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# **KATIVIK ENVIRONMENTAL QUALITY COMMISSION**

**Decision concerning the Parc national Tursujuq  
(Parc national des Lacs-Guillaume-Delisle-et-à-l'Eau-Claire)  
project by the Direction du patrimoine écologique et des parcs  
du ministère du Développement durable, de l'Environnement  
et des Parcs**

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## TABLE OF CONTENTS

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1. CONTEXT AND BACKGROUND OF THE DECISION.....	1
2. DESCRIPTION OF THE PROJECT.....	1
3. CONSULTATIONS AND COMMUNICATIONS.....	3
4. STAKES.....	5
4.1 PROPOSED BOUNDARIES.....	5
<i>Characteristics of the study area</i> .....	5
<i>Hydroelectric development</i> .....	6
<i>Outfitting establishments</i> .....	8
<i>Mining Activities</i> .....	10
<i>Nunavik Inuit Land Claims Agreement</i> .....	10
4.2 PARK MANAGEMENT.....	12
<i>Participation in the planning and management of the project</i> .....	12
<i>Scientific research</i> .....	13
4.3 HUNTING, FISHING AND TRAPPING BY THE RESIDENTS AFFECTED BY THE PROJECT.....	15
<i>Rights established under the James Bay and Northern Québec Agreement</i> .....	15
<i>Non-resident beneficiaries of the community</i> .....	16
4.4 ECONOMY.....	16
<i>Number of visitors</i> .....	16
<i>Community development</i> .....	17
<i>Job creation and economic spin-offs</i> .....	18
<i>Training</i> .....	18
4.5 ZONING PLAN.....	18
<i>Places that are of importance for the Inuit and the Crees</i> .....	19
<i>Future changes to the Zoning Plan</i> .....	19
5. CONCLUSION.....	20
DECISION AND CONDITIONS.....	23

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## ANALYSIS OF THE PROJECT

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### 1. CONTEXT AND BACKGROUND OF THE DECISION

The creation of Parc national Tursujuq aims to protect a territory that is representative of the Hudsonian Cuestas and Hudsonian Plateau natural regions. This project also seeks to encourage the discovery and appreciation of this environment by promoting public access for educational and outdoor activities and to foster the participation of the Inuit and Crees in the protection, enhancement and management of this territory.

In 1998, the Council of the Kativik Regional Government (KRG) adopted by resolution the *Master Plan for Land Use in the Kativik Region* in which Parc national des Lacs-Guillaume-Delisle-et-à-l'Eau-Claire is designated. Moreover, under the *Agreement on the development of parks in Nunavik* reached in June 2002 between the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) and the KRG, the MDDEP entrusted the KRG with the mandate of preparing the Environmental and Social Impact Study. This agreement entrusts the KRG with the capital and development works, as well as the management of operations, activities and services.

Projects associated with parks, ecological reserves or other similar uses of lands are automatically subject to the environmental and social assessment and review process under Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) and Chapter II of the *Environment Quality Act* (EQA).

Within the context of the environmental and social impact assessment and review procedure, the Kativik Environmental Quality Commission (KEQC) analyzed the preliminary information sent by the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP) on November 20, 2007. In a Directive issued on March 11, 2008, the Commission informed the Administrator of Section 23 of the JBNQA, of the scope and content of the Impact Study to be carried out. The Impact Study and the related documents were sent on May 8, 2008, August 28, 2008, November 27, 2008 and February 4, 2009 to the KEQC. On March 6, 2009, the Commission informed the Administrator of a request for additional information. The document containing the Answers to the Additional Questions was sent on June 26, 2009 to the KEQC. Public hearings were held under the *Parks Act* (R.S.Q., Chapter P-9) in Umiujaq on June 16 and 17, 2008 and in Kuujjuarapik – Whapmagoostui on June 18 and 19, 2008. In addition, public hearings were held by the KEQC under the *Environment Quality Act* (R.S.Q., Chapter Q-2) on June 16, 2009 in Umiujaq and on June 17 and 18, 2009 in Kuujjuarapik – Whapmagoostui. These latter hearings aimed more specifically to evaluate the public's perception of the environmental and social impacts arising from the creation of Parc national Tursujuq. The Commission wishes to point out that the analysis made and the decision rendered deal only with the Parc national Tursujuq project as submitted by the Direction du patrimoine écologique et des parcs of the Ministère du Développement durable, de l'Environnement et des Parcs. Any future change to the current project will have to be submitted to the Commission for authorization.

### 2. DESCRIPTION OF THE PROJECT

Having a surface area of 15,549 km<sup>2</sup>, the territory chosen for the creation of Parc national Tursujuq is located in the Hudsonian Cuestas and Hudsonian Plateau natural regions. Taking into account its surface area, the latter would become Québec's biggest national park. The territory

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initially reserved in 1991 and 1992 was recently improved with the addition of two sectors, namely the sector surrounding the mouth of Petite rivière de la Baleine and the sector of the head of the Rivière Nastapoka watershed, including Upper Seal Lake and Lac D'Iberville. Parc national Tursujuq will thus offer protection to the unique biodiversity of the mouth of Petite rivière de la Baleine, as well as some protection to the territory frequented by the freshwater harbour seal population found in a portion of the Rivière Nastapoka watershed, along Upper Seal Lake and Lac D'Iberville. However, the territory covered by the park project excludes Rivière Nastapoka and most of its watershed, including Lower Seal Lake (lacs des Loups Marins), which has been the subject of studies concerning the exploitation of the hydroelectric development potential.

Parc national Tursujuq will be located near the northern village of Umiujaq, where the visitor reception centre will be located, the main point of entry to the park. A secondary discovery and visitors centre will be set up in Kuujjuarapik – Whapmagoostui. The park project is located on the traditional territory of the Inuit of Umiujaq and of Kuujjuarapik, as well as of the Whapmagoostui Crees. Most of the park is located on Category III lands (88.5%) with the remainder (11.5 %) being on Category II lands, including 39.5% of the Category II lands of Umiujaq and 13.8% of the Category II lands of Kuujjuarapik, as established under the JBNQA.

Parc national Tursujuq will comprise four categories of zones: maximum preservation, preservation, natural environment and services. Generally, the park's Zoning Plan takes into account the use of the territory made by the Crees and the Inuit. On this subject, it is important to point out that in no case will the regulations and directives associated with the Zoning Plan result in an encroachment on the traditional harvesting activities as stipulated in Section 24 of the James Bay and Northern Québec Agreement and the *Act respecting hunting and fishing rights in the James Bay and New Québec Territories* (R.S.Q., Chapter D-13.1).

The park will comprise three maximum preservation zones totaling an area of 32 km<sup>2</sup>, namely 0.1 % of the park's surface area. Two of these zones will protect the cliffs located on either side of Petite rivière de la Baleine, while the third zone will include four small islands of Lac Guillaume-Delisle. These zones will make it possible to protect an important habitat for the nesting of the peregrine falcon and the golden eagle, as well as one habitat for the nesting of the common eider. In addition, they will also protect rare species of vascular and non-vascular plants.

The preservation zones will comprise a vast area of Parc national Tursujuq, namely 11,953 km<sup>2</sup>, which corresponds to 77 % of the surface area of the current project. In this vast sector, visitors will be directed in such a way as to not interfere with the most fragile elements, and the authorized activities will be limited and supervised.

Six ambience zones are planned, totaling 3,557 km<sup>2</sup>, namely 22.9 % of the territory. This type of zoning will play the role of traffic corridors making it possible to reach the park's various points of interest. The first ambience zone follows the course of Petite rivière de la Baleine and extends over a distance of 200 m on both sides of the river. The second ambience zone comprises Lac Guillaume-Delisle, as well as a strip of land extending up to 15 km from the east shore of the lake, as well as a portion of the Au Caribou and De Troyes rivers. However, the islands of Guillaume-Delisle will be zoned for preservation. Lac à l'eau Claire will have ambience zoning, with the exception of the islands which will have preservation zoning. The fourth planned ambience zone will extend on both sides of Rivière à l'Eau Claire. Finally, the last two ambience

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zones will be located to the east of Lac à l'Eau Claire and will include Lac Rousselin and an unnamed lake to the east of Lac D'Iberville.

The park will comprise four service zones covering an area of 7.5 km<sup>2</sup>. These sites will be used as the main points of access to the park. It will also be possible to erect accommodation infrastructures and to store material. The first of the four zones will be located on the east shore of Lac Guillaume-Delisle, at the mouth of À l'Eau Claire river. The second will be located at the outlet of Lac À l'Eau Claire. The third service zone will be located on the edge of Lac à l'Eau Claire, on the north shore of the western basin. Finally, the last service zone will be located to the east of Lac D'Iberville on the edge of an unnamed lake.

As indicated in the Provisional Master Plan, access to this immense territory constitutes the framework for the entire project development concept. Visitors will first have to go to the villages of Umiujaq, Kuujjuarapik or Whapmagoostui. From there, they will be able to access the park by plane, boat or snowmobile. The use of a helicopter could also be possible, but would mainly be reserved for park management needs.

Various activities will be proposed to visitors. As water occupies a key place in the park, water sports activities such as sea kayaking, canoeing and excursions in motorized watercrafts will be promoted in summer. In addition, visitors will be able to practice hiking in summer and Nordic skiing, kite skiing, snowshoeing and dog sledding in winter. An interpretation centre will allow visitors to discover the park and its attractions.

### 3. CONSULTATIONS AND COMMUNICATIONS

In the Impact Study, the proponent indicates that the consultations in Cree and Inuit communities were carried out in two stages. The first series of consultations and interviews was carried out following the issue of the Directive concerning the content of the environmental and social Impact Study. A Working Group, made up of representatives of MDDEP, the KRG, northern village corporations and the Umiujaq and Kuujjuarapik landholding corporations, Makivik Corporation and two representatives of the Whapmagoostui Cree Nation, was set up in 2002. The mandate of this Group was to prepare a Development Plan and to support research in the field within the context of the drafting of the State of Knowledge, a document submitted in support of the application for authorization. Three sessions were held with members of the Working Group and the authorities of the communities, while six individual interviews were held with elders, women, young people, and hunters, fishermen and trappers. The Impact Study summarizes the main subjects addressed, namely:

- The park's boundaries and inclusion of the Rivière Nastapoka watershed, including Lower Seal Lake;
  - Balance between tourism development and the other activities of the park on the one hand, and the use of the lands by the Inuit and the Crees, as well as their subsistence harvesting activities, on the other;
  - Economic possibilities and expectations;
  - Training and jobs;
  - Participation of the Inuit and the Crees in the park's development and operation;
  - Respecting and use of local knowledge and values in the planning and the decision-making process;
  - Adequate long-term financing making the park's development possible;
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- Safety, cleanliness of the premises and application of regulations.

Public hearings were held under the *Parks Act* in Umiujaq on June 16 and 17, 2008 and in Kuujjuarapik – Whapmagoostui on June 18 and 19, 2008. At these hearings, the aforementioned subjects were among the themes addressed. However, the discussions dealt mainly with:

- The proposed boundaries;
- Management;
- Respecting the rights stipulated in the JBNQA;
- Co-existence of traditional activities and those of park visitors;

A series of individual and group interviews complemented these hearings. The interviewed persons represented elders, hunters, fishermen and trappers, business persons, young people, women and local authorities.

In addition, public hearings were held by the KEQC under the EQA, on June 16, 2009 in Umiujaq and on June 17 and 18, 2009 in Kuujjuarapik – Whapmagoostui. The tabling of the Impact Study allowed the KEQC to consult the public on the stakes raised by the proponent and on the conclusions of its own hearings, held under the *Parks Act*, concerning the Parc national Tursujuq project. The hearings, held under the JBNQA and the EQA, sought to determine the public's perception of the environmental and social impacts. The main themes addressed by the participants were as follows:

- Proposed boundaries;
- Planned hydroelectric development on the territory under study;
- Protection of the Lacs des Loups-Marins harbour seal population;
- Hunting, fishing and trapping rights under the JBNQA;
- Outfitting establishments;
- Activities to complement the project that may be offered on Category I lands;
- Ownership and jurisdiction of the islands of Lac Guillaume-Delisle;
- Number of visitors and economic spin-offs
- Safety of visitors;
- Scientific research.

The participation of young people in the park project is also a point that was raised during the consultation periods, the interviews and the public hearings. The proponent made efforts to interview young people in the 15 to 20 and 20 to 35 age groups. In addition, "young people" also represent the organizations that were consulted and that will be present in the Harmonization Committee. As mentioned in the Impact Study, while elders make a major contribution to the understanding of the natural environment and the cultural perspective of the territory under study, it is young people who will live with the park over the long term. The jobs and commercial activities related to the project are intended for young people.

*At the end of the various interviews, consultations and public hearings, the Commission notes almost unanimous support for the Parc national Tursujuq project.*

*The Commission notes that Rivière Nastapoka and Lacs des Loups-Marins are excluded from the Parc national Tursujuq project.*

## 4. STAKES

This project receives majority support from local stakeholders and in particular the Inuit of Umiujaq, Kuujuaq and the Crees of Whapmagoostui. However, several stakes must be considered before the creation of Parc national Tursujuq. The key stake lies in the proposed boundaries of the park project. The future management of Parc national Tursujuq, the practice of hunting, fishing and trapping by residents of the communities affected by the project, the economy and the Zoning Plan are also major stakes of the project.

### 4.1 Proposed boundaries

The main objective of the perimeter established for Parc national Tursujuq is the protection of the watersheds of Lac Guillaume-Delisle and Lac à l'Eau Claire. The proposed boundaries also result from discussions between communities and regional authorities and compromises between industrial interests and government agencies. Over the years, the project's boundaries have been modified and extended. The subject of the boundaries of Parc national Tursujuq is the major issue of this project. This point was raised regularly during the various consultations held by the proponent, as well as during the public hearings held by the KEQC.

#### Characteristics of the study area

The territory under study exceeds the surface area of the park project and covers close to 27,000km<sup>2</sup>. It is characterized by remarkable geological elements such as the graben of Lac Guillaume-Delisle, the cuestas along the Hudson coast, and the meteorite craters of Lac à l'Eau Claire. The vast surface area of the territory allows for a diversity of environments and weather conditions promoting a great wealth of flora. Several new or rare taxa of non-vascular and vascular flora are found here.

Lacs des Loups Mains, located on the territory under study to the north of the current park project, is home to what appears to be the only freshwater harbour seal population on the planet. In 2007, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) reevaluated the status of this potential subspecies. The Lacs des Loups Marins harbour seal (*Phoca vitulina mellonae*) population is endemic to Québec and is now considered endangered with an estimated population of a few hundred specimens. In Québec, this subspecies is found on the list of species likely to be designated as threatened or vulnerable. In the State of Knowledge, the KRG indicates that a very large share of the population is concentrated at Lower Seal Lake, which incidentally is the only confirmed reproduction site of this subspecies. In 1982, the Ministère du Loisir, de la Chasse et de la Pêche had proposed to grant all of Lac des Loups Marins and of Upper Seal Lake an ecological reserve status.

The Eastern Hudson Bay beluga whale population, designated "endangered" by COSEWIC and "likely to be designated threatened or vulnerable" under the *Act respecting threatened or vulnerable species* (R.S.Q., Chapter E-12.01), frequents the territory under study. The estuaries of Rivière Nastapoka and Petite rivière de la Baleine are two major concentration zones of this population during the summer molt. Moreover, the estuary of Rivière Nastapoka is considered a sanctuary for this population and hunting has been banned here. A smaller number of beluga whales also penetrate Lac Guillaume-Delisle.

Another characteristic of the zone under study is the presence, in Rivière Nastapoka, of a population of landlocked Atlantic salmon (ouananiche). It is the only recorded population of this species on the east coast of Hudson Bay.

The migratory ecotype of the woodland caribou frequents the territory under study mainly during the rut period and during migrations between its calving area situated to the north and its wintering area situated to the south. However, fairly large groups of caribou have been known to remain in the sector under study throughout the winter season, mainly to the east of Lac à l'Eau Claire and to the south of Upper Seal Lake. The abundance of lichens in these sectors could explain their presence. In 2001, the Rivière aux Feuilles caribou herd, the main herd frequenting this territory, numbered 628,000.

This territory also has an abundance of archaeological sites testifying to the occupation of the territory under study by the peoples of the Arctic followed by the Amerindian peoples. The remains of trading posts in the Lac Guillaume-Delisle and Petite rivière de la Baleine region bear witness to the passage of the first Eurocanadians. This sector is still used today by the Inuit and the Crees for the practice of traditional subsistence activities. The same is true for the Lac à l'Eau Claire and Lower Seal Lake sectors, which are also important for the practice of traditional subsistence activities by both the Crees and the Inuit. Moreover, a traditional travel corridor to Ungava Bay is found in these sectors.

*The Commission notes that the Nastapoka sector represents an environment of exceptional quality, whether from a biological standpoint or from that of the social value that it represents for local users.*

*The Commission notes that based on current knowledge the Parc national Tursujuq project does not offer all possible protection to certain species having a particular status and that are present in the zone under study, notably the Eastern Hudson Bay beluga whale population and the Lacs des Loups Marins harbour seal population and their habitats.*

*The Commission notes that the exclusion of Rivière and Lacs des Loups-Marins from the Parc national Tursujuq project permits the exertion of anthropic pressures on this portion of the territory.*

### **Hydroelectric development**

The project's major stake resides in large part in the request, coming from almost all of the participants in the public hearing held under the *Parks Act*, as well as those held by the KEQC, to include the entire Rivière Nastapoka watershed in the national park project. This territory is excluded under Section 2.2 of the *Partnership Agreement on economic and community development in Nunavik (Sanarrutik Agreement)* of 2002, which is binding on the Government of Québec as well as Makivik Corporation and the KRG. This agreement provides for the study and the development of the hydroelectric potential of several places in Nunavik, including Rivière Nastapoka. On this subject, Hydro-Québec mentioned to the Commission that it met, together with Makivik Corporation, the municipal council of Umiujaq in October 2003 in order to present the results of its study on the hydroelectric potential of Rivière Nastapoka. In its brief submitted for the public hearing held under the *Parks Act*, Hydro-Québec indicates that the hydroelectric potential of this river is on the order of 1,000 MW. In addition, if this project is carried out, it could lead to the passage of power transmission lines and the construction of access roads on the territory proposed for the park project, as well as the reduction of the flow of Petite rivière de la Baleine, thus requiring changes to the boundaries of the current project. On this subject, the Commission wishes to point out that hydroelectric power plants, as well as energy transmission lines of over 75 kV are mandatorily subject to the environmental impact assessment process

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under Section 23 of the JBNQA and Chapter II of the EQA. Considering the exceptional stakes associated with the abundance of plant and wildlife species, as well as the presence of species having a particular status in the Rivière Nastapoka and Lacs des Loups-Marins sector, proponents wishing to carry out projects in this sector will have to show that the envisaged projects, if they materialize, will have few negative impacts on the biophysical and human environments. It should be noted that the 2009-2013 Strategic Plan of Hydro-Québec, submitted on July 30, 2009 to the Government of Québec, makes no mention of hydroelectric projects in the Rivière Nastapoka sector.

Discussions have already been held between Hydro-Québec, the Direction du patrimoine écologique et des parcs of MDDEP and the Ministère des Ressources naturelles et de la Faune to permit the park's expansion prior to the tabling of the Impact Study. A portion of the Rivière Nastapoka watershed, included Upper Seal Lake, was included in the park project. This would make it possible to preserve a portion of the habitat of the Lacs des Loups Marins harbour seal population. However, it would appear that the largest portion of this population is concentrated at Lower Seal Lake, which incidentally is the only confirmed reproduction site of this subspecies. This population, which is made up of a very limited number of specimens, may be vulnerable to anthropogenic disturbances as well as catastrophic natural events. Several participants at the public hearings, including the Grand Council of the Crees (GCC) and the Cree Regional Authority (CRA), consider that it is important to adequately protect the entire home range of this potential subspecies. As indicated in the Impact Study, the effect of the exclusion of the Rivière Nastapoka watershed is to reduce the scope of one of the goals set for the park project by not offering protection to rare, endangered or vulnerable species and their habitats. The same is true for the Eastern Hudson Bay beluga whale population which congregates in the estuary of Rivière Nastapoka, as well as for the landlocked salmon (ouananiche) population which is also found in this river.

*The Commission notes that the majority of stakeholders in this file would like to see the project's boundaries extended to include Rivière Nastapoka and Lacs des Loups-Marins.*

*The Commission notes that the development of the hydroelectric potential of Rivière Nastapoka, as stipulated in the Sanarrutik Agreement, limits the possibility of including this river's entire watershed in the Parc national Tursujuq project.*

*The Commission also notes that the hydroelectric development of Rivière Nastapoka depends on a decision which cannot or should not be made in the short term.*

*The Commission notes that the construction and operation of a hydroelectric project on Rivière Nastapoka, as well as the passage of roads and power transmission lines force the proponent to change the project's current boundaries. This would result in the fragmentation of the protected territory and a reduction of the protection of the Lac Guillaume-Delisle and Lac à l'Eau Claire watersheds and of the fragile elements of the biodiversity, notably in the sector of the estuary of Petite rivière de la Baleine.*

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*The Commission, while in favour of the integration of the entire Rivière Nastapoka watershed in the park project, notes that it cannot make a decision along these lines until a dialogue has taken place between the signatories of the Sanarrutik Agreement on the subject of the abandonment or continued interest in the hydroelectric potential associated with this river.*

*The Commission is of the opinion that the analysis of a future hydroelectric development project or any other project in the Rivière Nastapoka watershed within the context of the environmental assessment procedure will have to be extremely rigorous. This analysis will have to concern the protection of the unique biodiversity elements at the heart of the environmental and social acceptability of the examined projects.*

### **Outfitting establishments**

In 2002, the Ministère des Ressources naturelles partially lifted the ban on mining exploration in the territory under study. In order to compensate for this exclusion, the Department authorized a State reserve making it possible to expand the boundaries of the park project in order to increase the representativeness of the biodiversity and to contribute to protecting the Lacs des Loups Marins harbour seal population. This addition made it possible, among other things, to include Upper Seal Lake and Lac D'Iberville in the park project. While the changes to the project's boundaries are the result of discussions between the communities, regional authorities and compromises between industrial interests and government organizations, the Fédération des Pourvoiries du Québec Inc. (FPQ) indicates in its brief that the holders of operating leases of this sector were not consulted. Three of the four outfitters affected by this project only examined the changes to the boundaries of the park project during a presentation given by the Direction du développement durable of the MDDEP at the annual convention of the FPQ on December 3, 2008.

The Impact Study indicates that the territory under study includes seven outfitting camps, while the FPQ mentions that eleven accommodation sites, belonging to four outfitting establishments, would be included in the park project. The proponent plans to purchase the existing buildings that do not belong to JBNQA beneficiaries, such as outfitting camps, in order to avoid the multiplication of infrastructures in the park. Moreover, discussions were undertaken between the Ministère des Transports and at least one outfitter, but it would seem that the purchase of the buildings is far from a done deal. Since 1996, there has been a moratorium on the expansion of outfitting establishments thus ruling out any expansion through the addition of new permanent accommodation sites and, since 2008, no new mobile camp site has been authorized. Hence, it is unthinkable to envisage a relocation of the infrastructures for the four outfitters concerned by the project. In addition, for one outfitting establishment the park project and the administrative restrictions on outfitting camps will likely lead to its closure since its main operating territory is located within the boundaries of the park project. Between now and the purchase of the facilities, the owners would be able to continue their activities, but would have to comply with the *Parks Act*, which excludes the offering of sport hunting on the territory of the park project.

The outfitting establishments present on the territory of the park project offer various activities, including sport hunting for caribou, black bear, ruffed and spruce grouse, as well as sport fishing for brook trout, ouananiche and lake trout. In addition, some outfitting establishments propose airplane and hydroplane excursions, ice fishing, etc. Two of these four outfitting establishments

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have camps within the boundaries of the park project, while the other two have mobile camp sites on this territory. The first two outfitting establishments create 16 permanent jobs and 47 seasonal jobs, and have direct sales figures of close to \$2,000,000. However, at the public hearings held by the KEQC in June 2009, the outfitters indicated that none of their employees were Crees or Inuit, despite the fact that jobs could be granted to the latter. Indeed, several clients of the outfitting establishment ask for guides having a good knowledge of the region. However, it would seem that there have been few discussions on this subject between outfitters and the Cree and Inuit authorities concerned.

In addition to the jobs and economic spin-offs for the Northern Québec region, the outfitters ensure a certain presence on this territory. As pointed out at the public hearing held in June 2009, the airplanes can be used to evacuate people in an emergency and the outfitters are able to inform wildlife officers about the presence of poachers.

In its brief, the FPQ proposes excluding the portion of the park project located to the east of the 73rd degree longitude, even though it recognizes the importance of protecting this territory from industrial activities, such as mining exploration and exploitation activities, hydroelectric development, etc. This exclusion would make it possible to limit the project's impacts on outfitting establishments. In addition, as indicated by the representative of the Direction des parcs du MDDEP at the June 2009 public hearings, the inclusion of this portion of the territory in the park project makes it possible to protect the cliffs where birds of prey could nest. However, Upper Seal Lake, Lac D'Iberville and Lower Seal Lake, which are home to the Lacs des Loups Marins harbour seal population, are all located to the west of the 73rd degree longitude. On September 4th of this year, the Commission requested the opinion of the Hunting, Fishing and Trapping Coordinating Committee to find out its position on the possibility of excluding the sector located to the east of the 73rd degree longitude. In its opinion of October 27, 2009, the HFTCC indicated that it recognized « that the proposed boundaries of the Tursujuq National Park Project will affect how the outfitting businesses are currently conducting their activities within the territory since no sport hunting activities will be permitted within the perimeters of a future park. » However, it was also specified in this opinion that « the representatives of the Cree and Inuit native parties do not consider appropriate that the interests of the three outfitters with existing permits be seen as the exclusive or primary consideration in determining the position of the eastern boundary as many other considerations are to be taken into account. »

*The Commission notes that the outfitters whose operating territory is affected by the project are not in agreement with the proposed boundaries for the Parc national Tursujuq project.*

*The Commission notes that four outfitting establishments, comprising eleven accommodation sites, are affected by the park project. These accommodation sites cannot be relocated outside the boundaries of the park project since there is currently a moratorium ruling out any expansion through the addition of new permanent accommodation sites and no new mobile camp site is authorized.*

*The Commission notes that the activity related to outfitting establishments in this sector, like elsewhere in Nunavik, is in large part associated with caribou hunting and that this latter activity could fluctuate significantly depending on the state of the caribou populations and caribou migrations.*

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*Moreover, the Commission notes that aside from the protection of the head of the Nastapoka watershed, the landscape or biophysical interest of this sector is not well documented and seems to be limited to a cliff zone that is conducive to certain species of birds of prey.*

*The Commission notes that the impacts ensuing from the project are major for outfitters in that said impacts have direct negative consequences on the activities of outfitters and on the profitability of their enterprises.*

*The Commission is of the opinion that the proponent must make changes to the current boundaries of the Parc national Tursujuq project in order to allow the outfitters who are present on the territory located to the east of the 73rd degree longitude to continue their activities, while ensuring adequate protection of Upper Seal Lake and lac D'Iberville. On this subject, the proponent must submit to the Commission the new boundaries of the park project in this sector, prior to the official creation of Parc national Tursujuq.*

### **Mining Activities**

The State of Knowledge stipulates that, while the geological conditions of the territory under study have sites with high indicators, they are disparate and offer a low economic potential. Close to 70% of this territory is exempted from exploration and mining activities, whereas these activities are permitted in the Rivière Nastapoka sector. Moreover, active claims are present on the cliffs of the cuestas in the Petite rivière de la Baleine sector. Incidentally, the proponent indicates that the sectors with a greater interest for exploration are mainly located in the graben and in the contact zone between the Archean bedrock and the graben. In the Answers to the Additional Questions, the proponent also specifies that the boundaries of the park project could be modified in order to ensure a better protection of the cliffs to the south of Petite rivière de la Baleine. Finally, the proponent indicates that few jobs and economic spin-offs are related to mining activities on the territory under study.

*The Commission is of the opinion that the cliffs located to the south of Petite rivière de la Baleine, identified in the document containing the Answers to the Additional Questions, should be included in the Parc national Tursujuq project once the claims expire.*

### **Nunavik Inuit Land Claims Agreement**

The Nunavik Inuit Land Claims Agreement (NILCA) entered into force on July 10, 2008. This agreement, reached between the Government of Canada, the Government of Nunavut, the Inuit of Nunavik and the Crees of Québec, grants ownership to the Inuit of Nunavik, in fee simple, of 80% of the islands of the marine region of Nunavik, including subsoil ownership rights. This corresponds to a surface area of approximately 5,100 km<sup>2</sup>. As Lac Guillaume-Delisle and the islands located in it are considered by the federal government and the Government of Nunavut as forming part of the marine region of Nunavik, they were assigned to the Inuit of Nunavik. In addition, NILCA takes into account the agreement on overlapping territories reached between the Inuit of Nunavik and the Crees of Eeyou Istchee. Under this agreement, the Inuit of Nunavik and the Crees agreed to share the ownership of the lands and other rights in this overlap zone, having a surface area of approximately 400 km<sup>2</sup>, which includes Lac Guillaume-Delisle.

However, Complementary Agreement no. 16 of the JBNQA, which concerns the Category I and Category II lands of Umiujaq and the creation of a separate landholding corporation for Umiujaq, includes technical descriptions that indicate that the marine zone of Lac Guillaume Delisle and the islands that it contains are Category II lands of Umiujaq. According to the JBNQA, Category II lands remain Québec public lands. In the document Answers to the Additional Questions, the proponent indicates that "Lac Guillaume-Delisle and its islands form an integral part of Québec's territory and are subject to the JBNQA and to the other laws in force in Québec. Consequently, the Parks Act as well as the related regulation will apply in full on the islands, while respecting the rights recognized in the JBNQA."

The uncertainty concerning the ownership of the islands of Lac Guillaume-Delisle was raised on several occasions in the letters and the briefs, as well as during the public hearings, notably by Makivik Corporation, the GCC and the CRA. However, in a letter addressed on June 12th of this year to the President of the Commission, the GCC and the CRA and the Whapmagoostui Cree Nation indicated their support for the creation of Parc national Tursujuq. In particular, it was specified that the uncertainty concerning the status of Lac Guillaume-Delisle and its islands should not stand in the way of the creation of the national park. However, it was clearly stipulated that this support did not constitute a renunciation of the rights and interests of the Crees on Lac Guillaume-Delisle and its islands.

In a letter dated June 15, 2009 sent to the Minister of Sustainable Development, Environment and Parks, and to the Minister of Natural Resources and Wildlife, and a copy of which the KEQC received, Makivik Corporation, the GCC and the CRA reiterated their support for the Parc national Tursujuq project. However, this support was subject to the following four conditions:

- 1- The proposed park in no way constitutes any form of acknowledgement or consent that the islands in Lac Guillaume-Delisle and the marine area of Lac Guillaume-Delisle are part of Quebec;
- 2- the proposed park is without prejudice to any future judicial or joint Nunavut/Canada/Quebec commission's ultimate determination of ownership of the islands in Lac Guillaume-Delisle and of jurisdiction over the marine region of Lac Guillaume-Delisle;
- 3- the proposed park is without prejudice to the ultimate determination of the boundary between Quebec and Canada and Nunavut in any area other than that of Lac Guillaume-Delisle and the legal and constitutional positions which Nunavik Inuit and the Crees of Eeyou Istchee may adopt in any such process of determination; and
- 4- the proposed park is without prejudice to the provisions of the NILCA and the JBNQA.

*The Commission notes that the disagreement between Makivik Corporation, the Grand Council of the Crees and the Government of Québec is not of a nature to constitute an opposition to the park's creation and that consequently, the Commission does not intend to intervene beyond this analysis on this subject.*

## 4.2 Park Management

The planning and creation of Parc national Tursujuq differ from past experiences with the Pingualuit and Kuururjuaq parks in that in this case, two Aboriginal nations are involved. The planning of this project was thus carried out in collaboration with these two nations. Moreover, as indicated in the Impact Study, it will be important to make sure, in the future development of the park, that the roles of the Inuit and the Crees are clearly defined, understood and accepted at the local level, as well as in the organizations. The management of Parc national Tursujuq will also have to take into account the scientific research work on the territory, notably by the researchers and students of the Centre d'études nordiques (CEN).

### **Participation in the planning and management of the project**

As mentioned in the Impact Study, the project's success depends almost entirely on the way in which the participation of the Crees and Inuit will be integrated in the planning. This is an essential factor since the Crees and the Inuit will support the project, at the individual and organizational levels, if they can actively participate in its unfolding and control the type of development that takes place. In addition, an active participation by the people makes it possible to better plan and design the projects, allows communities to assume greater responsibility and contributes to strengthening local capacities with a view to taking advantage of the spin-offs generated by the project.

On April 9, 2002, at the time of the signing of the Partnership Agreement on economic and community development in Nunavik, the Government of Québec undertook to foster the participation of the Inuit of Nunavik in the development and management of the parks. In this sense, following the creation of Parc national Tursujuq, a new mandate will be entrusted to the KRG so that the latter ensures the management services of the park's activities and services as well as the capital and maintenance works. In addition, within the framework of this project, the Whapmagoostui Crees must also be included in this participation in the development and management.

A Working Group was set up in 2002. Members of this Group interviewed elders, hunters, fishermen, trappers and tallymen, young people and the authorities of the communities of Umiujaq, Kuujjuarapik and Whapmagoostui to improve the Provisional Master Plan. Clarifications were given concerning various components of the project, notably designated zones, trails and the locations chosen for shelters.

However, the proponent indicates in the Impact Study that all of the consultations did not make it possible to dissipate the feeling of uncertainty that some people have regarding the government's ability to provide a complete participative planning process.

Following the creation of Parc national Tursujuq, a new mandate will have to be added to the Agreement on block funding of the KRG (Sivunirmut Agreement) for the park's management and operation. This mandate will also include the setting up of a Harmonization Committee composed of representatives of the KRG, MDDEP, Makivik Corporation, the municipalities of Umiujaq, Kuujjuarapik and Whapmagoostui as well as the Anniturvik and Sakkuq landholding corporations. This Committee will play an advisory role concerning the park's management.

The administrative and management agreements for the management and operation of Parc national Tursujuq ensue from the Partnership Agreement on economic and community development in Nunavik (Sanarrutik Agreement). These agreements are binding on the Government of Québec and the KRG. However, while the territory of the project is located north

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of the 55<sup>th</sup> parallel, the Crees exercise rights granted to them by the JBNQA and the NILCA. However, unlike the KRG, no representative of the GCC and of the CRA will sit on the Harmonization Committee. The participation of the Crees in the management and operation of Parc National Tursujuq is therefore based on the presence of a representative of the municipality of Whapmagoostui on this Committee. Incidentally, in their joint brief, the GCC and the CRA indicate that a coordination structure is necessary to ensure that the Cree and Inuit parties work in collaboration.

According to the proponent, this park project could contribute to good relations between the Inuit and the Crees. The proponent indicates that thus far the collaboration has been excellent between these two parties at the meetings of the Working Group. Hence there has been an implicit sharing of the territory under study according to the use and knowledge of each party. The Lac Guillaume-Delisle sector, although it is also used by the Crees, is recognized as being the main territory of the Inuit, whereas the Lac à l'Eau Claire sector is recognized as being the main territory of the Crees. Consequently, each of the groups has consulted the other concerning the planning recommendations. Moreover, the park's toponymy also takes into account this distinction. Only one subject was presented as a point still in dispute by the GCC and the CRA jointly, and by Makivik Corporation, namely the separation of Cree and Inuit lands by the 55<sup>th</sup> parallel.

While the park project is located to the south of the territory where the Inukjuamiuts practice their traditional activities, the community of Inukjuak is not represented within the Working Group. Moreover, there are no plans to have a representative of this community in the Harmonization Committee. However, the sector under study now includes the Rivière Nastapoka watershed, a sector where the residents of Inukjuak exercise rights granted to them under the JBNQA. From this new vantage point, the proponent, by way of the Working Group, made a presentation to the municipal council and the landholding corporation of this community. In addition, financial assistance was provided so that representatives of Inukjuak could attend the public hearings. Finally, representatives of the KRG and of MDDEP travelled to Inukjuak on several occasions to encourage the community to take part in the planning process.

*The Commission notes that the participation of the Crees in the planning of the Parc national Tursujuq project as well as in the management and the operation following the park's creation is limited to the representation of the Whapmagoostui Cree Nation. The Commission is of the opinion that this participation should be expanded to include other Cree organizations.*

### **Scientific research**

In recent decades, the zone under study for the Parc national Tursujuq project has been the subject of numerous scientific research campaigns. These campaigns have been mainly carried out by Hydro-Québec and its consultants, the CEN, Makivik Corporation and the KRG. Moreover, the CEN uses a research centre in Kuujuarapik – Whapmagoostui, a satellite infrastructure in Radisson and a registration station at Lac à l'Eau Claire. In the document entitled Answers to the Additional Questions, the proponent indicates that this station belongs to the KRG and that it will be purchased, following the creation of the park, by MDDEP, but that the KRG will continue to be its manager. In addition, the proponent indicates that the CEN will continue to have access to the station. It is also important to emphasize the fact that the CEN operates a network of weather monitoring stations, including four stations located within the territory under study. In the document entitled Answers to the Additional Questions, the

proponent indicates that these stations will remain in place. However, an agreement will have to be reached between MDDEP and the CEN to allow the latter to continue operating its stations inside the park.

As is the case for all Québec parks, education will contribute to the discovery of Parc national Tursujuq. On this subject, a Research Plan giving priority to relevant study topics will be devised following the park's creation. In the document entitled Answers to Additional Questions, the proponent specifies that this plan will be prepared in concertation with the KRG and its various partners, including the CEN. However, the research projects that will unfold within the park's boundaries will have to be authorized by the park director, adding another step to the research project completion process. Furthermore, the proponent indicates that certain types of projects will be favoured, notably those permitting the resolution of management problems, those making it possible to correct shortcomings from the standpoint of the knowledge of the natural and cultural heritage and those helping to enrich the park's educational program. In addition, the document indicates that the chosen projects will have to be supported by the region's communities and incorporate traditional knowledge whenever possible.

In its brief, the CEN voices concerns about the continuation of its scientific research activities within the boundaries of Parc national Tursujuq. The CEN fears that following the park's creation, the researchers, who had promoted the creation of a park through the data collected on the territory, will find that the continuation of their research activities on this same territory will become excessively arduous, cumbersome from an administrative standpoint and consequently, more costly. What is more, the CEN points out that the Centre's research projects go well beyond development and interpretation needs in a national park. The CEN therefore proposes that a Peer Review Committee be set up instead of having the details of the research protocols of the researchers reviewed solely by the management of Parc national Tursujuq, as indicated in the Impact Study.

The Commission understands that the existing regulations in national parks make the administrative procedure inherent to scientific research in Québec more cumbersome. Indeed, the research protocols are already subject to peer evaluation dealing with several aspects of an ethical or environmental nature. Moreover, the Commission is aware that the research topics, notably basic research, do not always correspond to the types of projects favoured by park management. As a result, these aspects contribute to creating a negative impact for scientific research within the park's boundaries.

*The Commission notes that the creation of Parc national Tursujuq will have an impact on scientific research and notably on the Centre d'études nordiques which has been carrying out research activities on this territory for several years.*

*The Commission is of the opinion that the management of Parc national Tursujuq should establish a strategic Research Plan in collaboration with the Centre d'études nordiques or other scientific research groups.*

*With a view to promoting exchanges between university researchers and the management of Parc national Tursujuq, the Commission believes that a member of the scientific community should be named to sit on the Harmonization Committee and be present at the meetings when research projects are evaluated.*

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### 4.3 Hunting, Fishing and Trapping by the residents affected by the project

The pursuit of hunting, fishing and trapping activities by Cree and Inuit beneficiaries of the JBNQA is a subject that was raised on numerous occasions during the consultations. The same is true for the practice of sport hunting and fishing activities by non-Aboriginal residents of Umiujaq. JBNQA beneficiaries will not see their rights to practice traditional activities affected by the creation of Parc national Tursujuq. However, the presence of visitors on this territory could lead the beneficiaries to change the use that they make of this territory. However, non-Aboriginal residents who live in the communities of Umiujaq, Kuujjuarapik and Whapmagoostui will no longer be able to practice sport fishing or hunting on the park's territory.

#### **Rights established under the James Bay and Northern Québec Agreement**

The Parc national Tursujuq project is located on the territory governed by the JBNQA. Under Section 24 of the JBNQA and of the *Act respecting hunting and fishing rights in the James Bay and New Québec Territories* (R.S.Q., Chapter D-13.1), Agreement beneficiaries will be able to exercise, at all times, their harvesting right within the boundaries of the park. As stipulated by the representative of the Direction du patrimoine écologique et des parcs of the MDDEP in response to a question asked by a resident of Whapmagoostui during the public hearings held under the *Parks Act*, the Crees and the Inuit will be able to continue frequenting their camps located within the boundaries of the national park. In addition, as indicated in the Impact Study and in the Answers to the Additional Questions, the harvesting rights granted by the JBNQA include commercial hunting and fishing by Agreement beneficiaries. However, the proponent has indicated that in the event that an authorization were issued for this purpose, "the Harmonization Committee will play an important role in finding a compromise so that harvesting remains profitable while permitting the practice of tourism activities in a safe context."

However, according to the Provisional Master Plan, conflicts could arise between the Crees or the Inuit and park visitors concerning the use of the park and its resources. Moreover, residents of Umiujaq said that they were concerned about the presence of visitors in certain sectors of the park, not only due to the fear of a poor understanding of their way of life, but also for safety questions. In the Answers to the Additional Questions, the proponent stipulates that the carrying out of the park development project was done in collaboration with the people of Umiujaq, Kuujjuarapik and Whapmagoostui, in order to limit the park project's negative impacts on the exercise of the harvesting rights of the Crees and Inuit. In addition, the proponent indicates that the *Parks Regulation* (R.S.Q., c. P-9) gives the park director certain powers allowing him, among other things, to prohibit visitor access to certain sectors of the park at all times or during certain periods of the year. The proponent gives the example that "it will be possible to prohibit access to Kilualuk Bay when hunting for beluga is practiced in this sector or require that visitors be accompanied by an Inuit guide."

Another concern raised by the Mayor of Kuujjuarapik at the public hearings held under the *Parks Act* relates to the problems experienced during the interventions of wildlife officers. In the Answers to the Additional Questions, the proponent indicates that the training of personnel will include promoting awareness about the rights of JBNQA beneficiaries.

The Harmonization Committee will be mandated, among other things, to establish the mechanism whereby the complaints of the Inuit and the Crees concerning the practice of traditional activities and possible conflicts between said activities and park activities will be received and heard. This Committee will be set up following the creation of Parc national Tursujuq.

*The Commission notes the fears of certain individuals about the impact resulting from the creation of Parc national.*

*The Commission is of the opinion that visitors to Parc national Tursujuq should be informed of the rights established under the James Bay and Northern Québec Agreement and of the possibility of encountering people practicing traditional activities within the park's boundaries in order to explain and ideally promote the practice of these activities.*

*The Commission notes that the mechanism for receiving and hearing the complaints of the Inuit and the Crees concerning the practice of traditional activities and possible conflicts between these activities and park activities has yet to be defined. The Commission is of the opinion that this mechanism should be put in place prior to the official opening of Parc national Tursujuq.*

### **Non-resident beneficiaries of the community**

Unlike Pingualuit and Kuururjuaq national parks which are located a certain distance from the host villages, Parc national Tursujuq will be adjacent to Category I lands of Umiujaq. As a result, the park's creation raises concerns among non-Aboriginal residents of this village who practice sport hunting and fishing. Following the park's creation, they will no longer have access to this part of the territory for the practice of these activities. In the Impact Study, the proponent indicates that these concerns were raised on numerous occasions during the consultations. Some Inuit authorities also paid special attention to these concerns since they were voiced by long-standing residents. The authorities also fear that this could adversely affect relations within the communities.

*The Commission notes that the creation of Parc national Tursujuq will prevent sport fishing and hunting to the south and to the east of the village of Umiujaq. However, based on the project's current boundaries, non-Aboriginal residents of this village will be able to pursue these activities on the territory located to the north of the boundaries of the park project and near the village.*

## **4.4 Economy**

The development of the tourism industry offers the opportunity to promote economic spin-offs by diversifying the economy on the territory, by creating new employment opportunities and by promoting local businesses. This is an important benefit for the communities of Umiujaq, Kuujuarapik and Whapmagoostui. However, the proponent has clearly indicated that the economic spin-offs associated with the creation of parks in Nunavik must be envisaged with caution. Indeed, northern parks are expensive and hard to reach. In addition, the proponent must remain vigilant when predicting the economic spin-offs in order to not unduly raise the expectations of members of the communities about the economic potential by exaggerating the possible spin-offs.

### **Number of visitors**

In the Impact Study, the proponent sets an objective of an average of 50 visitors per year over a five-year timeframe and an objective of 100 visitors per year over a ten-year timeframe. These figures are much more conservative than those that had been announced for Parc national Kuururjuaq (325 visitors per year over a five-year timeframe). However, this objective takes into account the small number of visitors to parks in a northern environment and the fact that Parc

national Tursujuq will be competing with Parc national Pingualuit and Parc national Kuururjuaq and whose clientele is limited. It is important to mention that the number of visitors can be limited in the event of a request made along these lines by the Cree or Inuit communities.

An interesting point worth noting, mentioned in the Impact Study, is that certain Europeans who were in the habit of visiting the Rivière Koroc and Monts Torngat sector have not returned to this sector since the Parc national Kuururjuaq reserve opened. This situation is explained by the fact that visitors can no longer bring along a gun to protect themselves against polar bears.

### **Community development**

One of the concerns raised by several stakeholders during the consultations and the public hearings is the ability of the communities, mainly Umiujaq, to accommodate and provide adequate services to a greater number of tourists. Hotel Umiujaq, which has nine rooms and no private bathroom, is already very busy. Indeed, increasingly, the residents of Nunavik are travelling on the territory, thus boosting the occupation rate of accommodation facilities. In addition, the weather conditions in this region are such that flights are cancelled often here. When storms occur, it may happen that people must share their room with strangers. In the communities of Kuujjuarapik and Whapmagoostui, the situation is less problematic, although accommodations can pose a problem because numerous regional meetings and conferences are held in these communities.

Concerns about the road linking the Village of Umiujaq to Lac Guillaume-Delisle were also expressed. This road passes directly in front of the quarry, the waste disposal site and the wastewater treatment pond of the community before reaching the lake, which would negatively affect the experience of visitors.

As indicated in the Answers to the Additional Questions, the Fédération des coopératives du Nouveau-Québec plans to build a 15-room hotel in Umiujaq in 2010. This should alleviate a part of the problem associated with accommodations in this village. Moreover, the proponent plans to notify visitors that the weather conditions can cause unforeseeable delays in flight schedules. Finally, soon, the KRG plans to alter the course of the road between the Village of Umiujaq and the northwestern access of the park project to have the road move away from the waste disposal site. The project to modify the layout of this road or the waste disposal site relocation project will have to be submitted to the KEQC for analysis and decision.

Local authorities will have to consider the possibility of offering better services by building a restaurant, by offering transportation services, stores, etc. In the Impact Study, the proponent indicates that the planned increase in tourists is in large part linked to cruises. While these visitors will not require accommodations, it is highly likely that they will appreciate finding restaurants and stores during their visit. In addition, park visitors will likely very much want to visit certain sites located on Category I lands, notably the sector of the cuestas near Umiujaq.

*The Commission notes that the work that will be undertaken by the Fédération des coopératives du Nouveau-Québec and by the Kativik Regional Government will improve the available accommodation infrastructures in the Northern Village of Umiujaq.*

*The Commission notes that visits by occasional visitors to the villages of Umiujaq and Kuujjuarapik –Whapmagoostui will only grow.*

*The Commission is of the opinion that the proponent should help the community of Umiujaq develop services targeting the visitors to Parc national Tursujuq on Category I lands and assist this community in the protection or development of certain sites identified beforehand by the community in question.*

### **Job creation and economic spin-offs**

While Québec's national parks are first and foremost dedicated to the protection of the natural heritage, they can also be beneficial for local economies by creating jobs and attracting tourists. The proponent guarantees the creation of several full-time and part-time jobs, notably a position of park director, that of assistant director, three positions of park wardens, as well as an administrative position. Various seasonal jobs such as those of tourist guides, park wardens and infrastructure construction and maintenance employees will also be created.

The transitional economic spin-offs, namely those anticipated for the duration of the works, i.e. five years, include an initial investment of \$8 million. During this period, an average of 20.3 full-time equivalent (FTE) jobs will be created for which \$735,300 would be paid in wages and remuneration. During the operating period of Parc national Tursujuq, the operating budget and spending by visitors to the future park have been evaluated at \$1.1 million. This should result in the creation of 17.6 FTE for which \$693,200 would be paid in wages and compensation.

According to the proponent, the Nunavik region will be the chief beneficiary of the creation of this park. The Economic Spin-Off Study, a document submitted in support of the application for authorization, anticipates that 37% of the jobs will be created in this region, which will also obtain 32% of the added value and 48% of the wages and compensation. According to this Study, the communities of Umiujaq, Kuujjuarapik and Whapmagoostui are expected to obtain 26% of the jobs created. However, they will account for 40% of the wages and the compensation since the best remunerated jobs will be created in these communities. In addition, Parc national Tursujuq should contribute to a 0.3% reduction in the unemployment rate in Nunavik, namely 0.17% on a permanent basis and 0.13% per year for the five-year transition period. During high season, this reduction in the unemployment rate could be considerably higher and reach 0.84%, namely 0.39% on a permanent basis and 0.45% for a five-year transition period. In the communities of Umiujaq, Kuujjuarapik and Whapmagoostui, this will lead to an average decline in the unemployment rate on the order of 0.4 %, even 0.85% in high season.

### **Training**

As indicated in the Impact Study, training will be offered to Inuit and Cree employees to allow them to acquire the basic skills and offer good-quality services. The Training Plan will be produced at a later stage but should be based on the Regional Tourism Training Plan. At the public hearings held under the *Parks Act*, one representative of the KRG indicated that park staff would also be trained to carry out search and rescue operations and to provide first aid.

### **4.5 Zoning Plan**

The Zoning Plan of Parc national Tursujuq will include four categories of zones, namely maximum preservation zones, preservation zones, natural environment zones and service zones. The Plan was prepared based on the current knowledge of the natural and human environments of the territory from existing documentation, but also from the consultations and the work done in the field in the company of Inuit and Crees living in the communities concerned. This Plan was established by taking into account:

- The representation of the elements of the natural region;
- The presence of sensitive habitats or, on the contrary, of sectors having a high carrying capacity;
- The presence or the potential presence of rare, threatened or vulnerable plant or wildlife species;
- The presence of archaeological sites or burial grounds;
- The presence of sacred sites or sites that are of importance at the cultural level;
- The current use of the territory by the people of Umiujaq, Kuujjuarapik or Whapmagoostui;
- The facilities present on the territory;
- The relative difficulty of gaining access to the territory;
- The anticipated visitor rate.

In the Impact Study, the proponent indicates that in order to ensure that the conservation mandate will always be fulfilled, it will be possible to make changes to the Zoning Plan later.

### **Places that are of importance for the Inuit and the Crees**

The proponent indicates that no sacred place was reported within the territory under study during the interviews and consultations held with the Inuit and the Crees. However, the residents of Umiujaq identified sites that are important at the cultural level, mainly for the practice of their traditional activities, notably at Baie Kilualuk and at Lac Pamiallugusiup in the Lac Guillaume-Delisle sectors. As for the residents of Whapmagoostui, they designated two sites in the past, where certain individuals state that they felt the presence of something when they visited them. However, they pointed out that these sites did not require special protection or enhancement, but they would like visitors having the same kind of experience to report it to park authorities. It should be noted that these sites are located within a preservation zone.

In order to collaborate in the drawing up of the final Zoning Plan, the Crees gave the proponent, in August 2007, a map indicating the location of important places, notably traditional harvesting sectors, travel corridors, sites that are part of legends and those considered to be the most dangerous. This information was transcribed on to the map of the territory under study and was taken into account mainly for the preparation of the development concept and the Zoning Plan. In the Answers to the Additional Questions, the proponent indicates that "the snowmobile travel routes used by the Crees will also be used for the park's needs. Since these travel routes are located along a corridor running alongside Rivière à l'Eau Claire, this corridor has been included in an ambience zone. Many places have been identified by the Crees on the map to indicate the ice-free and thin-ice sectors in winter. This information will mainly be used for the operation of the park." Finally, the proponent indicates that new consultations could be held if necessary.

### **Future changes to the Zoning Plan**

The proponent has clearly indicated that the activities and services offered in Parc national Tursujuq should not have a significant impact on the practice of traditional activities by the Crees and the Inuit. Managers will therefore have to take this practice into account in the planning of the activities and services that will be offered to visitors. To this end, the park director has the power to prohibit access to certain sectors of the national park. For example, in the event of the discovery of an important cultural site in an ambience zone, visitor access to this site could be prohibited. This approach, which is more rapid and more flexible, seems more appropriate to resolve, over the short term, the conflicts in use that could arise. It is also possible

to modify the zoning plan of a national park, but this is a relatively complex process. This is done by means of an amendment to the *Parks Regulation* (c. P-9, r.23). Such an amendment requires a consultation via the *Gazette officielle du Québec*.

## 5. CONCLUSION

The Commission considers that the Parc national Tursujuq project is a good project even though it does not completely fulfill its conservation mission in that it does not offer all possible protection to rare, endangered or vulnerable species and their habitats. However, following the analysis of the project and the public hearings held under the *Parks Act*, as well as those held under the EQA, the Commission was able to ascertain firsthand the public's almost unanimous support for the Parc national Tursujuq project. However, on many occasions during the consultations, participants commented on the important value of the biophysical environment surrounding Rivière Nastapoka and Lacs des Loups-Marins and on the importance of including this territory within the park's boundaries. At the present time, only the head of the Rivière Nastapoka watershed is included in the park project. Certain species having a particular status and present on the territory under study are thus not adequately protected by the creation of Parc national Tursujuq. However, the Sanarrutik Agreement limits the possibility of including the entire Rivière Nastapoka watershed in the park project. Finally, the Commission is of the opinion that as soon as the mining claims expire, the proponent should include in the park project the sector of the cliffs located to the south of Petite rivière de la Baleine identified in the document entitled Answers to the Additional Questions. A change to the boundaries in the sector of the 73rd degree longitude will also have to be made to allow outfitters to continue their activities, while ensuring an adequate protection of Upper Seal Lake and of lac D'Iberville.

Following the creation of Parc national Tursujuq, the park's management and operation will be entrusted to the KRG. In addition, a Harmonization Committee made up of representatives of the KRG, MDDEP, Makivik Corporation, the municipalities of Umiujaq, Kuujjuarapik and Whapmagoostui and the Annituvik and Sakkuq landholding corporations will be set up. This Committee will play an advisory role concerning the park's management. However, unlike the KRG, no representative of the GCC or of the CRA will sit on the Harmonization Committee. The participation of the Crees is thus limited to the presence of a representative of the municipality of Whapmagoostui. The Commission is of the opinion that this participation should include other Cree organizations. The Commission considers that a member of the scientific community should also be named to sit on the Harmonization Committee and be present at the meetings when scientific research projects are evaluated.

During the consultations, certain individuals voiced concerns about the impact that the creation of Parc national Tursujuq and the presence of visitors will have on the rights of the Crees and Inuit regarding the practice of traditional activities, such as hunting, fishing and trapping. As the project is located on territory subject to the Agreement, the Crees and the Inuit will be able to continue their traditional activities there. However, the Commission is of the opinion that visitors to Parc national Tursujuq should be informed of the rights established under the JBNQA and the possibility of encountering people practicing traditional activities within the park's boundaries in order to explain and ideally promote the practice of such activities.

Unlike Parc national Kuururjuaq, the number of annual visitors over a five-year time period is low, i.e. 50 visitors. This objective increases to 100 visitors over a ten-year timeframe. During the construction and operating periods, the project will create 20.3 FTEs and 17.6 FTEs,

respectively. According to the proponent, the Nunavik region will be the main beneficiary of the creation of this park. The Economic Spin-off Study indicates that 37% of the jobs will be created in this region, which will also obtain 32% of the added value and 48% of the wages and compensation. During the consultations, several participants expressed their concerns about the accommodation infrastructures in the Village of Umiujaq. However, the proponent has indicated that a 15-room hotel will be built in Umiujaq in 2010. In addition, the KRG plans to alter the course of the road between the Village of Umiujaq and the northwestern access of the park project so that the road moves away from the waste disposal site. The relocation of the waste disposal site could also be envisaged. Finally, the proponent plans to notify visitors that the weather conditions can cause unforeseeable delays in air flight schedules. However, considering the anticipated increase in visitors to the villages of Umiujaq, Kuujjuarapik and Whapmagoostui, the Commission is of the opinion that the proponent should help these communities develop services targeting the visitors to Parc national Tursujuq on Category I lands and to assist these communities in the protection or development of certain sites identified beforehand by the communities in question.

Parc national Tursujuq is the third park to have been submitted to the Commission for analysis and decision, after Pingualuit and Kuururjuaq national parks. Several of the recommendations made in the decision report of Parc national Kuururjuaq were taken up in the Impact Study for the Parc national Tursujuq project, notably the addition of the proposed mitigation measures. Moreover, the Commission noted the preparation of new plans such as a Marketing and Communication Plan, a Research Plan, a Plan seeking to integrate traditional knowledge in the planning and operation of the park, and a Training Plan. Finally, the proponent adapted the environmental Follow-Up Plan to include the evaluation of the economic activities and the spin-offs for local communities. These additions provide new elements for the project's elaboration, analysis and follow-up.

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## DECISION AND CONDITIONS

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Following an analysis of the documents provided by the proponent, taking into account the consultations made with the public and assuming that the legal aspects will be resolved on a permanent basis without prejudice to the rights and privileges of the Inuit guaranteed by the *James Bay and Northern Québec Agreement* and pursuant to Section 23 of the *James Bay and Northern Québec Agreement* and to Chapter II of the *Environment Quality Act*:

**The Kativik Environmental Quality Commission has decided that the project to create Parc national Tursujuq should be authorized.**

This decision concerns the project presented in the Environmental and Social Impact Study – Projet de parc national des Lacs-Guillaume-Delisle-et-à-l'Eau-Claire (Parc national Tursujuq), as well as in the related documents. Any change or addition to the authorized project will have to be submitted to the Commission for decision.

This decision is conditional upon the conditions listed in this document being met. It is valid insofar as the main works related to the park's creation will have been undertaken in a period of three (3) years from the date of authorization of this project by the Ministère du Développement durable, de l'Environnement et des Parcs.

**Condition 1 :** The proponent must make changes to the current boundaries of the Parc national Tursujuq project in order to allow the outfitters who are present on the territory located to the east of the 73rd degree longitude to continue their activities, while ensuring adequate protection of Upper Seal Lake and lac D'Iberville. Prior to the official creation of Parc national Tursujuq, the proponent must submit to the Commission a new proposal for the boundaries of the park project in this sector.

**Condition 2 :** When the mining claims expire, the proponent will have to include the cliffs located to the south of Petite rivière de la Baleine and identified in the document entitled Answers to the Additional Questions in the Parc national Tursujuq project.

**Condition 3 :** In addition to the representative of the Whapmagoostui Cree Nation, the proponent will have to name a representative of the Cree organizations to sit on the Harmonization Committee.

**Condition 4 :** The management of Parc national Tursujuq will have to establish a strategic Research Plan in collaboration with the interested scientific research groups, including the Centre d'études nordiques. This document will have to be submitted to the administrator for information prior to the creation of the park.

**Condition 5 :** The proponent will have to name a member of the university scientific research community to sit on the Parc national Tursujuq Harmonization Committee. The latter will have to attend the meeting when scientific research projects are evaluated.

**Condition 6 :** The proponent will have to inform visitors to Parc national Tursujuq of the presence of James Bay and Northern Québec Agreement beneficiaries and of the possibility of encountering people practicing traditional activities within the park's boundaries. The strategy chosen for the dissemination of information will have to be submitted to the administrator prior to the creation of park.

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**Condition 7:** The proponent will have to put in place, prior to the official opening of Parc national Tursujuq, a mechanism whereby the complaints of the Inuit and Crees concerning the practice of traditional activities and possible conflicts between these activities and park activities will be received and heard.

**Condition 8:** The proponent will have to help the community of Umiujaq in developing services targeting the visitors to Parc national Tursujuq on Category I lands.

**Condition 9:** The proponent will have to assist the community of Umiujaq, at its request, in the protection or development of certain sites identified beforehand by the community in question, notably the sector of cuestas located on Category I lands. The administrator will have to be informed of the steps taken by the promoter to this end.

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