is going to be no water left.

MR. BERTRAND BOUCHARD, commissioner :

1190

The power plant will be built about 300 metres further down from the current spillway. Okay, it gives me more information on your concerns with regard to this lower water level.

1195 The other point is, you wish a continuity in the existing jobs, because... the federal government jobs. So, maybe with the construction of the power plant, there is going to be less operations at the dam. But you want to protect these jobs, you want these jobs to be maintained. So, how do you believe it could be done?

MR. ANTHONY PELUSO :

1200 Well, they say that the purpose is to create jobs, not to eliminate jobs. By building a power plant with a spillway... you know, the guys right now are working manually. Everything is done manually. So, if Hydro requires water, you push a button, so it goes up and down. You don't need guys here. You don't need workers here if it is all automated. You don't need people to regulate the water levels. You know, people from the federal, you don't need these people
1205 anymore.

MR. BERTRAND BOUCHARD, commissioner :

1210 So, it does clarify your concern.

MR. ANTHONY PELUSO :

1215 And there are many other things. The way I see it in the municipality, I mean it is... the public opinion is more or less 50/50. I would see a referendum in the village.

THE PRESIDENT :

1220 You said you worked for 31 years in the three Hydro power plants on Rivière des Quinze. From what I can see from what you say is that the type of operation of the new power plant would result in less workers. They would not need to operate it manually.

1225 Now, my question is, the people who currently... you know, with the new type of jobs that this will mean, the people working right now on the dam are people who can access this type of jobs or does it require a special training? Because you say it is two different types of operations.

MR. ANTHONY PELUSO :

Well, no, it doesn't need a special expertise.

1230 **THE PRESIDENT :**

I am relying on your own experience. You've been there for 30...

MR. ANTHONY PELUSO :

1235

The new power plant, if it is built, it is all automated. You don't need operators or technicians, or all that. Because the ones we see in Rapides des Îles, Rapides-des-Quinze, there is nobody there, it is all automated.

1240

It is certain that it scares me. They say jobs will be created, but if you look at the Rapides-des-Quinze power plant, which is bigger than this one, and there is nobody there, you say, «What is this? What are they going to do? They are going to clean the power plant, do housekeeping in the power plant?» I suggested an interesting alternative for the power plant, like the one they did...

1245

THE PRESIDENT :

In LaSarre?

1250

MR. ANTHONY PELUSO :

It is a small power plant and it produces 25... it is distributed at 25,000 volts... If you start from the power plant and you go to Rapides-des-Quinze, there is a road that has been built to develop residential houses. I don't see any people who will build houses under a 25,000 volt power line. So, there are diverging opinions. When it is 25...

1255

THE PRESIDENT :

Oh! You are talking about the power lines?

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MR. ANTHONY PELUSO :

Hydro-Quebec power lines, power distribution.

1265

THE PRESIDENT :

For the new power plant or are you talking about the Rapides-des-Quinze?

MR. ANTHONY PELUSO :

1270

No, for the new one. They are going to use 50,000 volts. You have a line of 120 kV for the power plant, if they ever build it. And it has to be fed with 120 kV to the Rapides-des-Quinze power plant.

1275

But if you build a smaller one, you know, the power lines are already there. It is 25 kV. It is smaller, but it will generate as much profit.

1280

It is a big concern. I have always lived here. And when there is no more turbulence in front of the dam, then... that is part of my life, me. I have always seen it flow down, but now I won't see it anymore.

THE PRESIDENT :

1285

When you talk about your outfitting business at Miller Bay, you said earlier that, indeed, right now there are some fluctuations in water level.

MR. ANTHONY PELUSO :

1290

That is upstream. Upstream of the dam.

THE PRESIDENT :

But the impact on Miller Bay...?

1295

MR. ANTHONY PELUSO :

That is my residence.

THE PRESIDENT :

1300

Oh! Your outfitting is upstream and your residence is downstream. The fluctuations you talk about, is it in Miller Bay or in the reservoir?

MR. ANTHONY PELUSO :

1305

No. Upstream it doesn't matter.

THE PRESIDENT :

1310 But downstream you do have fluctuations during the year?

MR. ANTHONY PELUSO :

1315 Yes.

THE PRESIDENT :

And are they more concentrated in one particular period of the year?

1320 **MR. ANTHONY PELUSO :**

Well, right now, the water is very low, fairly low. It is the maximum low. It is like a small lake. If it worsens, at one point in time, you will have problems, you know.

1325 We have built a filtration plant, water filtration plant for waste waters. So, now it is going down, it is going with the flow. But if it all comes to the same place... you know, we already pay for a plant. There are many things that will be affected. Of course, we can make different kinds of studies, but...

1330 **THE PRESIDENT :**

According to what the promoter is saying in his project, the water levels will not change, both upstream and downstream.

1335 So, I am trying to understand your concern. What you are saying is the water flow... you know, there is a reserved water flow of 10 cubic metres?

MR. ANTHONY PELUSO :

1340 No. In the power plant, they will take the maximum of what is flowing through. Right now through the dam, it is 200 square meter per second and their estimation is for 400. When it is 400 square metres, it is like in the spring flood.

1345 So, there are many aspects to look into. When you have been living here for a long time, you can see it for yourself. But for someone who has not been living here, it is a different story. They say, «Okay, we will settle here and then...» You know, I am home here. To say, «It won't show», it is like building a house, «Oh! It won't show.» Well, I m the one living here. So, I would like to see it my way.

1350 **THE PRESIDENT :**

Thank you very much, Mr. Peluso. This will feed our reflection as the papers of all the other interveners.

1355 So, it's 3:30. We'll take a 10 to 12 minute break and we will resume at approximately 15:45.

SUSPENSION OF THE HEARING

1360 RESUMING THE HEARING

THE PRESIDENT :

1365 Please come forward, we will resume the hearings.

I am going to call the next speakers. For Long Point First Nation, Mr. Steve Mathias and Mrs. Helen Hunter.

1370 Good afternoon, Mr. Mathias, Mrs. Hunter. Welcome to the hearings. We are listening.

MR. STEVE MATHIAS :

1375 Bonjour, good afternoon! I want to welcome you to Algonquin territory. I would also like to take this opportunity to thank the Timiskaming First Nation and namely Mr. Thivierge, Eric, for allowing us to take his place here in order to accommodate us. So, megwitc, Eric.

1380 I am here with Miss Helen Hunter. Helen is a well-respected elder from my community. And we came here by water today. We travelled by boat from Winneway to Angliers just to tell you a little bit about who we are, who Long Point is.

1385 So, when we left Winneway, we had to travel through two of our, you know, former settlements, namely Sand Point and Long Point. We travelled; it takes about an hour and a half by water. And we stopped at Long Point this morning, you know, and the elder said a prayer to honor ancestors.

The dam, that was built approximately 100 years ago now, flooded our settlements of Long Point. And it is very terrifying and horrible to hear, you know, the stories that the elders share with us on what they had to live when they constructed this dam.

1390 And the only thing that they compensated us was just to relocate the church. You know, there were graves that were flooding, you know, when the water started to raise and so on. She is going to share that with you later.

1395 So, I am not here to really submit a document. We took part in BAPE hearings in the past. We took part in the Commission Doyon and the Commission Doyon dealt with hydro development.

And again, you know, we were totally pushed aside like if we didn't exist. And it is very insulting to have to be treated in that manner on your own homeland.

1400 You know, this Timiskaming First Nation representative mentioned to them in their brief like what, you know, this is un-ceded land. You know, our rights are not extinguished over this territory. It never made the subject of a convention or a specific treaty to the Algonquin nation.

1405 But that is not my point here today, because what I find even more disturbing, because I took part of, you know, different people that intervened here up till now. And the first one that I listened to mentions like, you know, that this project is supported in the region here. And I have been here when three or four other people who came to intervene were totally against this project.

1410 And it is even quite confusing because, you know, even when we talk about the jobs, some say six jobs, some say it is four jobs; the amount that this town is going to generate, you know, from the revenues, \$120,000, \$160,000. There is a lot of ambiguity.

1415 And we are trying to have access to that information. We invited, you know, La Régionale twice to our community. They came to an official Band Council twice. And Mr. Carter, Mr. Dave Carter, came to represent the Regionale. And when we started to share concern with him, we asked him, «You know, we need to have access to all documents pertaining to this project here.»

1420 And the only document that he has provided us up to now is the copy of the environmental assessment study that was conducted. The report is in French. And we asked, you know, that we get this copy in English. I don't even think Mr. Carter can even speak French himself. And we find that quite unacceptable, you know, that a promoter from Ontario approaches us and when we asked, you know, to share information so we can take an informed decision, that we are not provided with the documents that we understand. So, Madam, that is quite frustrating, you know, when you are asked to support something that you can't be informed of.

1425 Mr. Carter, you know, told us that he would come back and bring the other information that we asked for. And the documents that we were referring to, it is the agreement in principle with Hydro-Québec, the hydro contract. We asked for his business plan. And I find that he was very not cooperative with us.

1430 And I asked him, I said, «You know, how much money you are going to generate out of that?» And he told me, he says, «Well, I don't know how much money I am going to generate out of that.» You know, I am not an economist, but if I would, you know... or a promoter that is going to invest \$55 millions, Madam, you know, the first thing that he's going to want to know is how much money he is going to generate annually. And that information, he wouldn't want to share with us at our first meeting.

1440 The second meeting, he came back, it was just before Christmas. And he comes back and he submits me the same document that he provided us, you know, a few months earlier. And I told him, I said, «You know...» I pitched it back to him. I told him, «You are giving me the same document you already gave me. That is not what I am asking for.» And I said, «Look, you

are going to stop fooling around. How much money are you going to generate out of this?» And then he told me that they were going to generate \$7 millions a year.

1445 Then he tells me how much the government is going to generate, how much the town of Angliers is going to generate. So, I told him, «What is in it for us then?» And he says, «There is nothing planned for you, people.» So, I told him, I said, «You know, how could we support something that there is nothing planned for us in there? How am I going to be able to inform, you know, my people?»

1450 Madam, I have about 50 if not more of my members, you know, of my people here with me right now. And people are pissed off. And people are sick and tired of, you know, how we are being treated. It us like if we don't even exist, you know, like if we are not important, and that has to stop.

1455 And I am not here to beg. We are not here to beg for nothing. We are here to come and, you know, tell you what our rights are, what our inherent rights are and that we have a fundamental problem here, in the region here.

1460 You are going to hear other organizations that are going to come up here, that we are in conflict with those organizations. And they are going to come here and speak in favor of this project here. And the fundamental problem that we have is our relationship.

1465 Like Long Point, you know, the community of Long Point is just like treated as another user or another... it is like a company we are compared to. And that is totally unacceptable.

You know, we are not only facing problems in regards to this particular project. Everything that deals with land and natural resources, you know, our community is taking a strong stand.

1470 We have been in crisis the last four years in forestry and we are not about to give up either. You know, we are at the edge of having a revolution, because the social and economic condition of our community is devastating. You know, we can't even provide adequate education services in our community. We had a general assembly on that last night.

1475 We have serious social issues to adjust in our community, you know. And all we are doing is investing in consultants to do studies on us. We have been studied over and over and reports just confirm what other reports already mentioned. And the government refuses to take action.

1480 But we are at a point now that enough is enough. We are going to be more present and we are going to intervene. And this is only a start that we are doing right there now. And I want to make it clear, we are not against development either. But all what we are asking is our own... what is the fair share of Long Point.

1485 You know, you just push around our community left and right. «You know, here we will flood this settlement that you are on. Move over there. Move over here.» You know, we are just beginning a new millennium in there. Are we going to keep having that type of attitude?

1490 You know, that is why we decided not to start getting ourselves involved in legal fees and consultants, you know, and indebt ourselves after that and that we put our community in third party management. So, we are going to stop pissing ink because we are pissed off and now we are going to start taking action on the ground. That is what is going to happen.

1495 And when I accepted, Madam, to run for office, I didn't accept it, you know, to manage the poverty and the misery of my people. I accepted that, you know, so that we can build a future for ourselves and for the future generation to come.

1500 I don't want to see our youths and future generations to go through what we are going through. Our youths are already telling us that they are not going to take that dumb. They are angry. And, you know, I didn't take any courses in anger management, but it is very difficult for me and my Council having to deal with that.

1505 Everything became now a priority. Every file or every thing that is going on around us is a priority for us now. And when we want to intervene in a reasonable and respectful manner, you know, we don't get that treatment. You know, we feel like we are not treated in good faith. So, that is what is going on around here, Madam.

1510 You know, when we talk about Long Point, it is a ten minute ride from here and I invite you all after to come and visit to see. You want to look at the environmental impacts? Let us jump on that boat and let us go and look what happened to us.

1515 It is not just by just reading documents, you know, on what a consultant that was hired by a company, that we are going to base ourselves to make our decisions. We need to go right on the grounds. We need to go where things are going to be affected. Mr. Peluso was just passing in front of me. He made reference to that. You know, you have got to live it. And we are living all different kind of situations and they are very unpleasant.

1520 You know, our community is totally underdeveloped, underfinanced. And, you know, we have a very high unemployment rate. And when I am talking unemployment, I am not talking about employment insurance here. I am not talking about *chômage*. I am talking about welfare, social assistance when I am talking about 50%. And you can add another 25% just the people who are on *chômage*.

1525 The main employer is the Band Council and that is for the different types of basic essential services that we have got to deliver to our people: education, health and obviously social assistance. We have got to get a welfare administrator, you know, to provide that basic service in our community.

1530 And, you know, it is not that we don't want to get involved. We want to be involved at every level. And that is why we need different industries. It is not just sweeping their broom that we want to do. We want to be involved at the management level too.

1535 Even this project here, you know, when we deal with Ottawa River, you know, there is this board or this commission that you have people from Ontario, people from Québec. You know, we feel that we should be on that board too, because the board's responsibility is to control the water level of the Ottawa River. The Ottawa River is the heart of the Algonquin nation territory and we are not even involved in things like that.

1540 Things are going to have to change. And what I mean, change for the best, not for the worse. Because if it changes for the worse, then as what I am referring to, it is a revolution that is going to happen here.

1545 And people, you know, that we meet, people... you know, I met other people, general public and thing like that. I met the mayors and they are saying, «Yes, you have your rightful place here. You know, we should be learning from you. There is a lot of things that we can learn from you.» And now people are starting to realize too that, you know, how things are happening, it is just that they are putting us into conflicts.

1550 The way things are designed right there now, it is just like if it was meant, you know, that those that we have to coexist with on this territory are going to keep us in conflict, in confrontation.

So, that brings me back to the issue of our relationship. We have a fundamental problem and we have to address that. You wanted to say something, Madam?

THE PRESIDENT :

1555 I am sorry, Mr. Mathias. Beyond the interest of what you are saying, we are limited in time and I want us to keep some time to be able to exchange some comments on your allocution. And I know that Mrs. Hunter would like to address the Commission. So, I would like to please ask you to make it a little bit shorter, another one or two minutes or so.

MR. STEVE MATHIAS :

1560 I will let Mrs. Hunter speak now and I will conclude after her comments, if it is okay with you.

THE PRESIDENT :

Thank you, Mr. Mathias.

1570 Mrs. Hunter please.

MRS. HELEN HUNTER :

1575 My name is Helen Hunter Chenna. My family name is Chenna. My grandfather was
Thomas Chenna.

(MRS. HUNTER ADDRESSES THE COMMISSION IN HER MOTHER TONGUE ALGONQUIN)

1580 And may God bless you in Jesus' name. Amen!

THE PRESIDENT :

1585 Megwitc. Naturally, I will see if we have a possibility of translating Algonquin to French for
the verbatim.

So, I would like, Chief Mathias... in your presentation, you talk about meetings you had
with the promoter concerning the project.

1590 We are in a region where there are a lot of infrastructures, a lot of hydroelectric
infrastructures. There are a lot of sites, many in the past, still many today. So, I would like to
know, up to now... your community in Long Point is Winneway.

1595 So, the Long Point community, do you currently work or have participated in projects,
hydroelectric construction in the region or are you currently discussing in terms of other projects
that are upcoming?

MR. STEVE MATHIAS :

1600 There was a power plant and a dam that was built in Winneway. And I would say that
started in the late 1930s. So, they built a dam, it is a small dam. I believe it is around 2.4 MW.
Our people took part of the construction of that power plant. Our people took part of the operation
of that plant.

1605 But when the town of Belleterre took over, because the mine... it was to provide the
energy, electricity for the mine in Belleterre. When the mine had to close its operations at the end
of the 1960s, they transferred this power station to the town of Belleterre, because it was also
supplying the electricity for the town of Belleterre.

1610 Our people was removed from their functions. And this project, you know... the town
operated right till the end of 1980s to where that they put it up for sale after, because the Hydro-
Québec network went to supply them in their town.

1615 So, that is when the Quebec government, under the Liberals — I think it was Premier
Bourassa at the time - with Madam Bacon... that is when they introduced the small hydro program,
under 25 MW, you know, put those sites for sale and Belleterre was one of them.

1620 The power station is, I would say, less than 1,000 from the Band office. And, for some reasons, we didn't get it. We were not chosen to be the next owner of that. It was a company called Hydro P1 which the president of this company was arrested in Miami, Florida, for money laundering and he was involved in many other sites. And he was also working with a mister named Mr. Jean Roch. And Mr. Jean Roch is also an employee or is a consultant of La Régionale now today.

1625 So, that is why we have a lot of problems to deal with this company, because we know the history of this individual and we are wondering, you know, what is planned for us in it. So, that was...

THE PRESIDENT :

1630 Sorry for interrupting you. I know you took part also in the hearings of Rapides-des-Quinze. Have you or has someone of your community... I am asking you the same question I asked earlier to Ms. Chevrier, were there any intents expressed at the hearings concerning the involvement of the Algonquin nation in all phases of operations to optimize spin-offs to the communities, all types, economic... and spin-offs for existing business?

1635 So, for the Long Point Nation, has there been any development? Because, of course, the project is just starting. It was been starting up in the last year and there are other works coming up. So, have members of your community been called upon to work in terms of businesses or on an individual basis for this project?

1640 **MR. STEVE MATHIAS :**

For Rapides-des-Quinze?

1645 **THE PRESIDENT :**

Rapides-des-Quinze.

1650 **MR. STEVE MATHIAS :**

No.

THE PRESIDENT :

1655 So, there has not been any particular impacts?

MR. STEVE MATHIAS :

1660 Like I mentioned at the beginning, Madam, it is like if we didn't exist, us. That is how we are treated around here. The only time that we were consulted, and this is about a month ago,

1665 there are representatives of Hydro-Québec who are doing some works on the *barrage* Rapid Seven, Rapides VII, who came and offered us, because they have buildings, residences near the *barrage* Rapides VII, Hydro-Québec... so, they offered us... if I can provide some janitorial services. That is the only offer that we got. So, that is what I am referring to, just to sweep the broom? That is what they are offering us.

1670 So, that is very insulting, you know, when you have to face people like that who are making, you know, a lot of money and the only thing that we are offered is to sweep the floors, and wash the floors of their residences.

THE PRESIDENT :

1675 Thank you for your presentation, Chief Mathias and Ms. Hunter. And the Commission will reflect on your presentation.

MR. STEVE MATHIAS :

Could I conclude, Madam? Because I wasn't quite finished.

1680 **THE PRESIDENT :**

Yes. But I will grant you a minute, because we have exceeded 40 minutes and usually I give 10 minutes. But okay, I will grant you one minute to conclude.

1685 **MR. STEVE MATHIAS :**

No, I will be brief, I will be very brief. I just want to emphasize more on the relationship, you know, that... if we want to talk about development, regional development, we need to build relationship here.

1690

I have nothing against and my community doesn't have anything against Angliers people. We are very open, you know, to do things together. Our two communities were very close at one time. You know, there was people who made reference to the C.I.P. days, and the Draper, and so on. Madam, my grandmother is buried in the cemetery of this town here. And my grandmother, you know, I would say 50% of the people in my community are direct descendants of her.

1695

So, you know, I want to leave you in good spirit and in good health. And I hope that when you go back and make your report to the government, that you make sure that you know that you share with them our concern, and our interests, and our frustration. And put them on notice for us too, because we have done it through the letter and I think that, you know, your report should indicate that as well too. So, thank you.

1700

THE PRESIDENT :

1705

I would like to call Ms. Doris Roberge for Les Promoteurs d'Angliers.

Good day, Ms. Roberge. So, the floor is yours.

1710 **MRS. DORIS ROBERGE :**

Do I have a time limit?

THE PRESIDENT :

1715

Well, we have a lot of people. If we had fewer people, we could grant more time. But I asked people ten minutes to give us also time to discuss. So, it is about twenty minutes per person. That doesn't prevent you... well, documents are much more complete than your verbal presentation of course. And even if there are many pages, we will read through everything in our

1720 assessment. And we take into account everything that is said and everything that is written. So,
don't worry, everything will be read.

MRS. DORIS ROBERGE :

1725 (READING OF THE BRIEF).

THE PRESIDENT :

1730 Thank you. I would like to know, this corporation has been in existence for how long and
who is part of it?

MRS. DORIS ROBERGE :

1735 Well, the corporation has been in existence since 1976. Let me tell you who is part of it,
here is my list.

1740 Currently the board is made up of the President Bernadette Roberge, Yoland Trudel Vice-
President and Anthony Peluso representative of the municipality, and the director, our permanent
director is Lyna Pine.

THE PRESIDENT :

And this organization was created in 1976 to develop recreational and tourists projects?

1745 **MRS. DORIS ROBERGE :**

Well, the first objective at the beginning was to conserve... well, we wanted the towboat,
that historical towboat. Well, they wanted to remove it, dismantle it and sell it for parts.

1750 And us in Angliers, I wasn't there at that time... I was in Angliers, but it is somebody else,
that was Mr. Massie, Mr. René Massie, with his wife that took charge of this. And other people in
Angliers said, «Let's not let it go. Let's conserve it. Let's renovate it and that could attract tourists
with this towboat.»

1755 From that time... it was classified as a national heritage item and has attracted many
tourists, which is important for a small village like this. And we are part of the Pioneer Circuit. We
are linked to other municipalities in Témiscamingue, because we are very small, but it is been
very good for tourism.

1760 **THE PRESIDENT :**

Do you have any figures on how many tourists come to Angliers?

1765 **MRS. DORIS ROBERGE :**

Yes. 4,000 visitors depending on the years. There could be 3,000, over 4,000.

1770 **THE PRESIDENT :**

Have you evaluated what are the economic spin-offs since these projects have been created. Well, all projects, in particular T.E. Draper... do you know the economic impacts for the municipality?

1775 **MRS. DORIS ROBERGE :**

Well, for the municipality, of course, tourists that come to Angliers will stop. We hope they stay two, three days. That is why we always want to add some more attractions for these visitors... do the tour, go grocery shopping, buy gas. Some people come by boat, others by motorcycle.

1780 And we have yearly statistics to show us where our clientele comes from. Most of them come from the Abitibi-Témiscamingue region. We have people coming from Montreal, Ontario, Americans. Europeans visit us. And we keep the statistics every year and report it to the Ministry of Culture every year.

1785 **MR. BERTRAND BOUCHARD, commissioner :**

I have a question concerning visits to the hydroelectric plant. Would your organization take care of this in agreement with the promoter?

1790 **MRS. DORIS ROBERGE :**

Well, we don't have a written agreement. The promoters are open to this idea. They said visits would be added value for us and visits would be allowed, even organized.

1795 Of course, we are aware that, at the site, it is very dangerous. We can't have any kinds of visits, but they are expecting in the construction to have public safety measures included for visitors' safety.

1800 **THE PRESIDENT :**

Is there any figures on the number of tourists that come...

1805 **MRS. DORIS ROBERGE :**

... give our statistics and what it generated in Angliers since we have organized these projects, these "aménagement" projects. And we have other projects in mind and we work with the municipality. We sometime share employees and everything. So, I will submit any documentation I have.

1810

THE PRESIDENT :

So, we have two more people. It is 4:50. So, I don't know, I want to consult people here, if people are going to come tonight.

1815

There was Mr. Randy Polson. There is no problem to give you presentation tonight?

There is also Mr. Raynald Julien. Is it a problem being here tonight? You prefer to give your presentation right now?

1820

You don't mind, Mr. Polson? So, tonight at 7 o'clock, we have a telephone presentation and I will insert you right after.

So, I will call upon Mr. Julien. Good day, Mr. Julien.

1825

MR. RAYNALD JULIEN :

Good day! I represent the Récré-Eau des Quinze group. We are an organization that was created some two years ago. The goal of our organization is to work in development, of course, but to enhance the recreational and tourist potential of the Rivière des Quinze area. It's a very vast territory, 6 kilometres wide, 12 kilometres long.

1830

Objectives are to ensure cooperation of all the stakeholders and the users in the environment in order to have a recreational and tourism development that will be integrated and that will be done with the respect of the environment, the wildlife and the fauna.

1835

It is a sector rich of history due to the occupation of all the people, among others Hydro-Québec that takes care of the management of the site.

1840

And the goal and objectives are also, first of all, to respect environment, wildlife and fauna, and showcase them to develop tourism in Abitibi-Témiscamingue. So, according to us, it is a very important potential.

1845 The organization was created by the four surrounding communities, Notre-Dame-du-Nord, Angliers, Guérin, St-Eugène-de-Guigues. It was created also with an aim, with the policy of Hydro-Québec to optimize the flexibility of Hydro-Québec installations.

1850 Of course, with the project of La Régionale in Angliers, it possibly will create an added attraction. And a question we are wondering about... we are not specialists in the field, but what is important for us is that the water levels...

THE PRESIDENT :

1855 Silence please! I have trouble understanding you.

MR. RAYNALD JULIEN :

1860 So, the water flow and the water level as long as it remains constant, especially in the summer, that is what is important for us, so it won't hinder or cause any nuisance to the wildlife in the water right now.

THE PRESIDENT :

1865 What type of clientele do you cater to in the different projects you are talking about?

MR. RAYNALD JULIEN :

1870 Well, currently we are studying... we are trying to establish a development plan for the sector and this should be prepared and submitted in the fall. So, we are kind of starting it up.

People we are aiming are the current users. There are a lot of people that use the Rivière des Quinze, but there are some unsafe areas. We don't want to develop a large infrastructure. We just want to facilitate access to what is already available.

1875 And the clientele we are aiming at is people that like to go into the forest, people that like to walk, family vacationers and the rest.

THE PRESIDENT :

1880 Can you tell me, currently, are there any fishermen downstream from the dam, just before the island, at the foot of the dam? Up to Miller Bay, is it a place that vacationers, tourists like to go even if there is no infrastructure?

MR. RAYNALD JULIEN :

1885 Well, at the foot of the Angliers dam... well, I think people from Angliers would be in a better position to answer you. For other dams, Rapides des Îles or *centrale* Première-Chute at Notre-Dame-du-Nord, there has never been statistics kept on that. But from word to mouth, we know that these sites are used by fishermen on a frequent basis.

1890

THE PRESIDENT :

So, if I understand well from your presentation, what concerns you the most in the project is what will happen after water level management or water flow management... so, that is what you're concerned with most?

1895

MR. RAYNALD JULIEN :

Yes.

1900

THE PRESIDENT :

Okay. Thank you, Mr. Julien.

1905

So, let us break for supper and we will resume hearings tonight at 7 o'clock. Thank you.

1910

I, the undersigned, **NICOLE RAYMOND**, Official Bilingual Court Reporter, being duly authorized to practice using the stenomask method, hereby certify under my oath of office the foregoing to be a true and faithful transcript of the evidence, in accordance with the law.

1915

AND I HAVE SIGNED:

NICOLE RAYMOND, O.C.R.