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## Table of Cree Terminology

<b><u>Cree Term</u></b>	<b><u>Pronunciation</u></b>	<b><u>Meaning</u></b>
<b>Chiwiinipaakw</b>	(Chey-wee-neh-beg)	Hudson Bay
<b>Eeyouch</b>	(E-U'ch)	Plural of Eeyou, and meaning the Crees
<b>Eeyou/Eenou</b>	(E-U/E-nuu)	The People
<b>Eeyou Istchee</b>	(E-U is-chee)	The People's Land
<b>Miyupimaatsiun</b>	(Me-you-peh-maat-see-win)	Well-being; or more precisely: "living well" or "being alive well"
<b>Pimaatsiwin</b>	(Peh-maat-see-win)	The Cree Way of Life
<b>Wiinipaakw</b>	(Wee-neh-beg)	James Bay

## Table of Acronyms

CAAP	Canadian Association of Petroleum Producers
CNG	Cree Nation Government
CNMCAA	Canada National Marine Conservation Areas Act
CNYC	Cree Nation Youth Council
COTA	Cree Outfitters and Tourism Association
CTA	Cree Trappers Association
DFO	Federal Department of Fisheries and Oceans
EIT	Eeyou Istchee Tourism
EMPRC	Eeyou Marine Region Planning Commission
EMR	Eeyou Marine Region
EMRIRB	Eeyou Marine Region Impact Review Board
EMRLCA	Eeyou Marine Region Land Claims Agreement
EMRWB	Eeyou Marine Region Wildlife Board
ENGO	Environmental Non-Governmental Organization
GSC	Geological Survey of Canada
IPA	Indigenous Protected Area
IPG	Eeyou Marine Region Institutions of Public Government
JBNQA	James Bay and Northern Québec Agreement
MELCCFP	Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs
MOU	Memorandum of Understanding
NMCA	National Marine Conservation Area
PAIBA	Protected Areas and Impact Benefit Agreement
UNDA	United Nations Declaration on the Rights of Indigenous Peoples Act
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

## Executive Summary

The proposed Wiinipaakw (James Bay) Indigenous Protected Area and National Marine Conservation Area is located in the Eeyou Marine Region, in offshore areas of Eastern James Bay, stretching from the mouth of Chisasibi-Big River south to the Québec-Ontario border. This area would support the Cree Nation Government in their marine conservation strategy and contribute up to 0,45% of Canada's commitment to protecting biodiversity and conserving 30 percent of its marine waters by 2030.

The Eeyou Marine Region is rich in biodiversity, history and is essential to Cree culture and Eeyou pimaatisiwin (the Cree way of life). Many rivers flow out into Wiinipaakw (James Bay) bringing large amounts of freshwater to the Bay. This creates a special marine environment with a salt concentration much lower than that of Chiwiinipaakw (Hudson Bay) and of oceans.

As a part of the larger Chiwiinipaakw (Hudson Bay) inland sea, Wiinipaakw (James Bay) is also a hub for migrating geese, ducks, shore birds, and marine mammals. By protecting offshore waters, it will contribute to the protection of these ecosystems and help mitigate climate change. Large scale conservation aligns with the treaties and rights of the Eeyouch (Crees) of Eeyou Istchee and their determination to maintain their culture, pimaastisiwin (way of life) and support food security. The Eeyouch have been stewards to these lands and waters since time immemorial.

The Steering Committee focused their assessment on the Study Area defined in the Memorandum of Understanding. The Study Area comprised an area of approximately 27,000 km<sup>2</sup> covering Eeyou Marine Region waters south of the mouth of Chisasibi – Big River and stretching south to the Québec-Ontario border. The proposed Indigenous Protected Area-National Marine Conservation Area in the Eeyou Marine Region would be adjacent to but not in Quebec. The Steering Committee compiled and summarized existing ecological and environmental data to highlight areas of rich biodiversity. The Committee conducted engagement activities with the five coastal Cree First Nations (Waskaganish, Eastmain, Wemindji, Chisasibi, and Whapmagoostui), with Cree entities, and with stakeholders. Through these sessions, the Committee gathered insights on Cree interests, concerns, and ideas regarding potential opportunities associated with a National Marine Conservation Area.

In accordance with the 2019 MOU on Feasibility Assessment, the Steering Committee is providing this feasibility assessment report and the recommendations on feasibility to both the Grand Chief of the Grand Council of the Crees (Eeyou Istchee) and Chairperson of the Cree Nation Government, and the federal Minister of Environment and Climate Change Canada and Minister responsible for Parks Canada. It is important to note that this assessment is not intended to define, create, recognize, deny, or amend any of the rights of the Parties including Aboriginal title or rights, or treaty rights, within the meaning of sections 25 and 35 of the *Constitution Act, 1982*, and the *Eeyou Marine Region Land Claims Agreement* (EMRLCA).

The Steering Committee recommends a boundary encompassing an area of approximately 26,000 km<sup>2</sup> covering Eeyou Marine Region waters south of the mouth of Chisasibi – Big River and stretching south to the Québec-Ontario border, excluding Québec territory. The proposed Wiinipaakw Protected Area would be protected as an Indigenous Protected Area (IPA) through mechanisms determined by the Cree and as a National Marine Conservation Area under the *Canada National Marine Conservation Area Act* and Chapter 6 of the EMRLCA. The Wiinipaakw Indigenous Protected Area and National Marine Conservation Area (Wiinipaakw IPA-NMCA, for short) supports a balance between safeguarding ecosystems in offshore

waters, supporting sustainable use, and protecting the Cree way of life. Moreover, marine protected areas, such as the Wiinipaakw IPA-NMCA, provide Canadians opportunities to learn about their environment and help preserve vulnerable ecosystems.

Furthermore, other marine conservation initiatives are being considered in the area. In a second phase, the Steering Committee would like to engage with Makivvik Corporation to explore extending the proposed IPA-NMCA into the Eeyou Marine Region Cree-Inuit Overlap Area, north of Chisasibi-Big River.

Moreover, a separate but complementary initiative to the proposed IPA-NMCA involves the collaboration between the Cree Nation Government, the Government of Québec and Parks Canada to develop a marine protected area in coastal waters adjacent to the Wiinipaakw proposed IPA-NMCA to ensure protected area connectivity throughout Eeyou Istchee.

## Introduction

The proposed Wiinipaakw (James Bay) Indigenous Protected Area and National Marine Conservation Area (NMCA) is located in the Eeyou Marine Region (Figure 1: Map of the Eeyou Marine Region), in offshore areas of Eastern James Bay, stretching from Chisasibi south to the Québec-Ontario border, but excluding Quebec Territory. The Eeyou Marine Region is rich in biodiversity, history and is essential for Cree culture and the Cree way of life. Many rivers flow out into Wiinipaakw (James Bay) bringing large amounts of freshwater to the Bay. This creates a special marine environment with a salt concentration much lower than that of Chiwiinipaakw (Hudson Bay) and of oceans.





As a part of the larger Chiwiinipaakw (Hudson Bay) inland sea, Wiinipaakw (James Bay) is also a hub for migrating geese, ducks, shore birds, and marine mammals. By protecting offshore waters, it will contribute to the protection of these ecosystems and help mitigate climate change. Large scale conservation is also in accordance with the treaties and rights of the Eeyouch (Crees) of Eeyou Istchee and their determination to maintain their culture, way of life and support food sovereignty. The Eeyouch have been stewards to these lands and waters since time immemorial.

The proposed Wiinipaakw Protected Area would be protected as an Indigenous Protected Area (IPA) through mechanisms determined by the Crees and as a National Marine Conservation Area under the *Canada National Marine Conservation Area Act* (CNMCAA) and in accordance with Chapter 6 of the *Eeyou Marine Region Land Claims Agreement* (EMRLCA). The Wiinipaakw Indigenous Protected Area and National Marine Conservation Area (Wiinipaakw IPA-NMCA, for short) supports a balance between safeguarding ecosystems in offshore waters, supporting sustainable use, and protecting the Cree way of life. Moreover, marine protected areas, such as the Wiinipaakw IPA-NMCA, provide Canadians opportunities to learn about their environment and help preserve vulnerable ecosystems.

In 2010, following the signing of the EMRLCA, the Cree Nation Government (CNG) proposed a partnership with Parks Canada to advance the *Cree Regional Conservation Strategy* Initiative. In 2011, Cree Nation Government approached Parks Canada with the suggestion of collaborating on an Indigenous-led project, building upon years of work (the Tawich Marine Protected Area project) already completed by the Cree Nation of Wemindji and researchers to extend the terrestrial protected areas network into the offshore.

In June 2019, the Grand Council of the Crees (Eeyou Istchee) / Cree Nation Government formalized this collaboration by signing a Memorandum of Understanding (MOU) with Parks Canada. The MOU initiated a feasibility assessment to explore the establishment of a national marine conservation area (NMCA), defining the terms and conditions under which it could be established. It also created a Steering Committee, comprising two representatives from the Cree Nation Government and two from Parks Canada, tasked with guiding the feasibility assessment process and with preparing a feasibility assessment report.

In accordance with this MOU, the Steering Committee is providing this feasibility assessment report and the recommendations on feasibility to the Grand Chief/Chairperson of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government, as well as the federal Minister of Environment and Climate Change Canada and Minister responsible for Parks Canada. It is important to note that this assessment is not intended to define, create, recognize, deny, or amend any of the rights of the Parties including Aboriginal title or rights, or treaty rights, within the meaning of sections 25 and 35 of the *Constitution Act, 1982*, and the EMRLCA.

The Steering Committee compiled and summarized existing ecological and environmental data to highlight areas of rich biodiversity. The Committee conducted engagement activities, meetings and discussions with Cree Governments (both regional and local scales), with various groups within each of the five coastal Cree First Nations (Waskaganish, Eastmain, Wemindji, Chisasibi, and Whapmagoostui), with Cree entities, and with stakeholders. These activities gathered insights on Cree interests, concerns, and ideas regarding potential opportunities associated with a National Marine Conservation Area (NMCA).





The territory of Eeyou Istchee covers over 475,000 km<sup>2</sup> with over 300 traplines (family hunting territories) terrestrially, and thousands of islands which continue to be occupied by the Cree and utilized for traditional practices. Eeyou Istchee includes the lakes and rivers that drain into eastern James Bay and south-eastern Hudson Bay, as well as the offshore islands and waters of the Eeyou Marine Region (or Wiinipaakw in Cree). The Cree homeland embraces a wide range of environments, from terrestrial zones such as upland areas far inland, dense coniferous forests in the southern areas, and sparsely-treed taiga further north, to coastal zones such as marshes and tidal areas, to islands and offshore waters.

There are more than 21,000 Crees in Eeyou Istchee, with almost 16,000 residing in ten communities. The five communities located along the coast of Eastern James Bay are Waskaganish, Eastmain, Wemindji, Chisasibi and Whapmagoostui. The five inland communities are Waswanipi, Washaw-Sibi, Nemaska, Ujé-Bougoumou and Mistissini.

For the Crees, the Eeyou Marine Region, which covers over 60,000 km<sup>2</sup> represents more than geographical features; it is an integral part of their culture and history, providing sustenance, livelihoods, and a profound spiritual connection across generations. Fishing and hunting are not just activities but cornerstones of existence for the Cree people, offering both nourishment and income.

### **Land Claims Agreements/Modern Treaty Context: JBNQA & EMRLCA**

Following legal disputes and negotiations over Cree and Inuit rights and to address the impacts of hydroelectric development in northern Québec, in 1975 the Crees and Inuit entered into the first modern treaty and comprehensive land claims agreement with the Governments of Québec and Canada: the James Bay and Northern Québec Agreement (JBNQA). The area covered by this modern treaty in Eeyou Istchee is mostly terrestrial.

The other modern treaty in Eeyou Istchee is the Eeyou Marine Region Land Claims Agreement (EMRLCA) (Figure 1: Map of the Eeyou Marine Region), covering the offshore portion of Eeyou Istchee, adjacent to but not in Quebec. The EMRLCA was signed in 2010 by the Grand Council of the Crees (Eeyou Istchee), and the Government of Canada, with the Government of Nunavut intervening, and it came into effect in 2012. This modern treaty affirms Cree ownership of most of the islands in the Eeyou Marine Region and other rights related to lands and resources, and Cree participation in co-management regimes related to wildlife, impact development and land use planning. The EMRLCA affirms the historical and cultural connection of the Cree people to these marine areas.

### **The Cree Regional Conservation Strategy**

The [\*Cree Regional Conservation Strategy\*](#) was created by the Cree Nation in order to take a proactive approach to development and conservation. It was developed in 2013 by the Eeyou Protected Areas Committee, which was composed of representatives from the Cree Nation Government, the ten Cree First Nations communities, the Cree Trappers Association (CTA), and the Cree Nation Youth Council (CNYC). This strategy is designed to ensure respect for Cree rights and Cree leadership in protecting Cree lands, waters and resources for today and tomorrow. This includes the rights of the Crees under the Constitution of Canada, Cree values and customs such as those codified in the Eeyou Hunting Law, and the protection of Cree language and culture. The Strategy provides the framework for the development of conservation and protected areas initiatives in Eeyou Istchee, and outlines the vision, goals and planning approach for protected areas establishment in the Cree homeland. It is the policy document which has guided the establishment of a protected areas network of over 100,000 km<sup>2</sup> in Eeyou Istchee.

## Parks Canada's Commitment to Protecting Nature and Culture

The Government of Canada is committed to achieving reconciliation with Indigenous peoples through renewed, nation-to-nation relationships based on the recognition of rights, respect, cooperation, and partnership as the foundation for transformative change. Canada is also committed to protecting biodiversity and conserving 30 percent of marine and coastal areas by 2030, thereby contributing to global conservation targets and helping to establish a worldwide network of Marine Protected Areas. Parks Canada is committed to establishing 10 new national marine conservation areas, working with Indigenous communities on collaborative -management agreements.

Parks Canada's long-term goal is to establish at least one NMCA in each of the 29 marine regions in the NMCA System Plan. NMCAs are selected to represent the biology, geology, oceanography and marine and coastal habitats of their marine region, as well as cultural and historical features. The proposed Wiinipaakw IPA-NMCA would represent the James Bay marine region in Canada's NMCA System Plan.

## Parks Canada's commitment to the implementation of UNDRIP

NMCA establishment and management also supports Canada's commitment to advancing reconciliation and the implementation of rights, treaty obligations, and related commitments in a manner that reflects the spirit and intent of the United Nations Declaration on the Rights of Indigenous Peoples (Canada [UN Declaration Act Action Plan](#)). Inherent and Treaty rights to harvesting, hunting, fishing, and trapping will be protected in all aspects of the NMCA.

## Indigenous Protected Areas

In 2018, the Indigenous Circle of Experts produced the report, *We Rise Together*, to provide advice and recommendations on how to achieve Canada's objective to protect and conserve areas across the country and the important potential contribution of Indigenous Peoples through Indigenous Protected and Conserved Areas. They concluded that, to be considered an Indigenous Protected and Conserved Area, the establishment process must be Indigenous-led, represent a long-term commitment to conservation, and elevate Indigenous rights and responsibilities. The report also noted that land and water are inextricable from Indigenous cultures; they cannot be separated from Indigenous ways of life, identities, values, spiritual practices, or knowledge systems.

While Indigenous Protected Areas can be established through a range of supportive partnerships, there is currently no stand-alone federal legislation to support their creation. Parks Canada has committed to explore policy options (policy, regulations, legislation) that can enable the establishment of these sites and reach the goals of Indigenous Protected Areas. The proposed Wiinipaakw Marine Protected Area in the Eeyou Marine Region would be protected as an Indigenous Protected Area (IPA) through mechanisms determined by the Crees and as a National Marine Conservation Area under the *Canada National Marine Conservation Area Act* (CNMCAA) and in accordance with Chapter 6 of the Eeyou Marine Region Land Claims Agreement (EMRLCA).

## The National Marine Conservation Area Program

Parks Canada is responsible for establishing and managing a system of national marine conservation areas (NMCAs) for the purpose of protecting and conserving representative marine areas for the benefit, education and enjoyment of all. NMCAs are managed and used in a sustainable manner that meets the needs of present and future generations without compromising the structure and function of their

ecosystems. NMCAs include the seabed, its subsoil and overlying water column, and may also encompass wetlands, estuaries, islands and other coastal lands, depending on the specific project.

The *Canada National Marine Conservation Areas Act* prohibits oil, gas, mineral and aggregate exploration and exploitation and places strict limits on ocean disposal. The federal Marine Protected Areas Protection Standard also applies in new NMCAs and provides additional restrictions on ocean dumping and bottom trawl fishing gear, and on use of drugs and pesticides, such as in finfish aquaculture, for example.

In NMCAs, Fisheries and Oceans Canada maintain responsibility for fisheries management and aquaculture, and Transport Canada and the Canadian Coast Guard maintain responsibility for marine navigation and safety.

NMCA establishment and management support Canada's commitment to advancing reconciliation and the implementation of rights, treaty obligations, and related commitments in a manner that reflects the spirit and intent of the *United Nations Declaration on the Rights of Indigenous Peoples*. Inherent and treaty rights to harvest, hunt, fish, and trap are protected in NMCAs.

NMCA management is shaped through collaboration and engagement that bring together a diversity of knowledge, perspectives, and active participation to achieve eight interconnected goals:

1. Protect marine ecosystems and biodiversity;
2. Conserve cultural heritage;
3. Manage use in an ecologically sustainable manner;
4. Support Indigenous leadership in marine conservation;
5. Contribute to the well-being of Indigenous peoples and coastal communities;
6. Facilitate opportunities for meaningful visitor experiences;
7. Enhance awareness and understanding;
8. Advance effective Collaboration.

As part of the management planning process, NMCAs are divided into zones. The NMCA zoning framework includes different types of zones ranging from full protection areas that prohibit recreational use and access, to areas for ecologically sustainable uses, including commercial and recreational fishing.. Indigenous traditional use can continue in all zones.

Successful governance and management of any protected area are founded on cooperation and collaboration. There is a desire from both the Cree Nation Government and Parks Canada to develop a governance framework for the proposed IPA-NMCA that is Indigenous-led and based on the willingness to work together in the spirit of cooperation, transparency and ongoing dialogue. Nothing in the establishment of an NMCA would fetter or limit the existing authorities, rights or jurisdictions of any party.

## Feasibility Assessment Process

Following the signing of the MOU launching the feasibility assessment in May 2019, a Steering Committee was established, composed of two representatives from each of the Cree Nation Government

and Parks Canada, to guide the feasibility assessment and make the final recommendation(s) on feasibility.

The MOU included an open door for collaboration with the Government of Québec, on coastal marine protection, and with Makivvik (representing the Inuit of Nunavik), for marine protection in the overlapping area of interests between the Cree and the Inuit in the Eeyou Marine Region.

Staff were hired by both the Cree Nation Government and Parks Canada to support the work of the Steering Committee. Existing information was compiled and synthesized to better understand the region's hydrocarbon resource potential and ecological and cultural importance. Engagement and consultation activities were organised and overall outcomes were documented.

The Steering Committee focused their assessment on the Study Area (Figure 3: Map of the Study area) defined in the Memorandum of Understanding. The Study Area comprised an area of over 27,000 km<sup>2</sup> covering Eeyou Marine Region waters south of the mouth of Chisasibi – Big River and stretching south to the Québec-Ontario border.



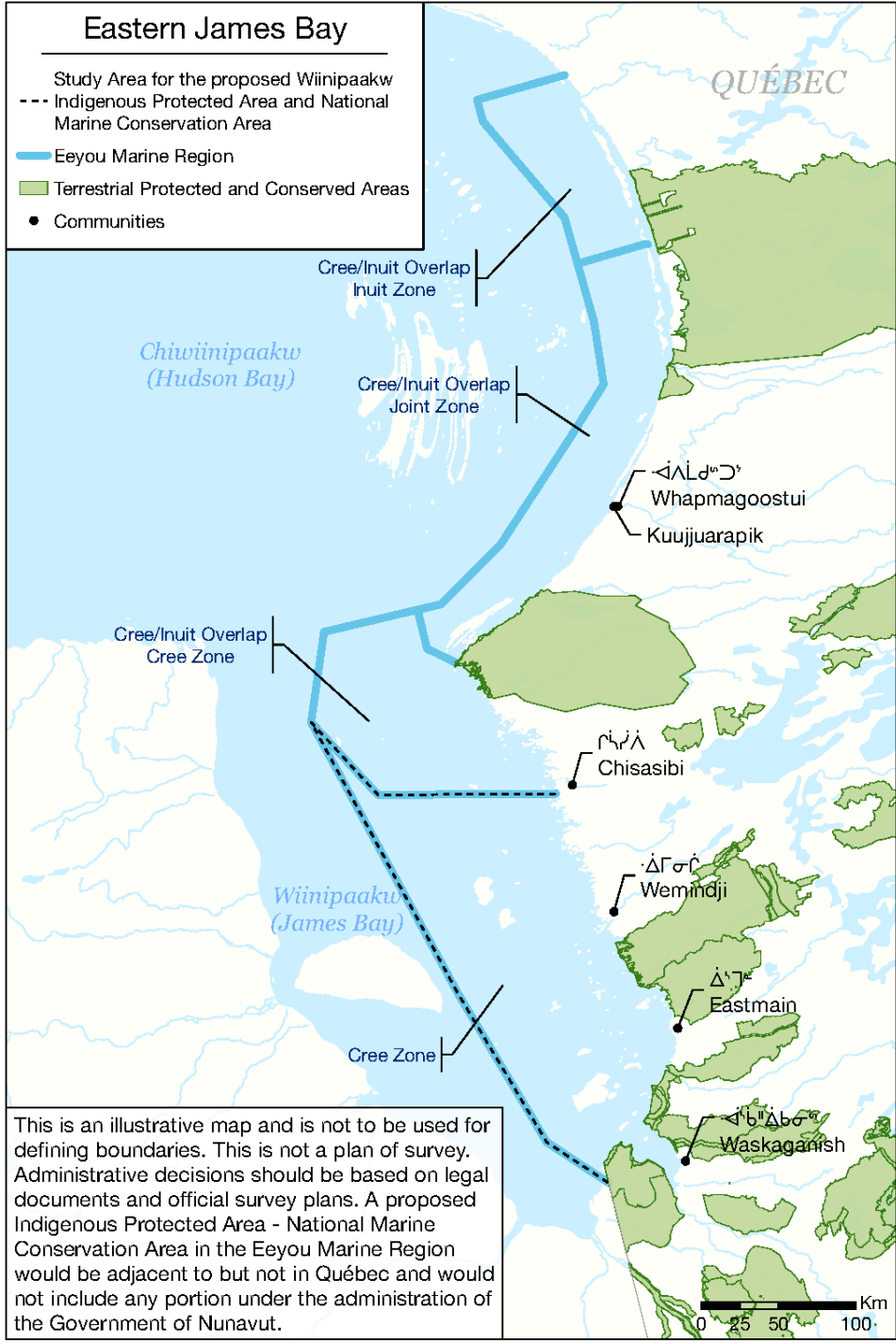


Figure 3: Study Area

The Wiinipaakw (James Bay) Indigenous Protected Area and National Marine Conservation Area proposed boundary would follow the boundary of the Eeyou Marine Region, as defined in the EMRLCA and adjacent to but not in Québec.

A contribution agreement from Parks Canada - developed in partnership with the Cree Nation Government (CNG) - provided funding to support CNG dedicated staff and to ensure active Cree participation in the feasibility assessment engagement process.

A separate but complementary initiative to the proposed IPA-NMCA involves the collaboration between the Cree Nation Government, the Government of Québec and Parks Canada to develop a marine protected area in coastal waters adjacent to the Eeyou Marine Region to ensure protected area connectivity throughout Eeyou Istchee (Figure 4: Schematic map of adjoining marine conservation projects in eastern Wiinipaakw).

Finally, to the west of and immediately adjacent to the proposed Wiinipaakw IPA-NMCA, the Western James Bay and Southwestern Hudson Bay NMCA has been deemed feasible and is in the process of being established. Together, these two marine conservation projects could provide protection to almost the whole of James Bay, further enhancing ecosystem connectivity for long range species and populations and strengthening the potential for adaption to climate change.

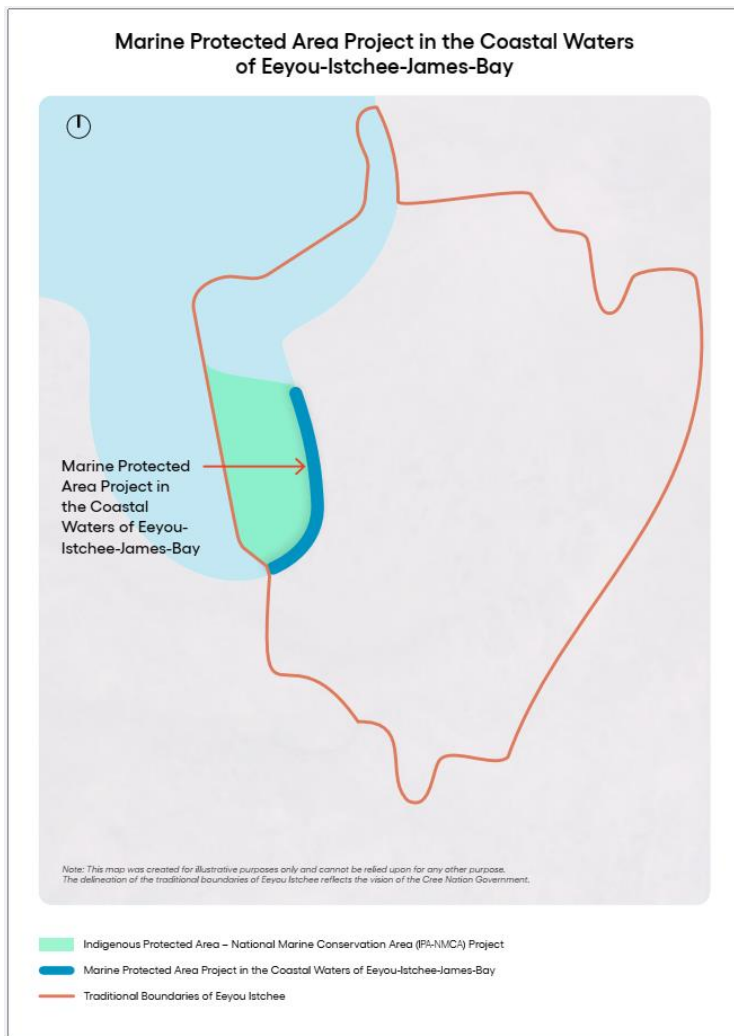


Figure 4: Schematic map of adjoining marine conservation projects in eastern Wiinipaakw.

Furthermore, other marine conservation initiatives are being considered in the area. In a second phase, the Steering Committee would like to engage with Makivvik Corporation to explore extending the proposed IPA-NMCA into the Eeyou Marine Region Cree-Inuit Overlap Area, in offshore waters north of Chisasibi-Big River.

## Study Area Context

### Eeyou Marine Region Ecosystem Overview

Chiwiinipaakw (Hudson Bay) and Wiinipaakw (James Bay) form an extensive inland sea, seasonally covered by ice and nestled at the heart of Canada. The large geographic scale ocean circulation in Wiinipaakw, down the western coastline and then up the eastern side creates a highly connected environment, with waters from one side of the Bay influencing species and ecosystems on the other side. Moreover, Wiinipaakw is uniquely influenced by the convergence of saltwater from the Arctic and Atlantic Oceans and freshwater from the six major watersheds that empty into Chiwiinipaakw (Hudson Bay) and Wiinipaakw (James Bay). Its unique physical environment harbours extensive wetlands, tidal flats, and eelgrass beds that sustain an abundance of invertebrates, marine mammals, and fish species.

From the open water depths to the intertidal zones, marine life flourishes, supporting seasonal phytoplankton blooms, ice algae cover, diverse benthic communities, and zooplankton. The marine and estuarine waters of the bay provide the necessary conditions to support an array of marine, freshwater, and estuarine fish species. Many fish species such as cisco, brook trout, lake whitefish, capelin, and the at-risk lake sturgeon rely on these estuaries to either feed, spawn, or overwinter. This region also has significant marine mammal populations which are dominated by Arctic species often at their most southern latitude, including the unique year-round population of the beluga found in Wiinipaakw (James Bay). The annual presence of fast ice (ice that is anchored to the shore or ocean bottom), essential to the Arctic food web, provides critical habitats for many of these species including beluga, polar bear, ringed seal, and Arctic fox. As climate change persists and ice cover continues to decline, habitats become vulnerable, and species are pressured to relocate outside their typical boundary.

Eeyou Istchee is also recognized for its complex coastline that is influenced by past glacial erosion and post-glacial uplift, causing the land to rise approximately 0.7 to 1.3 metres/century. This coastline hosts a diversity of habitats from salt marshes to rocky islets, supporting the migration of thousands of geese, ducks, and shorebirds, including Arctic breeding species such as the endangered red knot (*rufa* subspecies). An examination of existing scientific knowledge, as well as some of the Cree knowledge that was shared, further underscores the ecological significance of the region, highlighting the global importance of local ecosystems (Figures 5 and 6: Snapshot of Key Ecosystem Features in James Bay). These ecologically diverse seascapes and ecosystems are closely intertwined with the culture and way of life of the Crees of Eeyou Istchee, for countless generations.

Maintaining and protecting the offshore waters is essential to contribute to healthy coastal ecosystems, where the Cree do a majority of their traditional activities. This complex water system needs to be protected as a whole to maintain the health of the ecosystem and Cree miyupimaatisiun (well-being).

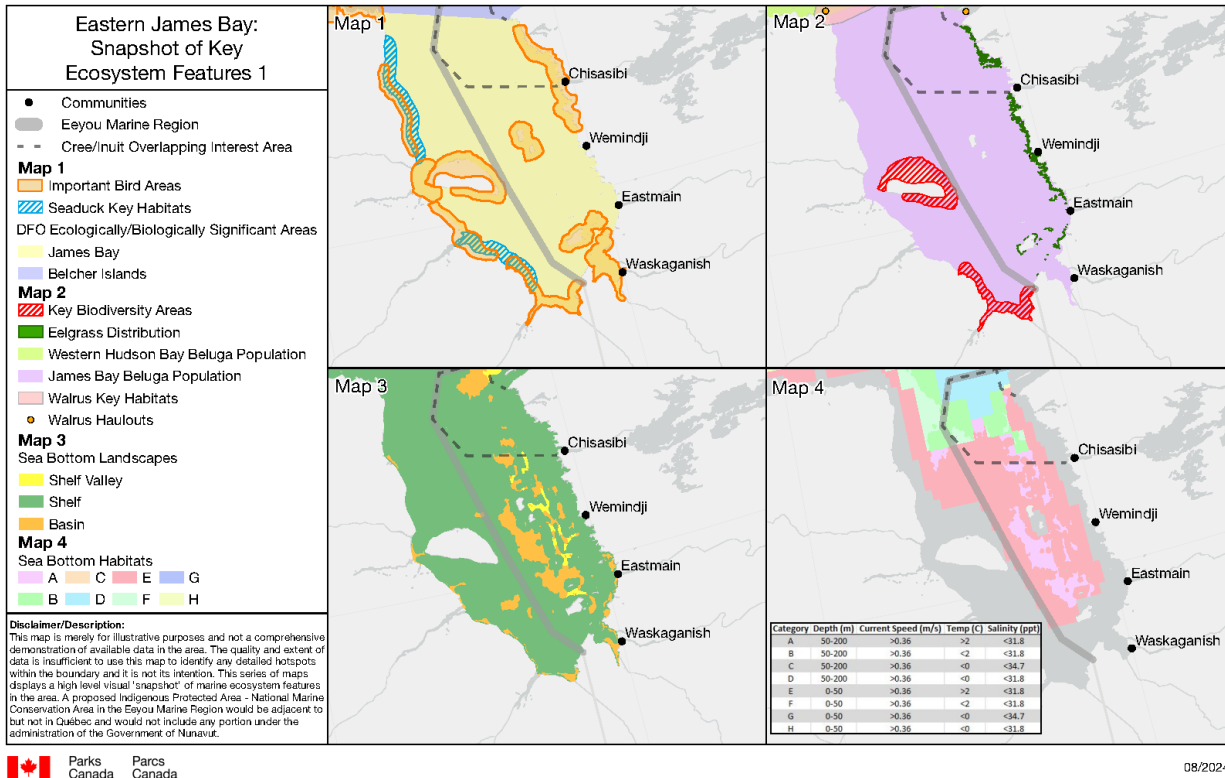


Figure 5: Snapshot of key ecosystem features in James Bay (1 of 2)

High level information on areas of high biodiversity and key habitats and species.

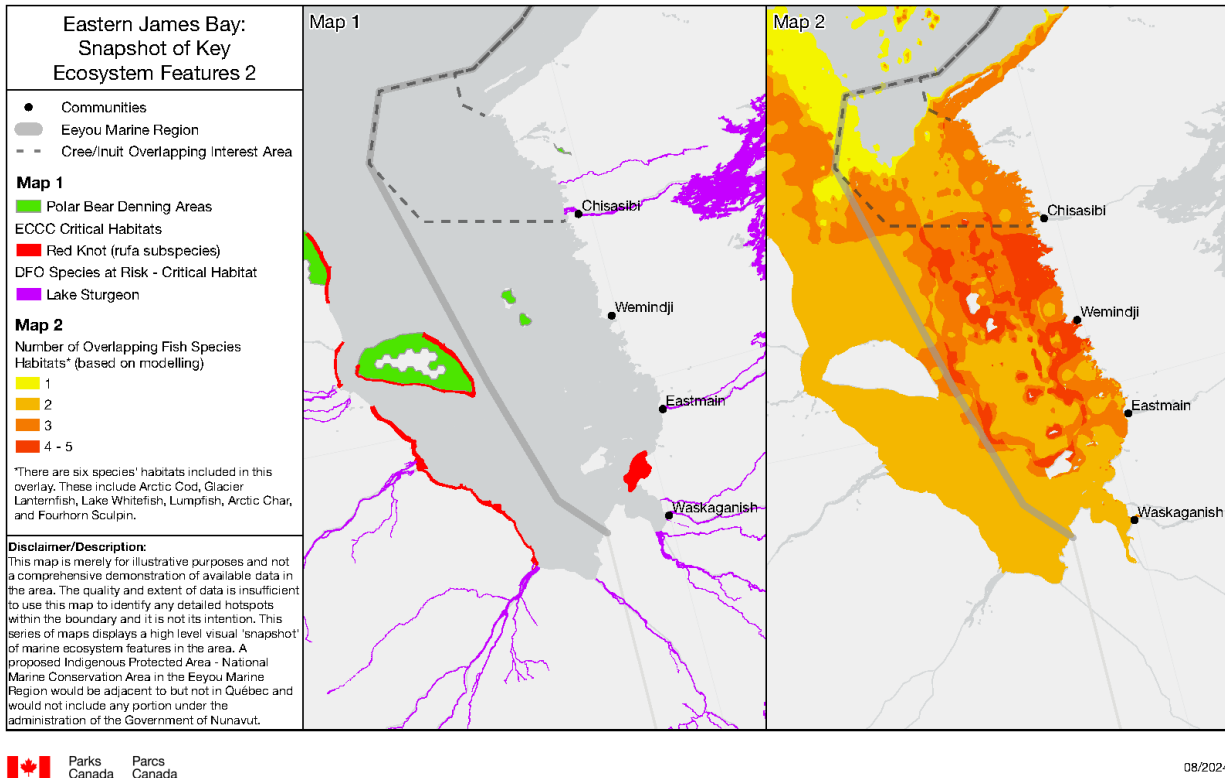


Figure 6: Snapshot of key ecosystem features in James Bay (2 of 2)

High level information on areas of high biodiversity and key habitats and species.

## Cultural Values

Crees highly value everything about Wiinipaakw, including their love of the sounds and the scenery, as well as the importance of harvesting food and traditional medicines. The Cree people and their ancestors have used and occupied Wiinipaakw (James Bay) and Chiwiinipaakw (Hudson Bay) since time immemorial. For many generations, Crees have relied upon the marine region for hunting, fishing, and other harvesting activities.

Prior to the JBNQA, the EMRLCA, and the development of permanent settlements, most families would spend the winter months on their family hunting territories (or traplines) inland in the forest, hunting, trapping and harvesting furs. They would journey back to the trading posts, some located on the coast, in the summer months where they would trade their furs for supplies, socialize, celebrate special occasions, catch up with friends and other families, and fish and hunt in the coastal and marine environment.

The contemporary uses of the offshore area and islands by the Cree largely mirror historical practices. However, Cree land use patterns have evolved over time, and have been influenced by changes in transportation technology, socioeconomics, permanent settlements, regional ecology, and local tastes and diets. Furthermore, specific land use activities depend upon the season, weather conditions, time of day, the species being sought, and other factors.



Cree culture is shaped by Eeyou pimaatisiwin (Cree way of life). It is an all-encompassing concept that includes beliefs, values, principles, practices, institutions, attitudes, morals, customs, traditions, and knowledge. The Eeyou way of life informs the system of governance, use, and occupation of Eeyou Istchee, which in turn informs Cree harvesting activities and other traditional practices. Cree land use is guided by long standing knowledge and traditions (for examples, see Figure 7: Cultural Values Map), not only with regard to where animals or other species can be found, but how they are managed, harvested, and shared within the community.

Cree knowledge, land use and occupation of Wiinipaakw can also be understood in part through Cree place names or toponyms (see Figure 7, below). The Cree Nation has worked to document Cree place names, including places of historical significance, waterways, topography, and places for traditional activities, among other things. Many of these named places also have stories connected to them, which have been passed down orally, from one generation to the next.

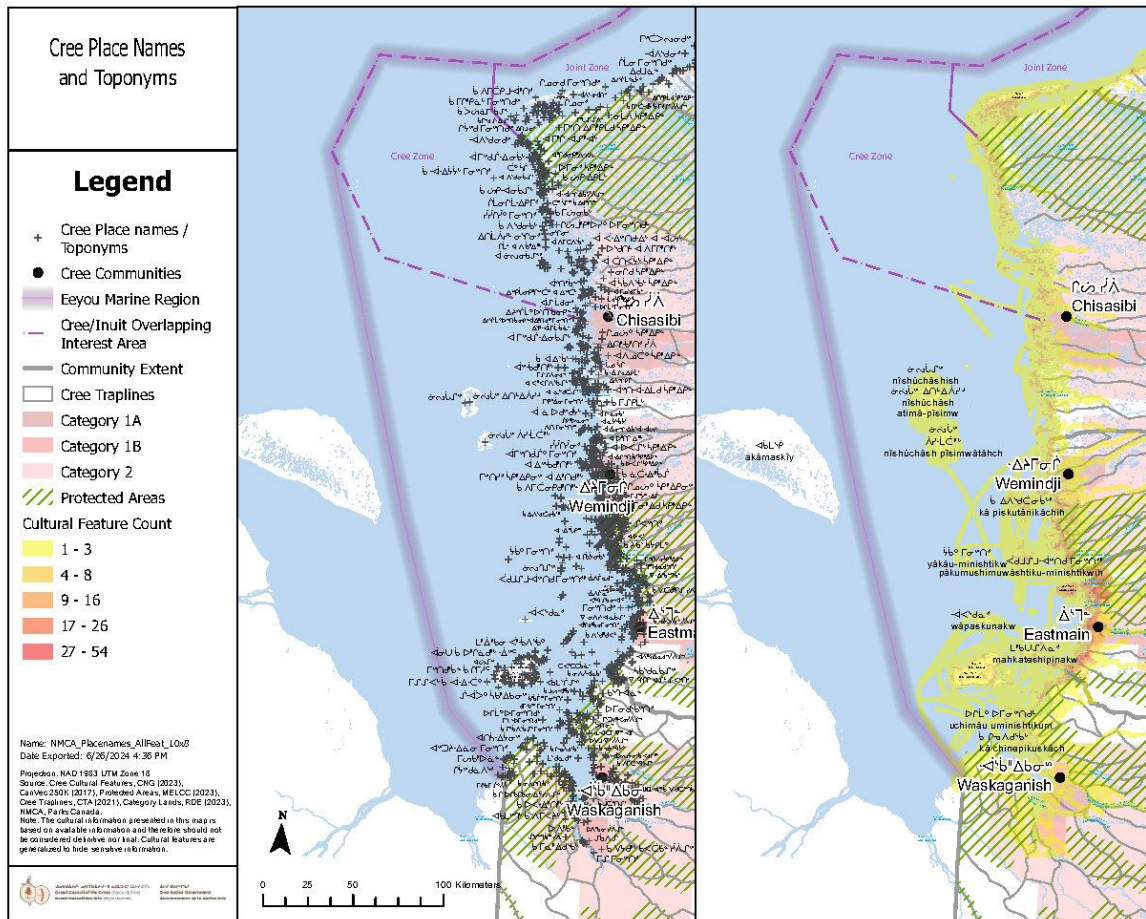


Figure 7: Cultural values maps: Cree Place Names and Toponyms

Examples of Cree knowledge and use of Wiinipaakw

The term that is used by the Crees to express a concept similar to wellness or well-being is miyupimaatisiwin, which translates to "living well" or "being alive well." It encompasses a much broader concept than health, and is a statement of how one lives and interacts. The concept of "being alive well"

is also the root of the Eeyou land-use system, as it is directly linked to harvesting and maintaining good relationships to the land and animals.

Overall, the protection of Wiinipaakw is of great importance for maintaining Eeyou pimaatisiwin (Cree way of life) and miyupimaatisiun (well-being) of the Cree people.

### Hydrocarbon potential

As assessed by the Geological Survey of Canada (GSC), the hydrocarbon potential of Eastern James Bay is predominantly low for a variety of factors. Within the proposed NMCA, the presence of rock from the ancient Canadian Shield on the eastern side eliminates any potential for hydrocarbon reserves. On the western side of the study area, where sedimentary rocks are present, the thin succession and absence of identified source rocks leads to very low to low potential for oil or gas.

Even if a source rock were present, there is a limited chance that sedimentary rocks in Eastern James Bay would have reached the high enough temperatures required to generate oil. Previous hydrocarbon assessments have suggested a lack of modern seismic surveying within the area, and estimates have been modelled and based on qualitative GSC assessments. Overall, these recent assessments suggest limited hydrocarbon prospectivity within the proposed NMCA. This is reflected in the hydrocarbon potential map (Figure 8), which shows very low to low potential within the study area.

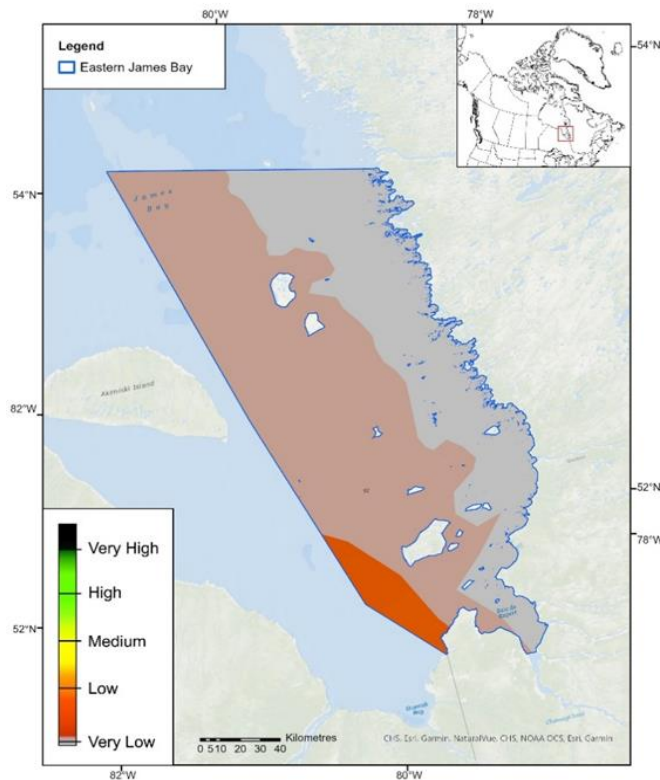


Figure 8: Hydrocarbon potential of Eastern James Bay, from Hanna et al. (2019)

Grey areas have no hydrocarbon potential. The Hydrocarbon potential of the areas in pale to dark red vary from 'Low' to 'Very Low'.

## Tourism

Tourism organizations and initiatives already exist in Eeyou Istchee. The establishment of the proposed Wiinipaakw IPA-NMCA would provide opportunities to continue to further develop the types and numbers of offerings and experiences, and to increase awareness of the Cree culture and of the ecosystems that support them.

Two tourism organizations, with different mandates, are currently working within Eeyou Istchee. The mission of the Cree Outfitters and Tourism Association (COTA) is to develop and implement a collective vision for a world-class sustainable tourism industry in Eeyou Istchee that is in harmony with Cree culture and values, and that involves partnerships with Cree communities, institutions, and businesses. COTA is a member-driven organization that provides services and support to Cree businesses, organizations, and communities, so that the Crees can build a thriving tourism industry on their own terms. It is an organization mandated under the JBNQA that was granted Regional Tourism Association (RTA) status by the Government of Québec in 2007.

The second organization is called Eeyou Istchee Tourism (EIT). Due to key differences between COTA's mandate under the JBNQA and the role of an RTA as defined by the Government of Québec, a decision was made to create a separate organization to fulfill the role of an RTA. As a Regional Tourism Association, EIT markets the Eeyou Istchee region and tourism operators; supports the development of a regional tourism offer; and makes tourism information more readily available, among other things.

COTA and EIT together, and with communities and many stakeholders, developed the Strategy 2020-2025 to chart the course for the future, ensuring that Cree move in a direction that reflects the aspirations of the communities and honours Cree people, culture, and land. Statistics they gathered indicate a great interest in Indigenous tourism in Québec, both from Québécois and from international visitors. They looked at what visitors might be looking for, such as new experiences, breathtaking scenery, and unforgettable experiences of immersion in nature, and special encounters with local Indigenous communities. The strategy has already highlighted existing Cree culture attractions in the communities, such as the Chisasibi Cultural Heritage Center. It also showcases Wiinipaakw Tours, the Cree solidarity cooperative which offers guided boat tours and experiences in Wiinipaakw to 'walk in the footsteps of the ancestors', to view wildlife, and to 'experience a deeply moving Indigenous adventure in untamed and richly diverse natural settings. The Cree Nation of Chisasibi's Tourism Department also operates boat tours of Wiinipaakw, as well as excursions by boat on Chisasibi-Big River.

An important part of the Eeyou Istchee Tourism Strategy is supporting Cree entrepreneurship to develop tourism opportunities, and the training for careers in tourism. For example, COTA has provided opportunities for the certification of boat captains, who can then take visitors out on Wiinipaakw.

Further training, programming, and the development of supporting infrastructure would provide greater opportunities to the budding tourism initiatives in Wiinipaakw.

## Engagement and Consultations

### NMCA Technical workshop

In October 2023, the CNG organized a regional NMCA Technical Workshop in Montreal, which brought together representatives from coastal Cree First Nations, Cree Nation Government, Parks Canada, Cree entities, Eeyou Marine Region Institutions of Public Government, and researchers.

Main goals of the workshop were to:

1. Inform and stimulate discussion and exchange around the concept of an NMCA, potential opportunities and challenges, and to generate creative thinking and reflection on a collective vision for an NMCA in Wiinipaakw
2. Help to frame ideas and approaches for engagement activities at the Cree community level

Presentations and focus group sessions over the two days were centered on key themes of importance for the development of an NMCA concept and vision, including:

- Feasibility, Governance, and Legal Issues
- Culture and Heritage
- Wildlife, Habitat and Ecology
- Tourism and Economic Activities

The outputs and lessons learned from the NMCA Technical Workshop helped to set the stage for the next steps/upcoming activities in the feasibility assessment process, and in particular, for the Cree community information and engagement sessions.

### Cree Governments

The Cree Nation Government NMCA project staff, along with the Deputy Grand Chief, engaged with regional (Cree Nation Government/Grand Council of the Crees (Eeyou Istchee) Board/Council) and local (coastal Cree First Nation Councils) governments to present the NMCA project, to listen to concerns and proposed opportunities and recommendations, and to provide updates on the progress of the NMCA feasibility assessment. Meetings were also held periodically with the five coastal Chiefs (Coastal Chiefs Forum) to discuss the project, get their input and guidance on key issues and on moving forward with the project, as well as on the best approaches for information and engagement sessions with their communities. These Coastal Chiefs Forum meetings were very valuable in providing a space for discussing key ideas and options, and for developing a shared collective vision of how an NMCA could be of benefit to the Cree Nation.

### Cree Community Engagement

After the signing of the 2019 MOU to assess the feasibility of establishing a national marine conservation area in the Eeyou Marine Region, engagement activities were initiated by Cree Nation Government and Parks Canada, to introduce the NMCA project. However, efforts to engage with the Cree public at the community level were delayed due to restrictions related to the covid pandemic from 2020 to 2022, and due to forest fires in Eeyou Istchee in 2023.

Planning for the Cree community engagement work got under way in the fall of 2023 working with the knowledge and outputs from the NMCA Technical Workshop, and with the guidance from the coastal Chiefs (Coastal Chiefs Forum meetings). A two-step approach to community engagement was employed. The first step was information sessions/open house held in each of the coastal communities during the afternoon and evening, open to the whole community. This served as an introduction to the project and helped to identify some of the key concerns and issues of community members. This was followed up a few months later with a second visit, after giving community members some time to reflect upon the project, and discuss it with others. The second visit consisted of more focussed engagement with specific groups within the community (youth, women, land users etc). Multiple focus group sessions were organized over the course of two days in each community.

### **Information Sessions**

An Information Session tour of the four coastal communities whose territories include the NMCA Study Area (Waskaganish, Eastmain, Wemindji and Chisasibi) took place in February 2024. The tour participants/presenters included the CNG (led by the Deputy Grand Chief), Parks Canada, the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP, Government of Québec), the EMRPC, and support from the consultant firm BC2. MELCCFP participated in these sessions to demonstrate its interest to protect the coastal waters, outside the NMCA project, and to show a global vision of conservation from the land to the marine waters. An open house format was employed, with maps and information posted on walls and tables, and with snacks and refreshments served. The main activity of the sessions was a joint presentation on the NMCA project, the collaboration for a coastal water marine protected area project, and related terrestrial protected areas, with a question-and-answer period following the presentation.

In June 2024, an Information Session was held in the community of Whapmagoostui. While the Study Area for the NMCA project is located much further south than the traditional use area of the land users of Whapmagoostui, the community members who came to the information session expressed interest in the project and in the possibility of extending the NMCA project further north, into their traditional use area in Chiwiinipaakw (Hudson Bay).

### **Engagement Sessions**

The second visit to the coastal communities whose territories include the NMCA Study Area (Waskaganish, Eastmain, Wemindji and Chisasibi) took place during the month of May 2024. During these engagement sessions, representatives from the Cree Nation Government, Parks Canada, MELCCFP and EMRPC presented information on the IPA-NMCA project, the collaboration for a proposed coastal water marine protected area project and other Cree conservation initiatives in Eeyou Istchee. Following the presentation, participants were able to ask questions and express their thoughts, needs, and aspirations in focus group discussions and open-house sessions. All representatives present during the sessions heard the communities' interests for a potential marine protected area project in the coastal waters. The discussions during the sessions allowed for the identification of key themes, concerns, ideas, and suggestions related to the project, which are presented below.



## Objectives

The objectives of the engagement sessions were to gain a clear understanding of community members' thoughts about the NMCA project and to hear from a variety of voices, such as land users, Elders, and especially from youth and women. A storytelling method was used to encourage reflection about the NMCA through four different lenses:

- The NMCA as a tool to support and preserve Cree culture
- *Economic* opportunities that could result from an NMCA, including opportunities for youth
- The NMCA as a tool to protect the unique *ecosystem* of Wiinipaakw
- The potential *management* structure of a future NMCA, including prohibitions under the Canada NMCA Act and the Marine Protected Areas Standards of the Government of Canada; NMCA zoning framework; respect for Indigenous and Treaty rights

## Engagement outcomes

In general, the communities support the NMCA project as an initiative and a tool that would help sustain both Wiinipaakw and the Cree culture and way of life. During the engagement sessions, Cree community members and leadership have highlighted several factors to take into consideration:

### 1. Preservation and promotion of the Cree way of life, culture, and language

- The preservation and promotion of the Cree way of life and Cree culture, as well as Cree leadership, are essential conditions for the implementation of an NMCA.
- The NMCA could help restore and consolidate the connection of the Crees with the land and waters, especially for the younger generations.
- Provide opportunities to:
  - Document traditional knowledge, places, and place names
  - Transfer knowledge from elders and land users to youth and community members
  - Raise awareness of the importance of protecting the environment and the Cree relationship to and respect for nature
  - Support Cree schools' educational programs
- Educational, training, and cultural programs could take place in Wiinipaakw. They would be very beneficial for the communities, especially to transfer the Cree culture, traditions, and practices (like fishing and fish preparation) to the youth.
- The NMCA could provide tools to manage where visitors can go, what activities they can do to ensure that visitor activities do not impact traditional Cree activities.

### 2. Access and safe travels to offshore waters and islands

- The increasing costs of access and travel to offshore waters and islands is an issue for community members.
- Need to increase the capacity and training for local marine search and rescue in all seasons and in response to continuing environmental changes due to climate change (ex., changes in ice conditions make it more dangerous to travel using traditional routes and knowledge)
- Safe travels
  - Need for major update to bathymetric maps of the region to improve safe travels for community members and visitors.

- Reduced access due to changing water depths that forces changes to known and safe travel route
- Need for larger boats to meet marine navigation conditions with improved safety.

### **3. Food security: traditional and new food sources**

- Sustaining ecosystems and species important to Crees in the face of environmental changes such climate change and regional development
  - As an example mentioned during the sessions: reduction in geese feeding areas which impacts goose numbers, and changes in fish populations used by Cree; this affects community hunts and opportunities to transfer knowledge to youth
- Implementation of an NMCA could help identify potential new species that can be harvested for sustainability:
  - Explore the potential for traditional and/or commercial fisheries: this would require ecosystem and fish stock analysis.
  - Interest in harvesting shellfish for community consumption

### **4. Tourism and other job opportunities**

- Job opportunities such as guardians, guides for visitors, marine technicians/biologists, search and rescue, and more would be a positive benefit if the NMCA is established. Proposed training and education programs to be developed could prepare the Cree youth for these jobs.
- Youth expressed interest in local/regional professional development or training to support jobs related to the management of protected areas and associated businesses.
- The NMCA could promote responsible, well managed, and seasonal tourism including raising awareness about security and safety aspects in Wiinipaakw to visitors.
- The NMCA could support the Crees in the monitoring of fish movements, bird migration and flying patterns, impacts of climate change, etc.
- Monitoring species, ecosystems and Cree sites could be essential duties and job opportunities within an NMCA, should it be established.

### **5. Coastal marine protection: an important preoccupation of Crees**

- During the information and engagement sessions, Cree community members and leadership have highlighted several times the importance of the coastal area for the Crees culture, way of life and for food security.
- Crees have observed many changes in the landscape, species and in reduced access to travel routes and in hunting, fishing, and harvesting areas due to environmental changes over the last few decades.
- Connectivity: Monitoring and protection of the coastal area is an essential link to ensure holistic conservation of ecosystems and Cree culture from terrestrial to offshore areas.
- Some members of the communities indicated that all of Eastern James Bay should be under protection.

## **General Concerns**

- The name of the James Bay should be replaced by the ancestral Cree name (Wiinipaakw).
- The need to enlist the participation of the Nunavik Inuit as represented Makivvik Corporation in order to expand the NMCA north of Chisasibi – Big River was a recurring theme during the engagement sessions.
- Concerns were raised by the communities on how the governance, management and the funding of the project would be harmonized with the work of all the existing committees and organizations. The question was whether the support of the Federal government in these projects, programs or initiatives will be sustainable long-term.
- In some communities, there was a concern regarding the timeline of the NMCA and the future steps. People are worried about the time it would take too long to be implemented.

## **Summary of main takeaways from the coastal community engagement sessions**

Overall, the five coastal communities expressed a high level of support for the proposed NMCA in Wiinipaakw. All communities were enthusiastic for the economic and educational opportunities that the NMCA would create, especially for youth. Opportunities for jobs on the land that support Cree culture, food security and monitoring are very important. New opportunities to share Cree knowledge and culture with visitors were also welcomed. Another significant benefit of the NMCA would be the potential to increase access and re-connect community members to Wiinipaakw.

Besides the focus on the protection that an NMCA would provide in the offshore waters, Cree community members expressed clearly the need to support also conservation initiatives in the coastal waters and along the coast itself, based on close collaboration between the different governments, and to ensure connectivity of protected areas throughout Eeyou Istchee.

## **Cree Entities**

### **Cree Trappers Association (CTA)**

Regional CTA Staff participated in the NMCA Technical Workshop in Oct. 2023, and together with local CTA members, played an important role in providing input and in assisting with organizing and inviting land users to the NMCA focus group sessions in the coastal communities engagement process. The CTA EMR Local Officers played an active role in contributing their knowledge and ideas during the community engagement sessions.

The CNG also presented on the NMCA project at the 2023 regional CTA Maamuu Uphikaapuutau Coastal Summit gathering in Chisasibi. A CNG and Parks Canada information booth with maps, pamphlets, banners and other materials and handouts on the NMCA project was also staffed over the course of the two-day summit meeting.

Moreover, the Steering Committee for the feasibility assessment for the proposed NMCA project sent out a letter to the CTA to provide further opportunities for engagement.

### **Cree Outfitting and Tourism Association (COTA)**

The CNG collaborated closely with COTA throughout the feasibility study process, both through informal discussions and through participation in key gatherings and meetings. COTA staff participated in the NMCA Technical Workshop, when they shared their work done to date related to tourism in Wiinipaakw

and their visions and strategies for tourism going forward. It became clear to all that Parks Canada's expertise in visitor experience programming could complement well the work being done by COTA with Cree community members and businesses to develop meaningful tourism experiences for visitors. A future NMCA in Wiinipaakw could build upon and support different initiatives that CTA and partners have been developing for many years.

CNG staff also did a presentation on the NMCA project at the COTA's 23<sup>rd</sup> Annual AGM and Tourism Conference in Whapmagoostui in 2023. At the same conference, the CNG and COTA co-facilitated a focus group session on the NMCA project with boat captains, economic development/tourism staff, and councillors from the coastal communities, many of whom are linked with Winnipaakw Tours Solidarity Cooperative. The session served to get their input and ideas on the potential of tourism related to the establishment of an NMCA, to better understand some of the places that could be most interesting for tourist activities, and to hear about any concerns, challenges and needs for tourism in Winnipaakw.

In addition, the Steering Committee for the feasibility assessment for the proposed NMCA project sent out a letter to COTA to provide further opportunities for engagement.

### **Eeyou Marine Region: Institutions of Public Government (EMPRC, EMRWB, EMRIRB)**

The Eeyou Marine Region Institutions of Public Government (IPGs) are described in the EMRLCA. Their roles and functions are fulfilled by committees composed of members appointed by the Crees, Canada and Nunavut, and by their employees. Their decisions are sent to the appropriate federal or territorial minister(s) for approbation. The EMR Planning Commission (EMRPC), the EMR Wildlife Board (EMRWB) and the EMR Impact Review Board (EMRIRB) are responsible for land use planning, wildlife management, and impact assessment, respectively, in the Eeyou Marine Region.

Considering their important roles and knowledge of the EMR, information about the proposed NMCA project was presented to them within the first year and again post pandemic through presentations and opportunities for questions. The regional NMCA Technical Workshop in October 2023, organised by the Cree Nation Government and involving Cree coastal community representatives, was an important occasion to share information and discuss the NMCA project the EMRWB and EMRPC.

The EMRWB and the EMRIRB raised concerns about how their roles and functions might be affected once an NMCA is established, how decisions would be made and how the areas would be managed. It was explained that the Cree Nation Government wants to ensure the maintenance of the EMR IPGs and their harmonization with establishment and management of an NMCA in the EMR.

A collaboration has already started between the EMRPC, CNG and Parks Canada, to work together on land use planning for activities that would take place on the EMR Cree lands (islands) and the waters of an NMCA. Staff of the EMRPC participated actively in the coastal Cree community information and engagement sessions held in 2024.

All three EMR IPGs were sent a letter by the Steering Committee to provide further opportunities for exchange and engagement on the NMCA project.

## **Federal Government (DFO, Transport Canada, and other departments)**

Reflecting its commitment to a whole-of-government approach, Parks Canada has engaged relevant federal agencies and departments, including Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard, Environment and Climate Change Canada and the Canadian Wildlife Service, Natural Resources Canada, National Defence, Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada and the Impact Assessment Agency of Canada. The engagement with Crown-Indigenous Relations and Northern Affairs will support the discussion with the Government of Nunavut regarding lands within their territory and their treatment under the Nunavut Lands and Resources Devolution Agreement in relation to the proposed NMCA. Parks Canada will continue to communicate with the appropriate departments related to information shared by Cree community members during the engagement sessions, for example, on needs for improved search and rescue capabilities, updated bathymetric maps, and potential of future fisheries.

## **Government of Québec**

A tripartite committee was created in December 2023 to discuss and address high-level interests to protect coastal waters and to explore options for completing protected areas and conservation planning from land to sea. The Cree Nation Government, the Government of Québec, and Parks Canada, will continue to discuss options for future marine protected areas in the coastal waters, in parallel with the NMCA project.

## **Makivvik**

The 2019 Cree-Canada MOU on NMCA feasibility provides for the engagement of Makivvik Corporation (representing Inuit of Nunavik) in any expansion of the proposed NMCA north of the Study Area. During the Cree engagement process, Cree coastal Chiefs and Cree land users expressed interest in expanding the NMCA north of the Study Area.

CNG staff had several discussions/meetings with Makivvik staff and advisors about the NMCA project over the course of 2023-24, to keep them informed of the NMCA project at a staff-to-staff level. In June 2024, the Cree Nation Government and Makivvik leadership agreed to set up a meeting to discuss the NMCA project, along with other related Cree-Inuit overlapping area issues.

A letter about the proposed NMCA project was also sent to Makivvik by the Steering Committee. The Cree Nation Government and Parks Canada will continue to work towards engagement with Makivvik Corporation on discussing the NMCA and related marine conservation initiatives.

## **Mushkegowuk Council**

The CNG liaised with the Mushkegowuk Council on the adjacent NMCA projects on both sides of James Bay, resulting in an exchange of letters at the leadership level, and in the in-person participation of the Deputy Grand Chief and CNG staff in a Western James Bay NMCA announcement event in Kashechewan in February 2024. There exists a mutual interest in exploring areas of collaboration on the NMCA projects going forward.

## **Other Key Stakeholder Engagement & Consultations**

### **Environmental Non-Governmental Organisations (ENGOS) and Researchers**

Letters were sent to researchers and ENGOS working in the James Bay region to inform them of the proposed NMCA project, to invite them to ask questions or share information, and to provide them with

further opportunities for exchange and engagement. Oceans North, as well as Pristine Seas (a project by National Geographic), responded with strong support letters.

### **Industry**

Letters were sent to Wiinipaakw Tours (Solidarity Coop), Fisheries Council of Canada, Mining Association of Canada, Canada's Upstream Oil and Natural Gas Industry (CAAP), Hydro-Québec, and Niskamoon Corporation (an organisation for cooperation between the Cree Nation and Hydro-Québec, enabling the implementation of the Cree/Hydro-Québec Agreements). To date, we have received a response from Hydro-Québec. However, we will continue to commit to engage throughout the next phase of the project.

## **Key findings: Issues, Challenges, and Opportunities**

- Strong and constant support from Cree leadership and coastal Cree First Nations for:
  - An NMCA in the EMR to protect significant ecosystems and species, and the Cree culture and way of life of Eeyou Istchee.
    - Including protection from industrial activities in offshore marine waters.
    - The strong support also extends to exploring the inclusion of areas of the EMR Cree/Inuit Areas of Overlapping Interests into protection of offshore waters. Such an extension of the NMCA would require engagement and discussions with Makivvik Corporation, the corporation that represents Nunavik Inuit interests.
  - Protection of coastal marine waters adjacent to the NMCA, along the western coast of Québec. A Cree-Québec-Canada committee has been created to develop a coastal marine protected area project that would support the connectivity of protected areas from offshore, coastal and terrestrial areas of Eeyou Istchee.
- An NMCA should have no adverse impact on Cree rights and activities. For example, visitors and their activities should not interfere with Cree activities in the IPA-NMCA.
- Long-term and sufficient funding needs to be allocated to support the activities and programs of the NMCA.
- The governance structure would:
  - Respect Crees as primary stewards in their marine area
  - Support reconciliation efforts and initiatives
- Opportunities to reduce certain challenges by providing greater capacity (ex., infrastructure, equipment, training) for:
  - Search and rescue and updated bathymetric maps to increase marine safety for Crees and visitors, and increase navigation safety
  - Access and use of the IPA-NMCA, hence, facilitating transmission of Cree knowledge through enhanced land-based programs, especially those involving youth.
  - Improving monitoring and research of ecological, cultural and archeological subjects and sites in the IPA-NMCA.
  - Sharing of Cree knowledge, culture and stories locally, with visitors and with Canadians and abroad.
- Support Guardian programs and contribute to food security in Eeyou Istchee.



- Contribute to Cree leadership and vision for connectivity and holistic approach to Eeyou Istchee, through collaboration and harmonization of conservation efforts between multiple organisations in and adjacent to the EMR, including with the EMR Institutions of Public Government and with the JBNQA entities.
- Strong support from ENGOS in the area.

## Steering Committee Recommendations, Terms and Conditions

1. The Steering Committee recommends to the Grand Chief/Chairperson of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation Government and the Minister of Environment and Climate Change Canada to endorse the findings of the feasibility assessment and to commit to negotiating in good faith the establishment of the Wiinipaakw Protected Area as an Indigenous Protected Area (IPA) by Cree mechanisms and as a National Marine Conservation Area (NMCA) under Chapter 6 of the Eeyou Marine Region Land Claims Agreement (EMRLCA) and the *Canada National Marine Conservation Areas Act*.
2. Consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, particularly Articles 8, 11, 12, 13, 25, 31 and share priority 95 of the Action Plan adopted pursuant to section 6 of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the Government of Canada should advance federal policy, regulatory and legislative options supporting the establishment of an IPA under federal legislation.
3. While Parks Canada can enter into cooperative management arrangements that enable shared decision-making structures that may meet the vision and objectives of Indigenous partners, it does not yet have the ability to create an IPA under the *Canada National Marine Conservation Areas Act*. Legislative amendments may be required to fully realize the goals of an IPA as presented in this report. A dual designation of the Wiinipaakw Protected Area as an IPA by Cree mechanisms and an NMCA (Wiinipaakw IPA-NMCA) is necessary until Parks Canada can designate the site as an IPA under the *Canada National Marine Conservation Areas Act*. Considering the time required for this to occur, the Steering Committee makes the following recommendations on how best to proceed in the interim.

### A. Establishment

4. The Cree Nation Government and the Government of Canada should endorse the establishment of the Wiinipaakw Indigenous Protected Area and National Marine Conservation Area (Wiinipaakw IPA-NMCA) under Chapter 6 of the EMRLCA and the *Canada National Marine Conservation Areas Act*.
5. The Wiinipaakw IPA-NMCA should be established, administered, planned, operated and managed in a manner:
  - (a) that upholds the inherent and existing Aboriginal and treaty rights of the Crees of Eeyou Istchee recognized and affirmed by section 35 of the *Constitution Act, 1982*;
  - (b) that is consistent with the EMRLCA, including the special provisions and framework set out in Chapter 6 on Protected Areas, as interpreted and implemented in the light of the *United Nations Declaration on the Rights of Indigenous Peoples*;
  - (c) that recognizes Cree spiritual connection with and responsibilities to the Eeyou Marine Region lands and waters that have existed since time immemorial and that will continue to exist for future generations;
  - (d) that ensures that the governance structure respects Crees as primary stewards in their territory; and

(e) that maintains transparency, trust, and collaboration between the Cree Nation Government and the Government of Canada, with the goal of reconciling interests and making effective and durable decisions throughout the establishment and management process.

6. In particular, the Wiinipaakw IPA-NMCA should have no adverse impact on Cree rights, benefits, privileges and guarantees under the *James Bay and Northern Quebec Agreement* and the EMRLCA, including without limitation, Cree ownership of Cree Lands, Cree harvesting rights, and Cree participation in co-management regimes already established under the EMRLCA.

## **B. Proposed Boundary**

7. The Wiinipaakw IPA-NMCA should be established in two phases. The proposed boundary for the first phase would follow the boundary of the Eeyou Marine Region, as defined in the EMRLCA (for greater certainty, excluding Québec territory), south of the mouth of the Chisasibi – Big River, as depicted on the map in Appendix 1. Within this area, the Wiinipaakw IPA-NMCA should comprise all the offshore marine waters. Moreover, Canada will work with Cree Nation Government, appropriate Departments and jurisdictions at the potential inclusion of Crown Lands in the proposed indigenous protected area - national marine conservation area, including North Twin Island and the northern portion of South Twin Island, and all tidelands around islands, to form part of the Wiinipaakw IPA-NMCA .

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8. The Wiinipaakw IPA-NMCA should not include any Cree Lands nor any waters above the tidelands of such Cree Lands. For greater certainty, the Wiinipaakw IPA-NMCA should not include any area outside of the Eeyou Marine Region, nor any parts of Québec’s territory.

9. As part of a potential additional phase, the Cree Nation Government and the Government of Canada should examine, in collaboration with the Nunavik Inuit, as represented by Makivvik, the possibility of extending the boundary of the Wiinipaakw IPA-NMCA in any area located in the Eeyou Marine Region north of the mouth of the Chisasibi – Big River.

10. The agreement(s) required to establish the Wiinipaakw IPA-NMCA should include provisions to pursue the two-phase approach to establish the Wiinipaakw IPA-NMCA boundary, and should describe how the boundary of phases 1 and 2 would be added to Schedule 1 of the *Canada National Marine Conservation Areas Act*.

11. In parallel to the IPA-NMCA establishment process, the Cree Nation Government, the Government of Canada, the Government of Québec and any other concerned party or jurisdiction should pursue further discussions to secure the protection of the coastal waters outside the Eeyou Marine Region.

12. The protection of the said coastal waters may be extended further north at a later date based on discussions among the parties referred to at paragraph 11 and with Makivvik and concerned communities. This could be done in phase 2 or at a later date, depending on the timeline agreed to by all the parties involved.

### C. **Proposed Governance Model**

13. The governance, administration, planning, operation and management of the Wiinipaakw IPA-NMCA should reflect the special Cree-Canada nation-to-nation and treaty relationship, and be based on the recognition of rights and respectful partnership, the whole in a manner consistent with the spirit and intent of the *United Nations Declaration on the Rights of Indigenous Peoples*.

14. The Crees of Eeyou Istchee wish to protect and promote Eeyou law, culture and traditional ecological knowledge, and to lead decisions concerning their ways of life and homelands, consistent with their inherent right of self-determination. This involves a recognition of the Cree spiritual connection to and their responsibilities for the lands and waters of the Eeyou Marine Region since time immemorial and for future generations. This also includes the concept of Indigenous-led protected areas where Crees are the primary stewards in the Eeyou Marine Region and have the primary role in the decision-making over the lands and waters thereof.

15. The Wiinipaakw IPA-NMCA should be governed, administered, planned, operated and managed by a joint Cree-Canada Management Board. The Board should be involved in all steps, decisions, initiatives, and undertakings relating to the governance, administration, planning, operation and management of the Wiinipaakw IPA-NMCA. The Board should operate within a Cree-led agreed-upon framework, on a consensus basis, and it should have equal representation from the Cree Nation and Canada.

16. A dispute resolution mechanism, based on the recognition of rights, partnership, respect and openness, should be established to support consensus building among members of the Management Board.

17. The Wiinipaakw IPA-NMCA governance model should continue to evolve and should benefit from any positive change to align Parks Canada's operational policy, regulatory and legislative framework with the *United Nations Declaration on the Rights of Indigenous Peoples*.

### D. **Agreement(s) Required to Establish the Wiinipaakw IPA-NMCA**

18. The Cree Nation Government and the Government of Canada should direct their respective negotiators to begin negotiations in a timely manner and provide a mandate for negotiating any legally binding agreement(s) required to establish the Wiinipaakw IPA-NMCA, including, at a minimum, an impact and benefits agreement consistent with Chapter 6 of the EMRLCA, which should take into account the foregoing recommendations.

19. The negotiators should consider a Cree name and the following objectives for the Wiinipaakw IPA-NMCA, among others:

- (a) Protect the significant seascape in the Eeyou Marine Region and the important marine mammals, fish, and seabird habitat (including nursery and calving areas, spawning areas, feeding areas, nesting and stopover areas) and key migratory routes through the region.
- (b) Conserve and protect the natural and cultural values of the Eeyou Marine Region in a manner that is consistent with and builds upon Cree traditional knowledge and Cree language, values, livelihoods, and communities.

- (c) Contribute to food security and food sovereignty and support Cree use and occupation, including travel, harvesting, hunting, fishing and trapping rights.
  - (d) Protection of this ecologically and culturally significant area responds positively to the expressed desire of Cree to include all important elements of this area in the IPA-NMCA.
20. The Government of Canada to ensure that federal funding is adequate to support the establishment and long-term administration, operation and management of the Wiinipaakw IPA-NMCA. This includes required upgrades to infrastructure and operational planning and capacity of the Cree Nation Government to manage the Wiinipaakw IPA-NMCA and its facilities.
21. The Steering Committee should remain in place to coordinate discussions between the parties during the negotiations of the required agreement(s), including an impact and benefit agreement, and during subsequent stages of the establishment process.
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## Conclusion

Based on Cree Knowledge, community feedback, and scientific review, the Steering Committee determined that protecting the offshore waters of the Eeyou Marine Region south of the mouth of Chisasibi – Big River as an Indigenous Protected Area/national marine conservation area under the CNMCA Act is feasible and desirable. This area is a deeply significant part of Eeyou Istchee as well as of Canada as a whole.

This Feasibility Assessment Report is a milestone towards protecting this significant area of Wiipipaakw. This Cree-led conservation initiative contributes greatly to Canada's relationship with Crees of Eeyou Istchee and supports the commitment to reconciliation made by the Government of Canada with Indigenous peoples. The protection of this area of the Eeyou Marine Region safeguards these precious marine areas for the benefit of present and future generations, and is important to Cree cultural, social, spiritual, ecological, and economic well-being.

## Next Steps

Should the Minister and the Grand Chief/Chairperson of the Grand Council of the Crees (Eeyou Istchee)/Cree Nation GOvernement both determine that the proposed Wiinipaakw Indigenous Protected Area and National Marine Conservation Area is feasible, the two parties will enter into the negotiation of a Protected Areas and Impact Benefit Agreement (PAIBA) as indicated in Chapter 6 of the Eeyou Marine Conservation Land Claims Agreement. This will form the establishment agreement.



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