

Eeyou Marine Region Land Claims Agreement

Implementation Report
Fiscal Years 2011-2012 to 2013-2014



Canada 



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Foreword

The Implementation Committee (IC) for the Eeyou Marine Land Claims Agreement (EMRLCA) is pleased to present its first biennial report on the implementation of the Agreement, as requested by Article 25.4.3 e) of the EMRLCA. This report covers the period of February 15, 2012 to March 31, 2014 and provides readers with an overview of the Agreement, its funding and the various activities undertaken by the different bodies during this period.

Natalie Neville

*Appointed by the
Government of Canada*

William MacKay

*Appointed by the
Government of Nunavut*

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*Appointed by the Cree
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General Overview of the Agreement

The EMRLCA was signed by the Grand Council of the Crees, the Government of Canada and the Government of Nunavut, on July 7, 2010, and came into effect on February 15, 2012.

The EMRLCA is a comprehensive land claims agreement that sets out the respective rights of Canada and the Cree in regard to this specific territory called the Eeyou Marine Region (EMR). It is comprised of the Nunavut offshore islands

and the intervening waters adjacent to Quebec in James Bay and south-eastern Hudson Bay. The EMR represents approximately 61,270 square kilometres and affects the lives of 17,146 Cree that live on the mainland in northern Quebec.

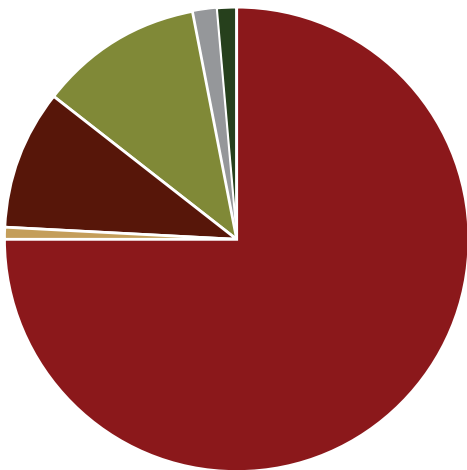
As set out in the Agreement, the Cree own approximately 80% of the land mass in the area of the EMR, some jointly with the Inuit and some by themselves.

Funding the Agreement

According to Chapter 25 of the Agreement, the Government of Canada (GC) is responsible for funding bodies and activities related to the implementation of the EMRLCA.

During the period of 2011-2012 to 2013-2014, Indigenous and Northern Affairs Canada (INAC) transferred a total amount of \$50,898,197 to involved parties for implementation of the Agreement.

Funding for FYs 2011-2014



- Cree Nation Government
- Government of Nunavut
- Cree Nation Government (Wildlife Research Fund)
- Cree Nation Government (Cree Implementation Funding)
- Institutions of Public Government
- Cree Nation Government (Interim Secretariat)

As shown in the pie chart above, the monetary resources were allocated as follows:

- As per Article 22.1 of the Agreement, INAC transferred a total of \$38,885,424¹ to the Cree Nation Government (CNG) and \$466,520² to the Government of Nunavut (GN) during the reporting period;
- As per Articles 13.3.2 and 25.5 of the Agreement, INAC also paid out two one-time payments; one of \$5,000,000 to the CNG for

the establishment of the Wildlife Research Fund, and one of \$5,901,394³ to the CNG for Cree Implementation Funding;

- As outlined in contribution agreements, INAC contributed a total of \$839,529⁴ to the three Institutions of Public Government (IPGs) for their activities;
- INAC provided additional funding in the amount of \$706,724⁵ to the CNG for the activities related to the Interim Secretariat.

1 As stated in the Agreement the Final Domestic Demand Implicit Price Index (FDDIPI) has been applied to this amount.
2 *Ibid.*

3 *Ibid.*
4 *Ibid.*
5 *Ibid.*

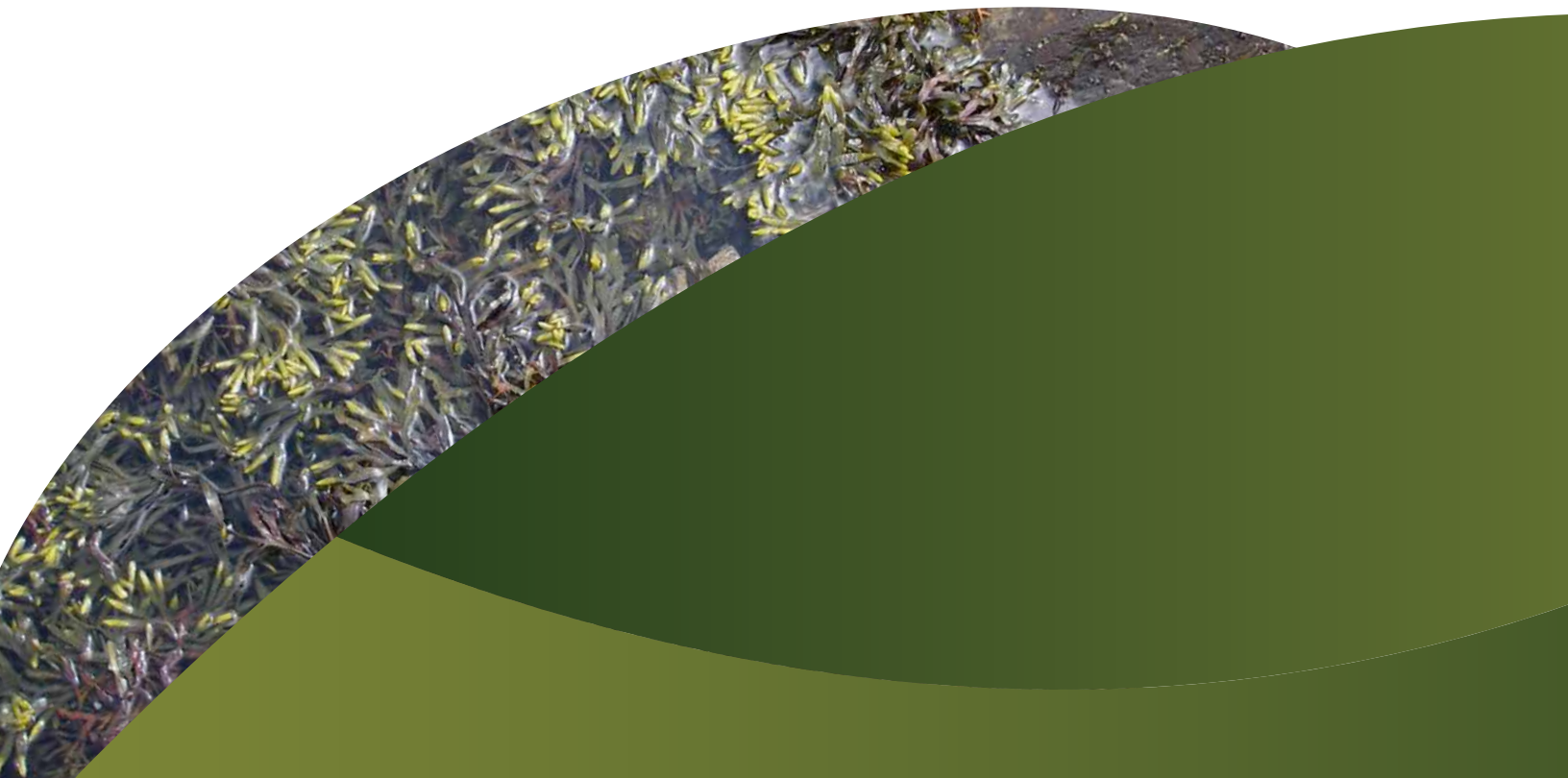
First Steps of the EMRLCA

During the early stages of the implementation of the Agreement, the Cree Nation Government (CNG) provided administrative capabilities to the EMRLCA IPGs, which took the form of an Interim Secretariat. As such, the Council's Accounting Department and Department of Public Works, legal and financial advisors and members of the Ottawa staff coordinated travel, organized meetings, and carried out other implementation activities.

During this period, the CNG also provided services to accelerate the hiring of staff, leasing of office space, arrangement of staff housing, purchasing of supplies and office furnishings, etc. Finally, the CNG were also requested to work with the chairpersons of the three IPGs in relation to finalizing their work plans and

budgets and assisted in the drafting of the funding agreements. Other issues like the purchasing of insurance, the clarifying of legal and administrative requirements, and other matters were also carried out with the help of its professionals.

It is also important to note that because the EMRLCA was in a transition phase during the reporting period the Eeyou Marine Region Planning Commission (EMRPC), the Eeyou Marine Region Impact Review Board (EMRIRB) and the Eeyou Marine Region Wildlife Board (EMRWB) held their meetings jointly for the first four times they met. This measure was used to ensure the boards could be introduced to each other to establish a working relationship and plan for the future in congruency.





Implementing the Agreement

Implementation Committee

The IC was established pursuant to Article 25.4 of the EMRLCA. The IC is composed of four senior officials: one representing the GN, two representing the CNG and one representing the GC. The IC is an implementing body which monitors and reports on the implementation of the EMRLCA. The IC met eight times (apart from the special meetings convened to discuss funding) during the reporting period to discuss new or ongoing issues regarding the implementation of the EMRLCA. These meetings provided a venue to discuss the distinct obligations of the three governments with respect to jurisdiction, establishment, and training of the three IPGs.

Government of Canada

As party to the Agreement, GC departments have committed a great deal of time and attention to the implementation of the EMRLCA, particularly in terms of funding, coordinating and participating in various implementing activities.

Indigenous and Northern Affairs Canada

During the reporting period, INAC, jointly between its Gatineau and Nunavut offices, played a vital role in the implementation of the EMRLCA by undertaking different activities:

- INAC set up nine contribution agreements with the IPGs and assessed reports in order to make payments under the Agreement.
- INAC processed eleven appointments including Chairpersons to the IPGs, allowing them to become fully functioning arms-length quasi-judicial bodies.

- INAC coordinated and participated in eight IC meetings, Interdepartmental Caucus meetings and several special meetings in regards to funding. Participation in these meetings and resultant activities supported the smooth implementation of the Agreement and integration of many government departments and bodies with responsibilities under the Agreement.
- Prior to the coming into force of the Agreement, INAC prepared, coordinated and approved Orders in Council for the exchanges of land parcels in the EMR.

Fisheries and Oceans Canada

During the reporting period, the Department of Fisheries and Oceans Canada (DFO) involvement in the implementation of the EMRLCA was principally centred upon operationalization of a coordinated approach to wildlife management in the EMR as issues emerged.

- DFO worked with partners such as the “Ministère des Forêts, de la Faune et des Parcs du Québec” and the EMRWB to respond to requests for access to fish or marine mammals and establish or clarify the respective roles of the organizations;
- DFO ensured coordination between the Nunavik Marine Region Wildlife Board and the EMRWB regarding the Joint Cree/Inuit Zone when a decision from either wildlife management board had impacts on this area. In addition, DFO Conservation and Protection officers patrolled the waters of the EMR, primarily the Joint Cree/Inuit Zone, on several occasions;

- DFO also ensured that the EMRWB was informed of any consultations that occurred within this period that had the potential to impact them;
- DFO held consultations in many Cree communities respecting the Harbour Seal (*Lacus des Loups Marins subspecies*) and Lake Sturgeon, two species that may be designated/protected by the *Species at Risk Act*;
- DFO also participated in a Symposium hosted by the EMRWB on Science and Traditional knowledge in the winter of 2014.

Environment Canada

During the reporting period, Environment Canada (EC) participated closely with the EMRLCA's IPGs in the implementation of the wildlife management regime and the impact review process for proposed development projects in the EMR as specified under the Agreement.

- EC has cooperated actively in the work of the EMRWB by making EC's expertise available to the EMRWB and by providing technical support for questions related to migratory birds and species at risk;
- EC kept the EMRWB informed of its decisions and activities concerning Polar Bear management in Canada and, in particular, in the EMR.
- EC has funded a research project conducted by the CNG entitled "*Review of wildlife management issues and the environmental factors that influence them in coastal and offshore areas of Eeyou Istchee, Northern Quebec*"; the main objective of which was to facilitate the implementation of EMRLCA's

wildlife resources management regime and to promote effective interactions with the existing regimes.

- EC participated in the 2014 Symposium on Science and Traditional Knowledge in the EMR at the EMRWB's invitation.
- EC organized a presentation to the EMRWB on how ecological traditional knowledge is taken into account in the evaluation of the status of species by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

Natural Resources Canada

As per the EMRLCA and associated Implementation Plan, the Surveyor General has responsibility for and control over legal surveys to determine the boundaries or part of the boundaries of Cree Lands as described in the Agreement.

- In 2012, the Surveyor General Branch of Natural Resources Canada managed the legal survey for the lands identified for survey under Schedule 5-1 (F) of the EMRLCA being "the Boundary across South Twin Island, Nunavut".

Government of Nunavut

As a party to the Agreement, the GN, via its departments, has been involved in many activities regarding the implementation of the Agreement. Executive and Intergovernmental Affairs was involved in activities related to the establishment of the EMRLCA IC such as coordinating activities and budgets, and participating in implementation meetings and working groups.



Department of Environment

Protected Areas

Chapter 6 of the EMRLCA assigns the Department of Environment the responsibility for the establishment of a Protected Area Impact and Benefit Agreement and joint management committee for territorial parks and other areas of particular significance for ecological, cultural, archaeological, research or similar reasons under shared jurisdiction or solely under the jurisdiction of the territorial government.

- No Protected Areas are currently planned for the EMR Settlement Area; therefore no activities have been undertaken during the reporting period.

Land and Resources

With the jurisdictional responsibility to protect the land and people of the territory, the GN has a very real and tangible interest in the outcome of Land Use Planning (Chapter 8 of the EMRLCA) and the Development Impact (Chapter 18) process.

- The GN Department of the Environment makes appointments for the GN representative to the EMRPC and EMRIRB ongoing, including involvement in the chair appointment process for each board.

Wildlife Management Division

Under the EMRLCA, the responsibility for management of terrestrial species is shared between the GN Department of Environment, the EMRWB, and the Cree Trappers Association (CTA). These organizations work collectively and independently on their respective responsibilities as outlined in the EMRLCA. In the GN, responsibility for wildlife management initiatives

falls to the Wildlife Division of the Department of Environment. This division participates in the decision making process by bringing the Department's management recommendations forward to the EMRWB. The division is responsible for licensing, information collection (harvesting, sampling, etc.), enforcement of wildlife legislation and wildlife monitoring. The GN Department of Environment may also seek advice from the EMRWB on wildlife management issues in the Hudson Bay Zone. The GN Environment Minister can refer matters to the EMRWB where appropriate.

- The Wildlife Division has increased contact with EMRWB, most recently on legislation and regulations, and expects to continue building this relationship;
- The Department of the Environment makes ongoing appointments for the GN representative to the EMRWB, including jointly appointing the chair.

Department of Justice

Legal and Constitutional Law Division

- This division provided legal advice to other GN departments about their EMRLCA obligations during the period in question.

The Legislative Drafting Division

- This division assisted government departments and agencies in developing regulations and legislation that are consistent with the EMRLCA.

The Land Titles Office

The Land Titles Office administers the *Land Titles Act* (Nunavut) and provides guaranteed titles under a modern legal regime.

- During the reporting period, the Land Titles Office registered Cree-owned lands under Chapter 5 (Cree Lands), as well as jointly owned lands under Chapter 30 (Reciprocal Arrangements between the Crees of Eeyou Istchee and the Nunavik Inuit);
- The Land Titles Office began work as per section 5.8.7 of the EMRLCA regarding the land exchange between a portion of South Twin Island in exchange for the cleaned up Bear Island and Grey Goose Island.

Department of Culture and Heritage

The Department of Culture and Heritage worked with the Crees of Eeyou Istchee to implement Chapter 26 (Archaeology) and 27 (Ethnographic Resources and Archival Records) of the EMRLCA, including the drafting of a Place Names Policy.

Cree Nation Government

During the reporting period, the CNG have undertaken several administrative activities regarding the implementation of the EMRLCA, such as:

- Assisting in the implementation of the EMRLCA by providing annual budgetary planning in order to help start-up the three IPGs;
- Working on the creation of work plans for each of the EMRLCA IPGs and funding agreements using the standard INAC funding agreement templates, job descriptions and postings for staff to be co-located in Waskaganish;
- Organizing the pre-interview screenings and making arrangements for chosen candidates to come to the interview location.





Institutions of Public Government

With the coming into force of the Agreement, three Institutions of Public Government (IPGs) were created pursuant to Chapters 8, 13 and 18 of the EMRLCA, namely the EMRPC, the EMRWB and the EMRIRB.

During the reporting period, nominees to the IPGs were provided by the GC, the GN and the CNG. Depending on the IPGs, appointments

were approved either by the Minister of INAC as well as the Governor in Council, or directly by the CNG.

Due to efforts made by all parties, the IPGs became fully functional in the fiscal year 2013-2014. In accordance with all parties, full payments began being made to these organizations on April 1st, 2013. This can explain the discrepancy between the anticipated and the actual figures.

Eeyou Marine Region Planning Commission

Mandate

The mandate of the EMRPC is to undertake land use planning in the EMR, which includes developing policies, priorities, and objectives regarding the usage of land within the EMR, developing a land use plan to guide and direct resource use in the region, as well as ensuring development projects conform to the land use plan in the planning phase and the application phase.

Budget

The EMRPC received \$201,154 in 2013-2014 for their activities.⁶

Membership

The size and makeup of the membership of the EMRPC may vary, but the governments of

Canada and Nunavut shall each recommend at least one (1) member and the CNG shall nominate a number of members equal to the total number recommended by the governments. The EMRPC members shall be appointed by the Minister of Indian Affairs and Northern Development from the above-noted recommendations and nominations. The EMRPC then nominates its own chairperson.

Meetings

The EMRPC held four meetings in 2013-2014, which were all meetings that were jointly held with the members of the EMRIRB and the EMRWB.

⁶ This amount includes Final Domestic Demand Implicit Price Index (FDDIPI) as prescribed in the text of the Agreement



Activities

Establish operational guidelines and rules of procedure for the EMRPC

- The regional planner is preparing a formal set of Governance policies for review and approval by the EMRPC commissioners early in the year 2014-2015;
- The General By-Laws of the EMRPC were developed, then approved by the EMRPC at the meeting of Commission members held in Montreal on April 23-24, 2013.

Establish head office of the EMR entities

- The EMR IPGs are required to establish their head office in Eeyou Istchee. It was decided that the EMRPC, EMRIRB and the EMRWB would share office space in Waskaganish. However, they were unable to successfully conclude leasing arrangements in 2013-2014.

Engage officers and employees for conduct of EMRPC business

- The staff positions for the joint EMRPC/EMRIRB office in Waskaganish consist of a Regional Planner and an Administrative Assistant. A Regional Planner has been hired, while an Administrative Assistant will be in place shortly.

Document Management System

- The functions of the EMRPC necessitate the purchase of a document management

system. However, the members of the EMR boards have decided to purchase the equipment and data sets once as the location of the EMR head office has been confirmed and staff has been hired.

Relationship with adjacent institutions

- Various types of on-going consultations occurred between the EMRPC, the Nunavik Marine Region Planning Commission and the Nunavut Planning Commission.

Symposium on Science and Traditional Environmental Knowledge in James Bay and Hudson Bay

- The *2014 Symposium on Science and Traditional Knowledge in the Eeyou Marine Region* was held from March 25th to 27th, 2014 in Montreal.

Media Kits and Promotional Material

- The development of this material was deferred until the location of the EMR head office is confirmed and the Regional Planner is hired.

Web Site

- The EMR boards have created a temporary web site. It can be found at <http://www.eeyoumarineregion.ca/>
- General email inquiries can be sent to info@eeyoumarineregion.ca

Eeyou Marine Region Wildlife Board

Mandate

The mandate of the EMRWB is to manage wildlife in the EMR, which includes establishing, modifying, and removing regulations for harvesting wildlife in the region, participating in research on wildlife in the EMR, cooperating with other wildlife management institutions, and providing advice to other wildlife management institutions as requested.

Budget

The EMRWB received \$426,511 in 2013-2014 for their activities.⁷

Membership

The EMRWB consists of seven members. These include three appointed by the CNG, one by the federal minister responsible for fish and marine mammals, one by the federal minister responsible for the Canadian Wildlife Service, one by the Minister responsible for wildlife of the GN, and a chairperson who is jointly nominated by the other members.

Meetings

The EMWB held four meetings in 2013-2014, all jointly held with the members of the EMRIRB and the EMRPC.

Activities

Establish Operational Guidelines and Rules of Procedure for the EMRWB

- A formal set of Governance policies will be available for review and approval by the members of the EMRWB in the year 2014-2015;
- The General By-Laws of the EMRWB were reviewed and approved by the Board at the Board meeting that was held in Montreal on April 23-24, 2013.

Establish of head office of the EMR entities

- The EMR IPGs are required to establish their head office in Eeyou Istchee. It has been decided that the EMRPC, EMRIRB and the EMRWB would share office space in Waskaganish. However, they were unable to successfully conclude leasing arrangements in 2013-2014.

Engage Officers and Employees for Conduct of EMRWB Business

- The staff positions that were anticipated as being hired by the EMRWB consisted of a Wildlife Management Director, a Wildlife Liaison Officer and an Administrative Assistant. None of the staff positions have been filled in 2013-2014.

⁷ This amount includes Final Domestic Demand Implicit Price Index (FDDIPI) as prescribed in the text of the Agreement

EMR Activities of the Cree Trappers Association (CTA)

- The EMRLCA specifies that funding shall be provided by the EMRWB to the CTA and the five local CTAs adjacent to the EMR in order for them to carry out powers and functions with respect to Wildlife management and harvesting practices in the EMR;
- During 2013-2014, the CTA began working actively on implementing the EMR responsibilities of the CTA and LCTAs.

Document Management System

- The functions of the EMRWB necessitate the purchase of a document management system. However, the members of the EMR boards have decided that they will not be purchasing the equipment or data sets until the location of the EMR head office has been confirmed and staff has been hired.

Wildlife Research

- When EMRWB staff is hired, they will be undertaking the wildlife research functions outlined in the EMRLCA.

Relationship with Adjacent Institutions

- Various types of on-going consultations occurred between the EMRWB and the Nunavik Marine Region Wildlife Board and the Nunavut Wildlife Management Board.

Symposium on Science and Traditional Environmental Knowledge in James Bay and Hudson Bay

- The *2014 Symposium on Science and Traditional Knowledge in the Eeyou Marine Region* was held from March 25th to 27th, 2014 in Montreal.

Media Kits and Promotional Material

- The development of this material was deferred until the location of the EMR head office is confirmed and the staff is hired.

Web Site

The EMR boards have created a temporary web site. It can be reached at:

<http://www.eeyoumarineregion.ca/>

General email inquiries can be sent to

info@eeyoumarineregion.ca



Eeyou Marine Region Impact Review Board

Mandate

The mandate of the EMRIRB is to screen potential development projects in the EMR, review the potential ecosystemic and socio-economic impacts of proposals, recommend which proposals can proceed, and monitor development projects being undertaken.

Budget

The EMRWB received \$211,864 in 2013-2014 for their activities.⁸

Membership

The EMRIRB is composed of five members. Two are nominated by the CNG, one is recommended by the GN, one by the GC and one nominated jointly, who is to become the Chairperson.

Meetings

The EMIRB held four meetings in 2013-2014, which were all jointly held with the members of the EMRWB and the EMRPC.

Activities

Establish Operational Guidelines and Rules of Procedure for the EMRIRB

- The Regional Planner will prepare a formal set of Governance policies for review and approval by the members of the EMRIRB early in the 2014-2015 fiscal year;

- The General By-Laws of the EMRIRB were developed and approved by the EMRIRB at the meeting of the members of the Board that was held in Montreal on April 23-24, 2013.

Establish of head office of the EMR entities

- The EMR IPGs are required to establish their head office in Eeyou Istchee. It has been decided that the EMRPC, EMRIRB and the EMRWB would share office space in Waskaganish. However, they were unable to successfully conclude leasing arrangements in 2013-2014.

Engage Officers and Employees for Conduct of EMRIRB Business

- The staff positions anticipated for the joint EMRPC/EMRIRB office in Waskaganish consist of a Regional Planner and an Administrative Assistant. A Regional Planner was hired, but an Administrative Assistant is not yet hired.

Document Management System

- The functions of the EMRIRB necessitate the purchase of a document management system. However, the members of the EMR boards have decided that they will not be purchasing the equipment or data sets until such time as the location of the EMR head office has been confirmed and staff has been hired.

⁸ This amount includes Final Domestic Demand Implicit Price Index (FDDIPI) as prescribed in the text of the Agreement

Screening Activities of the EMRIRB in 2013-2014 Fiscal Year

- The members of the EMRIRB undertook screening activities related to a project proposal that has potential impacts on the EMR. Arctic Fibre, a Canadian-owned company, is proposing to lay fibre optic cable from Asia to the United Kingdom through the Northwest Passage, and potentially through Hudson's Bay to Montreal and New York.

Relationship with Adjacent Institutions

- Various types of on-going consultations occurred between the EMRIRB and the Nunavik Marine Region Impact Review Board and the Nunavut Impact Review Board.

Symposium on Science and Traditional Environmental Knowledge in James Bay and Hudson Bay

- The *2014 Symposium on Science and Traditional Knowledge in the Eeyou Marine Region* was held from March 25th to 27th, 2014 in Montreal.

Media Kits and Promotional Material

- The development of this material was deferred until the location of the EMR head office has been confirmed and the Regional Planner has been hired.

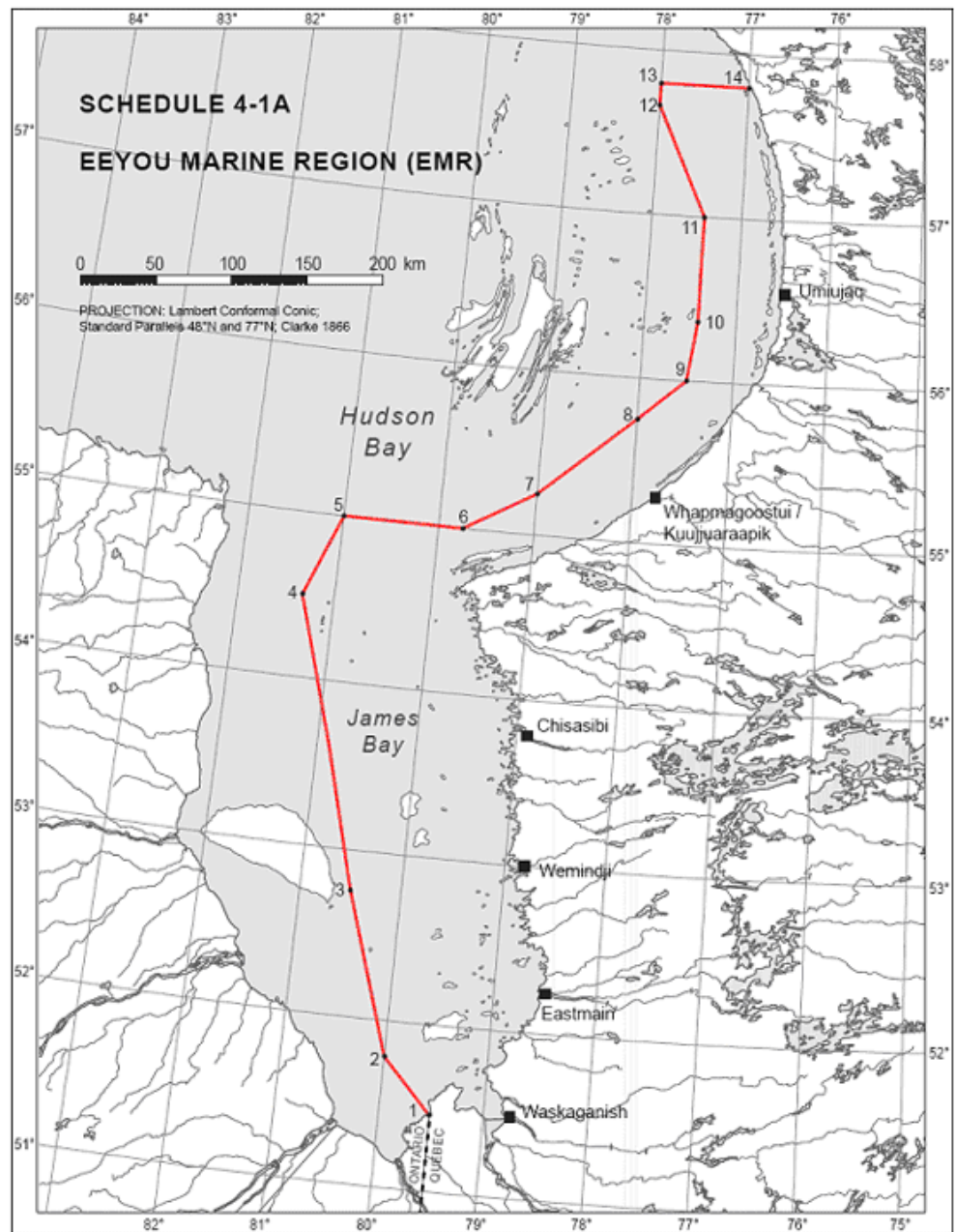
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Outline of the Eeyou Marine Region



Web Links

Eeyou Marine Region Land Claims Agreement:

<http://www.INAC-INAC.gc.ca/eng/1320437343375/1320437512985>

Eeyou Marine Region Land Claims Agreement - Implementation Plan:

<http://www.INAC-INAC.gc.ca/eng/1422287926370/1422288096641>

Eeyou Marine Region Wildlife Board:

<http://www.eeyoumarineregion.ca/wildlife-board.html>

Eeyou Marine Region Planning Commission:

<http://www.eeyoumarineregion.ca/eeyou-marine-planning-commission.html>

Eeyou Marine Region Impact Review Board:

<http://www.eeyoumarineregion.ca/impact-review-board.html>

