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September 1, 2010

Plan Nunavik - Concerns, Challenges and Proposals
brought to the Plan Nord Discussion

We would like to take this opportunity to thank the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire, for giving the Nunavik Landholding Corporation Associations (NLHCA), representing the Nunavik Landholding Corporations ("Nunavik LHC's), such opportunity to express our comments concerning the Plan Nord.

The mandate of the NLHCA is, among others, to regroup all Nunavik LHC's in order to duly promote and represent their interests with other various organizations on questions related to their important responsibilities and duties invested through the *James Bay and Northern Québec Agreement* and the various Quebec Acts.

The NLHCA provides logistic and administrative supports to the Landholding Corporations for the realization of various projects, to help empower local communities and provide them with tools to better manage their land and development. Pursuant to Nunavik specific identity and location, the Landholding Corporations participate within the economic development of the Nunavik communities, all for the benefits of the Nunavimmiut, the very same members of every Landholding Corporation.

The Members of the NLHCA are composed of all the existing Landholding Corporations in Nunavik created in 1978 by a special legislation adopted by the Quebec Government: the *Act respecting the land Regime in the James Bay and New Quebec Territories*:

Sakkuq Landholding Corporation of Kuujuaraapik	(approx. 560 JBNQA Beneficiaries)
Anniturvik Landholding Corporation of Umiujaq	(approx. 438 JBNQA Beneficiaries)
Pituvik Landholding Corporation of Inukjuak	(approx. 1524 JBNQA Beneficiaries)
Qekehrriaq Landholding Corporation of Akulivik	(approx. 590 JBNQA Beneficiaries)
Qaqqalik Landholding Corporation of Salluit	(approx. 1,303 JBNQA Beneficiaries)
Nunaturlik Landholding Corporation of Kangiqsujuaq	(approx. 631 JBNQA Beneficiaries)
Tuvaaluk Landholding Corporation of Quaqtaq	(approx. 357 JBNQA Beneficiaries)
Nunavik Landholding Corporation of Aupaluk	(approx. 172 JBNQA Beneficiaries)
Saputik Landholding Corporation of Kangirsuk	(approx. 530 JBNQA Beneficiaries)
Arqivik Landholding Corporation of Tasiujaq	(approx. 269 JBNQA Beneficiaries)

Nayumivik Landholding Corporation of Kuujjuaq	(approx. 1,876 JBNQA Beneficiaries)
Qiniqtig Landholding Corporation of Kangiqsualujjuaq	(approx. 793 JBNQA Beneficiaries)
Kigaluk Landholding Corporation of Chisasibi	(approx. 110 JBNQA Beneficiaries)
Epigituk Landholding Corporation of Killiniq	(approx. 43 JBNQA Beneficiaries)
Nuvummi Landholding Corporation of Ivujivik	(approx. 512 JBNQA Beneficiaries)
Puvirnituk (no LHC)	(approx. 1,569 JBNQA Beneficiaries)
(Total JBNQA Inuit Beneficiaries registered (March 2010): ± 11,085)	

LHCs were originally created to assume ownership of Category I lands allocated to each Nunavik community. The powers and responsibilities of the LHCs are defined in different laws, the main one being the *Land Regime Act* adopted as mentioned above in 1978 by the Government of Québec to implement various sections of the JBNQA.

Also, responsibilities and powers of the LHCs are defined at the following Acts:

- *Act respecting hunting, fishing and trapping in the James Bay New Quebec Territories* (D-13.1) (hereafter the Hunting, Fishing, Trapping Regime)
- *Act respecting Cree, Inuit and Naskapi native persons* (Ch. A-33.1).

1 *Land Regime in the James Bay and Northern Quebec Territories* (Q.R.S., c. R-13.1)

1.1 Category I lands

One of the principal objects of the Nunavik LHC's, as it appears from its name, is to receive and hold in full ownership Category I lands granted to each community and administer them in accordance with the rules contained in the JBNQA and the Land Regime Act.

As owners of Category I lands, Nunavik LHC's play an important role in the protection of the local environment. Nunavik LHC's also plays a major role in the supervision of construction projects with the objective, in collaboration with promoters including KRG, to reduce environmental impacts.

More specifically, Nunavik LHC's can:

- a) grant rights in the form of leases and/or occupation permits to any individual corporation or government agencies requesting authorization to occupy a piece of Category I lands.
- b) negotiate, receive and administer the rental payments from existing and future leases or occupation permits.

- c) allocate pieces of land for community services such as roads, schools, hospitals, power plants supplied by Government or government agencies for the nominal amount of \$1.00.
- d) negotiate compensation for the use of mineral rights over Category I lands, including the use of rights on gravel pits and quarries.
- e) negotiate with government and government agencies in the case of servitudes for public purposes such as roads, bridges, transmission lines, etc.
- f) in the case of expropriation, if a LHC is eligible to compensation, negotiate with government for compensation or replacement of lands. No expropriation has ever taken place in Nunavik since the signature of the JBNQA and the coming into force of the Land Regime Act.

1.2 Category II Lands

Inuit do have special rights over Category II lands but it is important to recall that they do not own these lands. The JBNQA and the Land Regime Act contain specific provisions stating that Category II lands remain in the public domain, meaning that they are owned by the Government of Québec.

Even though they do not own Category II lands, Nunavik LHCs have a certain control within said lands for sport hunting and sport fishing purposes as defined at the Hunting, Fishing and Trapping Regime.

In addition to their responsibilities concerning sport hunting and fishing, LHCs do have other responsibilities over Category II lands, namely:

- *To negotiate with the government, Hydro-Québec or other authorities the replacement of Category II lands or their compensation if these lands are appropriated for development purposes.*

- The right to receive notice from government if a decision is made to undertake development within Category II lands.
- To obtain permits to exploit soapstone quarries for traditional arts and crafts.

2. Act respecting Hunting and Fishing Rights in the James Bay and New Québec Territories (Q.R.S., c. D-13.1).

Wildlife and fauna protection has always been a subject of great preoccupation for Nunavik LHC's due to their responsibilities under the Hunting, Fishing and Trapping Regime.

As previously mentioned, LHCs also have important responsibilities under the Hunting, Fishing and Trapping Regime established under section 24 of the JBNQA. That situation is linked to the fact that Inuit have exclusive hunting, fishing and trapping rights over Category I and II lands:

- Within Category I and II lands, no commercial fisheries whether operated by Inuit or non-Inuit may be authorized without the formal consent of the interested LHC (section 32).
- Right to control non-beneficiary, non-resident, as per requirements established by the concerned Northern Village, sport hunting and sport fishing activities within Category I and II lands.
- Some persons of Inuit ancestry, who are not eligible as beneficiary under JBNQA but who traditionally hunt, fish and trap in the territory may be permitted to exercise the rights to harvest on Category I and II lands, by the interested LHC. (section 38).
- Every person, native or non-native, who wants to establish and operate an outfitting camp in Category I and II lands must first obtain the express consent of the concerned LHC.

3. Act respecting Cree, Inuit and Naskapi Native Persons (R.S.Q. C. A-33.1) and Complementary Agreement No. 18

The original provisions of section 3 JBNQA that defined eligibility criteria and enrolment procedures for Inuit beneficiaries were amended at the request of the region via the members of Makivik Corporation. The signing of JBNQA Complementary Agreement no. 18 took place on January 27 2005, the new eligibility criteria and enrolment procedures came into effect on May 1 2006, and, since then, the Nunavik Enrolment Registrar duties are conducted from the Makivik Head Office in Kuuujuaq while support is provided by the MSSS. Both are working in close collaboration with the local Landholding Corporations as they are identified as parties to the Enrolment Committee in each Nunavik communities.

The amendments allow more discretion for Nunavimmiut to decide who is eligible to become a beneficiary through the establishment of those Enrolment Committees, mandated to decide upon applications for beneficiary status based on the new eligibility criteria. In those communities where LHCs exist, the LHC's BOD and one Elder compose the Enrolment Committee. Also, local LHCs are appointed as "local registry office for their respective community", hence they have the responsibility to keep and maintain their respective beneficiary list.

4. Plan Nunavik: Concerns, Challenges and Proposals brought to the Plan Nord Discussion

Following consultations with the representatives of the Nunavik LHC's, we are pleased to provide the attached document entitled "Plan Nunavik: Concerns, Challenges and Proposals brought to the Plan Nord Discussion."

**PLAN NUNAVIK
CONCERNS, CHALLENGES AND PROPOSALS
BROUGHT TO THE PLAN NORD DISCUSSION**

No.	CONCERNS, CHALLENGES AND PROPOSALS SEPTEMBER 1, 2010
1.	Although the landholding corporations (LHCs) own collectively the Category I lands, subsurface rights are held by the Crown of Quebec. The LHCs wish to see revisited the actual regime on subsurface materials that only devolved to the LHCs authorization rights and payment of use of rights over Category I lands, while strengthening for surface ownership rights their management authority and regulating powers (over usages, occupations, construction, development, etc);
2.	Québec Plan Nord promotes the development of Nunavik resources, inclusive of its non-renewable mineral potential. An increase of the mining exploration and exploration activities in Nunavik should mandatorily be community and socially relevant, with joint management, profit sharing and obligations devolved to the promoters to go beyond the provisions of the James Bay and Northern Quebec Agreement (JBNQA) in terms of mitigating disturbance over the Inuit harvesting rights and northern environment/ecosystems, & improving collaboration and positive returns for the Inuit communities; mandatory consultation and authorization prior any mining studies and exploration activities on Categories II and III lands.
3.	The NLHCA considers that the obligation to the JBNQA to allocate parcels of Category I lands at nominal rate for public services fails to achieve any community and social development purpose, moreover in the context of the ever-increasing pressure experienced by the LHCs for multiplied use and occupation of their Category I lands;
4.	The NLHCA also feels that the possibility for Québec to expropriate parcels of Category I lands for the deliverance of public services without compensation nor replacement of land is not compatible with the development of the social economy of the communities;
5.	The maximum superficies allocated to the communities as Category I lands at the time of signature of the JBNQA became obsolete considering the increase in population, various usages, external pressure and development venues. An increase of Categories I and II superficies is necessary to see enhanced the social, traditional, community and economic development possibilities for the Inuit local population, for today's and tomorrow's generations;

6.	<p>Considering the need for most of the LHCs to assess their land ownership and reconcile orders of councils/claims/leases pre-dating the JBNQA that may have created pouches of Category III lands within their Category I lands, it imports that support be resumed and dully provided by the government (MNRF) in having inventoried and accurately mapped Inuit Category I and II lands;</p>
7.	<p>Furthermore, governmental and third parties pre-owners of parcels of lands marked as Category III land at the time of signature of the JBNQA shall see their lots officially identified while having, in their finality, all titles of ownership transferred back to the LHCs for uniformity and conformity purposes;</p>
8.	<p>In the process, the NLHCA supports the implementation by the MNRF of an official land registry (cadastre) for Nunavik, while proper civic numbers and addresses be allocated for efficiency, referencing and security purposes;</p>
9.	<p>Country foods and harvesting activities for personal and community uses are important aspects of everyday life for Nunavik Inuit communities. Concerns are persistently exposed to Nunavik LHCs by their affiliated members regarding the need for better protecting Nunavik Inuit harvesting rights in light of many factors, namely:</p> <ol style="list-style-type: none"> 1. The increase of unusual and/or large influxes of seasonal and/or short term non-beneficiary workers in most Nunavik Inuit communities; 2. The added pressure on wildlife resources and traditional ways of living made by those sport hunters-fishermen, especially at the ridge of the Category II lands; 3. Reports of environmental disturbance by non-beneficiaries' activities & industry developing or pre-developing activities, with impacts on the time available for the practice of the harvesting rights by the Inuit and localization of resources; and, more recently, 4. Reports of changes to the climate trends and variability and influences on the availability and accessibility of wildlife resources for the Inuit; 5. Numerous activities conducted over Categories I and II and III without the knowledge and/or consultation with the proper Inuit organizations, including the Nunavik LHC's. <p>It is important to implement policies and guidelines for uses and occupations of Categories I, II and III lands in order to protect the Territory (land – environment - wildlife - harvesting activities, etc.). Mandatory consultation and authorization prior to any sport /hunting /trapping activities, mining studies /exploration activities and new economic development projects on Categories II and III lands.</p>
10.	<p>The NLHCA supports the creation of a Nunavik National parks and protected areas network, to be developed in partnership with the region and the communities, which will not only protect the northern unique environment and its resources, but also the traditional ways of living of Inuit and the conduct of their sustainable harvesting activities;</p>
11.	<p>Considering the disturbances and conflicting activities experienced by the harvesting members of the Nunavik LHCs, responsibilities with the conduct of sport activities (hunt-fish) by non-beneficiaries shall be fully regulated by the Nunavik LHCs over the Category I and II lands. As such, the responsibility over the establishment of residency criteria for the application of Section 24 shall be transferred from the Northern Villages to the LHCs;</p>

12.	Changes to climate and ice patterns will permit new developments and venues, such as the opening of northern shipping routes through extended navigation seasons, or such as permitting gas, oil exploration ventures, leading to an increase of competition over the regional and local resources, & possible environmental impacts and social disturbances. Developers shall abide to community and social considerations to mitigating all impacts, while climate change also means reviewing construction standards for northern infrastructures (residences, airports, airstrips, roads) to adapt to the melting of permafrost and other modified environmental considerations;
13.	Community development shall be inclusive of sustainable considerations, intergenerational needs and long-term planning: (a) Housing programs shall be enhanced to tackle the housing crisis & related human/social impacts, with construction of units with increased numbers of bedroom; (b) land planning shall include green spaces and recreational zones with improved facilities/infrastructures; (c) Residential lots shall increase their superficies with more distance between houses; (d) transportation services shall be improved for local population, especially for the vulnerable groups; (e) water plants/supplies/distribution/storage shall closely be managed/monitored; (f) existing infrastructures fast-approaching or long-past the end of their lifespan shall be replaced by new cost-saving and energy-efficient designs; etc.;
14.	Education and working training shall be generally improved, while offering chances for learning in the region, within professional programs or schools, colleges, on-the-job opportunities in partnership with industries and developers, & training and monitoring for micro business, in innovative and culturally oriented manners;
15.	Develop and promote a “ <i>Made in Nunavik</i> ” management/development in all fields: artistic, tourism related products and offers, food sector, etc., with adapted requirements considering the inherent challenges created by their remote locations (in terms of production and shipping costs, inspecting regulations, etc);
16.	The development of Nunavik should not fail to address the precarious situation of the urbanized Inuit that are, in Montreal, composing almost 50% of the aboriginal homeless population. Housing, social and community crisis have contributed to their exodus, and the development of programs for such population shall form part of the mandatorily social/community development orientations;
17.	Most of the <i>Problems, Concerns and Challenges</i> exposed at the present document were defined along with proposed solutions at another paper submitted early 2010 to the <i>Secrétariat aux Affaires Autochtones</i> (SAA) and for which discussions have yet to intervene. More support, financial and human-wise, shall be made available to the SAA to duly carry in a timely manner its mandate of coordination with the Inuit of Nunavik, while having duly addressed such paper on the current needs of the Nunavik LHCs, along with the actual disagreements opposing the NLHCA, few LHCs and governmental ministries or agencies on the application of the local regime over construction, usage and occupation rights over Category I lands, and for which specific assistance from the SAA was also requested.
18.	Build a railroad transportation services instead of “vehicle road” which would allow a better control and monitoring for the uses and occupations on the Territory.

19.	In addition to be given increased powers and rights over Cat I and II lands, funding assistance be provided for these resources as well as to create access trails for hunting and fishing.
20.	Additional funding should be provided to establish and maintain more survival cabins around the territory.
21.	<p>Housing: Cabinetry and prefab opportunities in larger communities;</p> <p>Cost of living: Reduce municipal taxes and/or increase northern residents' allowance as per individual annual tax returns.</p> <p>Essential services: More political pressure at the government level;</p> <p>Education & Employment: More support and funding for the concept of "business incubation" (see www.unaaq.org).</p> <p>Protection of habitat: In Inukjuak, there has been a loss of habitat on the beach areas due to heavy traffic of people and Hondas over the decades. Restoration to beach areas and shoreline should be given some priority.</p> <p>Borrow Pits: Borrow pits tend to be abandoned once they are fully exploited.</p> <p>Re-vegetation and restoration programs should be included</p>
22.	<p>Start to look for clean power supply for the territory needs and future developments: wind power, solar power, damming small river or sea power.</p> <p>Remove all diesel-fired powerhouses in Nunavik.</p>