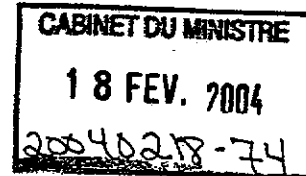


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February 11, 2004



The Honourable Sam Hamad  
Minister of Natural Resources, Wildlife and Parks  
5700, 4<sup>e</sup> Avenue Ouest  
Bureau A-308  
Charlesbourg Qc. G1H 6R1

Dear Mr. Minister:

As on June 4, 2003, I write you in my capacity as Chairperson of the Mi'gmawei Mawiomi Assembly. Please consider this a response to your letter addressed to me and dated December 16, 2003, which was received by my office on January 14, 2004. This letter is also a response by the Mi'gmawei Mawiomi on behalf of all three of its constituent communities to the letter addressed by Mr. Marc Lauzon of your Rimouski office to my fellow Chief Allison Metallic of Listuguj on February 3, 2004, and to the "Regional Plan" transmitted with that letter. I also refer to Chief Metallic's letter to you of February 1, 2004.

It is with frustration and disappointment that the Mi'gmaq of Gespegewagi have witnessed the Quebec government's recent initiatives with respect to developing wind power resources in the Gaspé Peninsula. I will not repeat the concerns of the Mi'gmaq on this issue here in detail, for they have been expressed to you and your predecessors on numerous occasions and by a variety of means. Suffice it to say that those concerns appear to have been disregarded by your government.

At our February 12, 2003 meeting with the Honourable Rita Dionne-Marsolais, the Minister of Energy at the time, it was agreed that the Ministry of Natural Resources would designate a contact person in order to address, on an urgent basis, ways of including our people in the development of the wind power sector. It was also agreed that a Quebec-Mi'gmaq working group would be formed to study energy development matters in general.

On December 16, 2003 and in response to my letter of June 4, 2003, you named representatives to the "comités conjoints" meant to discuss energy development matters; for some reason your letter arrived in my office only on January 14, 2004. With respect, however, your letter did not address the other aspects of my letter of June 4, 2003, notably my request for a response to my letter of December 2, 2002 regarding the role of the province in possible broad negotiations on Mi'gmaq rights and title and our Treaties of Peace and Friendship. In addition; the naming of the Minister's representatives came too late for a Quebec-Mi'gmaq working group to be able to deal with the issue of wind energy.

The manner in which the government has proceeded in the meantime does not correspond to the spirit of Ms. Dionne-Marsolais's commitment, nor to the expectations of openness and good faith that I expressed in my letter of June 4, 2003. While the Mi'gmaq were politely asking to be included in the decision-making process so as to ensure accommodation of Mi'gmaq rights and title on our traditional territory, the decision-making process was proceeding without our input. The government passed *Décret* 353-2003 on March 5, 2003 setting out its policy for developing wind power in the Gaspésie and Matane regional county municipality. On January 14, 2004, by *Décret* 28-2004, the government lifted the moratorium on the lease and sale of public lands for purposes of wind power installations, and set out the manner in which it will grant land rights on public lands for such purposes. None of these decisions, in their conception or their implementation, take into account Mi'gmaq rights, issues raised by the Mi'gmaq, nor our requests for talks specifically on opportunities for cooperation in the wind energy sector. Mi'gmaq participation with respect to natural resource allocation has not been solicited except in our capacity as members of the public, disregarding our aboriginal rights and title and Treaty rights. When we participate in such routine public consultations, as when we presented our brief to the "*Commission d'étude sur la maximisation des retombées économiques de l'exploitation des ressources naturelles dans les régions ressources*", it is apparent that our contribution is similarly disregarded.

On February 3, 2004, Chief Metallic received the letter from Mr. Lauzon and the "Regional Plan for Public Land Development: Preliminary proposal – January 22, 2004", with the statement that "we must ask you to submit your comments on this proposal by **February 14, 2004**" (bold in original). This is a general public consultation document which in no way addresses Mi'gmaq rights and concerns; it essentially sets out the government's policy for implementing what it has already decreed into force on January 14, 2004.

Despite the Mi'gmaq proposing and seeking a cooperative approach to dealing with Mi'gmaq rights in the allocation of natural resources for years, and in particular with respect to wind energy for over a year, the Ministry has made its own rules, and sent the Mi'gmaq a general consultation document intended for the municipalities of the region. To add insult to injury, it insists on an effective 10-day deadline for "submission" of "comments".

We do not accept this purported consultation. In the first place, in its manner and in its deadline it does not qualify as consultation with aboriginal peoples having legitimate claims to aboriginal rights, title and Treaty rights, as required by the courts. In the second place, as I made clear in my letter of June 4, 2003, "the province's fiduciary duty related to infringements of Mi'gmaq rights, title and Treaties [must be] respected. This means a good faith effort to ensure that both the process and economic outcome of the resource development genuinely accommodates the Mi'gmaq. Mere consultation will not suffice".

Mr. Minister, we must reject the deadline of February 14, 2004 for talks regarding Mi'gmaq participation in the development of wind energy on public land in our traditional territory. We furthermore reject the framework for discussion proposed in the draft Regional Plan; we expect discussions and negotiations between representatives of the Quebec government and representatives of the Mi'gmaq of Gespegewagi, whereby the latter are effectively accommodated in the allocation of land and resources derived from our traditional territory.

And we must sit down at the table soon. We, the Chiefs and Councils of our communities, are gravely concerned that as has happened so many times in our history, Mi'gmaq requests, entreaties, and demands are going unheeded while the rights we claim are sold or given away from under our feet. Your government's plans for the development of wind energy are obviously

well under way, and as time goes by they will be implemented; equally obviously, those plans do not include any form of meaningful Mi'gmaq participation in the decisions nor in the benefits.

We must answer to our people as to why our methods—writing to ministers, seeking meetings and negotiations with government representatives, participating in public consultation processes—have resulted in our once again not being taken into account with respect to the wind energy file, among others. We have repeatedly expressed our preference for cooperation and negotiation based on mutual interests. It is on this basis that we have recently begun negotiations on a Framework Agreement with the federal government in the context of its comprehensive land claims process. Such methods appear to have proved ineffective, however, and other options are currently being urged.

Because of the imminence of the process put in place by your government, and because of the immediate requirements of our people, we consider it urgent that you, the Minister, meet with the Chiefs of the Mi'gmawei Mawiomi at the earliest possible opportunity. In this way we may put into practise our belief that the best solutions always result from cooperation and negotiation. A meeting is already scheduled for the first week of March, 2004 (as postponed by your office from February 4, 2004). We must take the opportunity of this meeting to begin setting out how best to include the Mi'gmaq of Gespegewagi in the decisions and the benefits relating to the development of wind energy resources on our traditional territory. Discussions relating to other natural resources can follow.

In this way we hope to avoid drastic measures. We have expressed before our understanding of your busy schedule and important responsibilities, and we do so here again. We therefore approach you again in a spirit of friendship, asking that you meet with us to discuss matters of accommodation of Mi'gmaq rights. We seek to impress upon you however that we require an urgent meeting to discuss concrete Mi'gmaq participation in the development of wind power resources on Mi'gmaq traditional territory and the benefits deriving therefrom.

Please respond at your earliest convenience to arrange a place, date and time for our meeting.

In peace and friendship,

I remain yours,

Sincerely,



John Martin  
Chief, Micmacs of Gesgapegiag  
Chairperson of the Mi'gmawei Mawiomi

cc. Rt. Hon. Jean Charest, Premier of Quebec  
Hon. Benoit Pelletier, Minister for Canadian Intergovernmental Affairs and Native Affairs  
Hon. Nathalie Normandeau, Minister responsible for the Gaspésie – Îles de la Madeline region  
Ghislain Picard, Regional Vice-Chief - Assembly of First Nations of Quebec and Labrador  
Chiefs of the Mi'gmawei Mawiomi Assembly