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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

February 2, 2011

Standing Committee on Environment
and Sustainable Development
Attn: Guyanne L. Desforges
Procedural Clerk
131 Queen Street, 6th floor
Room 34
Ottawa, Ontario K1A 0A6

Subject: KEAC position paper on the review of the *Canadian Environmental Assessment Act*

The Kativik Environmental Advisory Committee (KEAC) was established in 1975 pursuant to Section 23 of the *James Bay and Northern Quebec Agreement.*[1] Its existence is also recognized by the *Environment Quality Act* (R.S.Q., c. Q 2) and the *James Bay and Northern Quebec Native Claims Settlement Act* (S.C. 1976 1979, c. 32). The KEAC is a consultative body to responsible governments in matters relating to environmental and social protection in Nunavik. As such, it is the preferential and official forum for the governments of Canada and Quebec, the Kativik Regional Government (KRG) and the Northern village corporations.

In accordance with its mandate regarding environmental assessment of development projects in Nunavik, the KEAC has notified the Standing Committee on Environment and

1 *JBNQA*, sec. 23.5.1: *An Environmental Advisory Committee (hereinafter referred to as the "Advisory Committee"), a body made up of members appointed by the Regional Government, Canada and Québec is established.*

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Sustainable Development that the KEAC wishes to participate in the consultations concerning the five-year review of the *Canadian Environmental Assessment Act*. Indeed, pursuant to Section 23 of the *James Bay and Northern Quebec Agreement* (*JBNQA*), and specifically paragraphs 23.5.24 to 23.5.27, the KEAC:

- oversees the administration and management of the Environmental and Social Protection Regime established under Section 23 of the *JBNQA* through the exchange of views, concerns, and information;
- examines environmental and social laws and regulations existing from time to time relating to the effects of development as well as existing land use regulations and procedures which might directly affect the rights of Native people;
- advises responsible governments and the KRG on these matters and proposes changes where appropriate.

In this position paper, the KEAC presents the Standing Committee on Environment and Sustainable Development with its principal observations, opinions, and recommendations regarding the review of the *Canadian Environmental Assessment Act*.

To the extent that the particular rules in Section 23 of the *JBNQA* apply in the territory of Nunavik, the KEAC believes that the review of the *CEAA* is the right occasion to clarify the scope of the applicable law, on the one hand, to guarantee the precedence of the *JBNQA* and the environmental assessment process set out in Section 23 of that agreement, and, on the other hand, to specify how the Crown intends to fulfil its obligation to consult the Inuit, in connection with the application of the *CEAA*, prior to the environmental assessment process for development projects in the territory subject to the *JBNQA*.

General comments

1.1 The environmental and social protection regime of Nunavik

The territory north of the 55th parallel, Nunavik, represents a special, fragile ecosystem, subject to growing impacts from climate change and heavy pressures from economic development, because of the wealth of its natural resources. In 1975, the *JBNQA* introduced a special environmental and social protection regime applicable to the territory of Nunavik.[2] The purpose of this regime is to acknowledge special rights for the Inuit with respect to matters involving the development of this territory.

[2] *JBNQA*, para. 23.2.1: *The environmental and social protection regime applicable in the Region shall be established by and in accordance with the provisions of this Section.*

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It is Section 23, entitled *Environment and Future Development North of the 55th Parallel,* that sets out the special legal regime for the environmental and social protection of Nunavik. Its provisions:

- create a complete process for assessing and reviewing the impacts of development projects on the environment and society of the Inuit that applies to Nunavik so as to minimize the negative impacts of such projects on the Inuit and on the wildlife resources of the region (subpara. 23.2.2 b));
- accord a special status to the Inuit and other inhabitants of the Region through consultation and representative mechanisms that provide them with involvement over and above that provided to the other members of the public in Quebec and Canada (subpara. 23.2.2 c));
- provide for the protection of the Inuit, their economy, their rights to hunt, fish, and trap, and the wildlife resources on which they depend (subparas. 23.2.2 d) e));
- acknowledge the right of the Inuit to participate in multipartite bodies created to ensure the implementation and development of the environmental and social protection regime, and specifically the Environmental Quality Commission (ss. 23.3), the Screening Committee (para. 23.4.2), the Review Panel (para. 23.4.11), and the Environmental Advisory Committee (ss. 23.5);
- specify that Section 23 cannot be amended directly or indirectly without the consent of the Inuit party:

  > para. 23.7.10: The provisions of this Section can only be amended with the consent of Canada and the interested Native party, in matters of federal jurisdiction, and with the consent of Québec and the interested Native party, in matters of provincial jurisdiction.

1.2 The precedence of the *JBNQA* and its environmental assessment regime

In 2002, the KEAC presented its views on the application of the *CEAA* in the territory governed by Section 23 of the *JBNQA*. More specifically, the Committee set out its opinion and recommendations regarding the double federal environmental assessment procedure applied in Nunavik. [3] Here is a summary of the main points raised:

The *JBNQA*, its institutions, and its provisions, pursuant to the federal legislation and the *JBNQA*, take precedence over the ordinary acts of Parliament, such as the *Canadian Environmental Assessment Act* (*CEAA*):

[3] KEAC, *Opinion and recommendations of the KEAC regarding double environmental assessment of Nunavik projects by the federal government submitted to the Federal Administrator*, March 21, 2002. Available on line, http://www.keac-ccek.ca/documents/memoires-avis/LCEE-Avis-recommandations-03-2002_en.pdf.

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> *Where there is any inconsistency or conflict between this Act and the provisions of any other law applying to the Territory, this Act prevails to the extent of the inconsistency or conflict.*[4]
>
> *Canada and Québec acknowledge that the rights and benefits of the Indians and Inuit of the Territory shall be as set forth in the Agreement (...).*[5]

The paramountcy of the *JBNQA* and its Section 23 are reinforced by the fact that they are also guaranteed and protected by section 35 of *The Constitution Act, 1982*.

In Section 23, the *JBNQA* sets out a complete environmental and social assessment regime that applies to Nunavik. Indeed, since 1975, projects that may have adverse impacts on Nunavik have been assessed by this regime before they are authorized. This regime takes precedence over any other environmental assessment process, with the *JBNQA* expressly forbidding the application of a double procedure:

> para. 23.7.6: *Notwithstanding the above paragraph, a project shall not be submitted to more than one (1) impact assessment and review procedure unless such project falls within the jurisdictions of both Québec and Canada or unless such project is located in part in the Region and in part elsewhere where an impact review process is required.*

In 1993, the extent and precedence of the *JBNQA* environmental assessment regime were confirmed by the Federal Court of Appeal:

> The Agreement makes detailed and exhaustive provision for the nature and extent of the environmental studies to which the parties agreed that development projects undertaken in Agreement Territory would be subject. The regime that was established represents the expression of the specific consensus reached by the parties, and the parties expressly intended that one Complexe, Le Complexe La Grande (1975), would be exempt from the application of this regime, just as they intended, in subsection 2.5, that the provincial and federal legislation which was to give effect to the Agreement would both provide that where other legislation is inconsistent with the provisions of the Agreement, the Agreement will prevail.[6]

However, in 2002, while participating in the preceding review of the *CEAA*, the KEAC was surprised to see the Canadian Environmental Assessment Agency apply the *CEAA* environmental assessment procedure to the territory of Nunavik already governed by the environmental assessment procedure established in Section 23 of the *JBNQA*. At this time, the KEAC and other Native and Inuit organizations reminded the federal authorities

[4] *James Bay and Northern Quebec Native Claims Settlement Act*, S.C. 1976-77, c.32, s. 8.
[5] *JBNQA*, ss. 2.5.
[6] *Eastmain Band* v. *Canada,* [1993] 1 F.C. 501, 532-533.

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of the paramount nature of the environmental assessment regime contained in the land claims agreements negotiated and signed with First Nations. In its 2002 opinion, the KEAC recommended to the Standing Committee that the *CEAA* be amended to clearly acknowledge the paramount nature of this regime and to ensure that the federal authorities give full effect to the regime negotiated with the Inuit.[7] These recommendations were not, however, adopted in the revised version of the *CEAA*.

At present, the *CEAA* environmental assessment regime continues to be applied concurrently in the territory of Nunavik, and this alters the terms of the agreement signed with the Inuit in the *JBNQA*. The KEAC believes that it is still appropriate to condemn the second environmental assessment conducted by the federal government in the area governed by the *JBNQA*.

This second assessment results in duplication, delay and additional costs for communities, taxpayers, proponents, and other interested persons, not to mention the infringement of the Inuit's special rights of consultation and involvement that are protected by the *JBNQA*. More specifically, a comparative review of the provisions of these two regimes reveals profound differences. The *CEAA* environmental assessment regime is based on rules of application, purposes, and institutions that are quite different from those set out in Section 23 of the *JBNQA*. Section 23 is based on guiding principles that recognize the rights of the Inuit to carry out their hunting, fishing, and trapping activities, to be involved and have a special status in the environmental assessment process, and that special attention be paid to reducing environmental and social impacts.[8] In short, the *CEAA* diminishes the role of the Inuit and the rights guaranteed them by the *JBNQA*.

In the KEAC's opinion, these differences have such far-reaching implications for the objectives and the implementation of the Agreement regime that the federal authorities would have to have been explicitly given the power to unilaterally modify the Section 23 environmental assessment regime in this way, in the absence of any involvement by the Inuit party. But the *JBNQA* does not grant any such privilege to the federal government.

Specific comments

2. Legal interpretation regarding the scope of the *CEAA* in the area covered by the *JBNQA*: *Quebec (A. G.)* v. *Moses*

In the decision *Quebec (A.G.)* v. *Moses*, rendered in May 2010, the Supreme Court of Canada (SCC) was called upon to interpret the *JBNQA* for the first time. The specific

7 KEAC, Opinion and recommendations of March 21, 2002, *op. cit.*, Note 1, pages 5 and 6.
8 *Ibid.*, pages. 4 and 5.
9 *Quebec (A. G.)* v. *Moses*, [2010] 1 S.C.R.. 557.

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issue at hand was whether, since the passage of the *CEAA*, a proposal to operate a vanadium mine had to be subject to one, two, or three environmental assessment processes, or even to a combination of concurrent processes. Although the Court's decision was based on Section 22 of the *JBNQA*, which applies in Cree territory, the similarity of the environmental assessment regimes set out in Sections 22 and 23 invites us to apply this decision to Section 23 of the *JBNQA*, which applies in Inuit territory.

In the KEAC's opinion, the reasoning behind this decision and the legal developments regarding the Crown's obligation to consult Native people have a significant impact on the environmental assessment process in Section 23 of the *JBNQA*, which acknowledges the special rights of the Inuit of Nunavik far prior to the intervention of the external *CEAA* regime. Moreover, the terms and conditions of this obligation on the part of the Crown are not clear, which encourages recourse to the courts and undermines negotiations and the objective of reconciliation.

2.1 A second federal environmental assessment in Nunavik

In *Quebec (A.G.)* v. *Moses,* the SCC found that the *CEAA* is applicable subsequent to the *JBNQA* assessment process, thus adding a second environmental assessment process in Nunavik.

Writing for the majority of the Court, Binnie J. notes that under paragraph 22.2.3 of the *JBNQA* (analogous to paragraph 23.2.3), a federal or provincial law of general application respecting environmental protections applies insofar as it is not inconsistent with the Agreement. He found that the *CEAA* is a valid federal law that is not inconsistent with the Agreement, so that the obligations that it creates respecting comprehensive study and public consultation and participation apply in Cree territory (*Moses*, paras. 37 and 40). For the majority of the Court, the *CEAA* does not conflict with the *JBNQA*, to the extent that its paragraph 22.7.1 (analogous to para. 23.4.28) preserves the proponent's "external" obligations to obtain all "necessary authorization or permits from responsible Government Departments and Services", after the proposed development has been approved in accordance with the *JBNQA* (*Moses*, par. 54).

With respect to paragraph 22.6.7 of the *JBNQA* (analogous to paras. 23.7.5 and 23.7.6), which avoids dual reviews of the impacts of a single project, Binnie J interprets this provision as applying only internally, without taking precedence over the regimes external to the *JBNQA*. He agrees that there should be only one impact study for the mining project at issue, but this restriction applies only to the reviews provided for in the *JBNQA*. According to the Court, "the agreement of the parties to avoid duplication internal to the Treaty does not eliminate the post-approval permit requirement contemplated by the Treaty if imposed externally by a law of general application, such as the *CEAA* [...], whose operation is preserved by the Treaty itself in s. 22.7.1" (*Moses*, paras. 9 and 10).

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2.2 How do the Inuit participate in the external review under the *CEAA*?
As to the extent of the external assessment under the *CEAA* in Nunavik and the mechanisms for participation by the Inuit, the status of the federal law is not clear, and this adversely affects the legal security of the Inuit.

With respect to the extent of the external environmental assessment under the *CEAA*, the SCC underscores that the mining project at issue must be subjected to comprehensive study, so that there must be consultation and participation by the Canadian public and that the project can be referred to mediation or to a new review panel[10] (*Moses*, para. 40). In addition, in exercising his discretionary power, the Minister may also subject a project to a screening study without having to solicit the participation of the public.[11]

None of the assessment processes in the *CEAA* guarantees the Inuit special substantive and procedural participation at every stage of the environmental assessment process, such as the *JBNQA* does provide. Moreover, in the view of the KEAC, consulting the Inuit in such a tardy manner on new components of a project that has already been the subject of an assessment and participation in accordance with Section 23, is not a good environmental assessment practice and may lead to decisions that are incoherent and expensive in many respects. In this regard, the KEAC notes that good practice in this respect for the federal authorities is to "provide for early public participation, when all options are open and effective public participation can take place" (*Aarhus Convention*, art. 6 (4))

With regard to the mechanisms for consultation of and participation by the Cree at the stage of the external review under the *CEAA*, the decision in *Quebec (A.G.)* v. *Moses* is not very explicit. Writing for the majority, Binnie J specifies that, when it applies the *CEAA* process, the federal government must do so in a way that "fully respects the Crown's duty to consult the Cree on matters affecting their James Bay Treaty rights".[12] Further on, he again stresses that "The First Nations' participatory rights on matters that may adversely affect their Treaty rights are not at risk" (*Moses*, para. 47).

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[10] *MiningWatch Canada* v. *Canada (Fisheries and Oceans), 2010 SCC 2, [2010] 1 S.C.R. 6.*

[11] *CEAA*, s. 15.1 (1), created by s. 2155 of Bill C-9. The new section 15.1 of the *CEAA* now allows the Minister to decide that the scope of a project is limited to one or more components of that project. In other words, the Minister is allowed to *break a project down* into components. The Minister may also delegate this power to a responsible authority (s. 15.1 (3) and (4) *CEAA*).

[12] *Moses*, para. 45, accordance with the principles established in *Haida Nation* v. *British Columbia (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511, at para. 32, *Taku River Tlingit First Nation* v. *British Columbia (Project Assessment Director)*, 2004 SCC 74, [2004] 3 S.C.R. 550, and in *Mikisew Cree First Nation* v. *Canada (Minister of Canadian Heritage)*, 2005 SCC 69, [2005] 3 S.C.R. 388.

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Following the decision in *Quebec (A.G.)* v. *Moses*, it has become difficult to determine how the special rights of the Inuit are to be exercised in the external *CEAA* process, which makes no mention of the components of the Crown's obligation to consult Native people and respect their treaty rights.[13] Consequently, a great many questions remain open: how will the roles, both substantive and procedural, of the Inuit in participating in every stage of the assessment process, be taken into account? How will information be disseminated in the Northern communities? What guarantees will the Inuit be given that they will receive documents translated into Inuktitut? How will a "special status and involvement for the Native people and the other inhabitants of the Region over and above that provided for in procedures involving the general public" (subpara. 23.2.2 c) *JBNQA*) be maintained? etc.

2.3 How will the external review under the *CEAA* be coordinated with the *JBNQA*?

In order to remedy the consequences of the second federal environmental assessment in Nunavik, the interventions of the federal government must be harmonized, through the mechanisms of the *CEAA*[14], with the assessment process under Section 23 of the *JBNQA*.

The double review of environmental impacts – the internal review under the *JBNQA* and the external review under *CEAA* – places a burden on the proponents, governments, communities, and persons concerned. It results in increased costs to conduct impact studies and analyses and delays in authorizing projects, as well as a risk of confusion among the public who will be consulted belatedly on certain aspects of a development project that has already been authorized. In addition, the scope of the external assessment under the *CEAA* and the mechanisms for consultation of the Inuit are so ill defined, at the present time, as to represent a source of legal insecurity for the Inuit that may encourage recourse to the courts and undermine negotiations and the objective of reconciliation with First Nations.[15]

In *Quebec (A.G.)* v. *Moses*, the SCC notes that sections 40 to 45 of the *CEAA* authorize the federal government to harmonize the two assessment processes in a spirit of

[13] This obligation arises from the fact that it is a corollary of section 35 of the Constitution that the Crown must act honourably in defining the rights that this section guarantees and in reconciling them with other rights and interests, in keeping with the principles established in the SCC decisions dealing with the participation of Native peoples in decisions affecting their aboriginal and treaty rights (see previously cited decisions, note 13). The principle of the honour of the Crown demands that the Crown act in good faith by holding consultations that are appropriate under the circumstances and also entails an obligation to accommodate, if appropriate (*Haida Nation*, para. 20).

[14] The *CEAA* provides four coordination mechanisms: cooperation (s. 12), delegation (s. 17), joint review panels (ss. 40 to 42), and substitution (ss. 43 to 45).

[15] KEAC, *KEAC Position Paper on Strengthening the Environmental and Social Impact Assessment and Review Procedure in Nunavik*, April 2009, p. 5. On line: http://www.keac-ccek.ca/documents/memoires-avis/avis-final-en_20091109162112.pdf

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"cooperative federalism" (*Moses*, para. 29). Writing for the majority, Binnie J invokes "common sense" to avoid dual assessments. He believes that the concern expressed by the dissenting justices, that the "results would be duplication, delays and additional costs for taxpayers and interested parties, and a breach of the First Nations' participatory rights" is not well founded. (*Moses*, para. 47). In his analysis, he writes:

> "Common sense as well as legal requirements suggest that the *CEAA* assessment will be structured to accommodate the special context of a project proposal in the James Bay Treaty territory, including the participation of the Cree. Reference has already been made to the possibility of a joint or substituted panel under ss. 40 to 45 of the *CEAA*." (*Moses*, para. 48)

In *Moses*, the SCC notes the absence of any arrangement or substitution for the vanadium mine project.

Similarly, in *MiningWatch Canada* v. *Canada*, the SCC stressed that the authority responsible for conducting a comprehensive study under the *CEAA* "can, and should, minimize duplication by using the coordination mechanisms provided for in the Act. [...] Full use of this authority would serve to reduce unnecessary, costly and inefficient duplication. Cooperation and coordination are the procedures expressed in the *CEAA* (see s. 12(4))."

The KEAC also notes that the federal Minister of the Environment has recently signed *Memoranda of Understanding on Substitution* with the National Energy Board and the Canadian Nuclear Safety Commission.[17] According to the Canadian Environmental Assessment Agency, "This initiative is part of the Government of Canada's commitment to reducing duplication and making the environmental assessment process more efficient, without compromising the environment".[18] The KEAC also notes the adoption of a provision excluding certain publicly funded projects from environmental assessment under the *CEAA*[19].

In this context, the KEAC believes that it has now become imperative to state clearly in the *CEAA* the precedence of Section 23 of the *JBNQA* and its substitution for the external assessment process under the *CEAA.* [20] The KEAC also believes that the *CEAA* must

16 *MiningWatch Canada v. Canada (Fisheries and Oceans), 2010 SCC 2, [2010] 1 S.C.R. 6.*, para 41.
17 "Memoranda of Understanding on Substitution under the Canadian Environmental Assessment Act", Canadian Environmental Assessment Agency, on line: http://www.ceaa.gc.ca/default.asp?lang=En&n=1157CEA1-1.
18 "Public Consultation on Memoranda of Understanding on Substitution under the *Canadian Environmental Assessment Act*", Canadian Environmental Assessment Agency, on line: http://www.ceaa.gc.ca/default.asp?lang=En&xml=030A318B-B6DD-4B9E-B226-CA396AF98B08.
19 *CEAA*, s. 7.1 (2) provision introduced by s. 2153 of Bill C-9.
20 *CEAA*, s. 43 (1). The bodies responsible for assessing and reviewing the impacts of development projects, established under Section 23 of the *JBNQA*, are bodies as defined in paragraph 40(1)*d*), established pursuant to

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clearly specify how the federal government intends to fulfil its obligation to consult the Inuit so as to respect the rights guaranteed by the *JBNQA*.

Opinion and recommendations

- Whereas the *JBNQA* and the laws bringing it into force have create a complete governance regime for the territory, including, in Section 23 of the agreement, a regime for assessment and review of the environmental and social impacts of development projects in Nunavik;[21]
- Whereas Section 23 is intended to reduce the adverse impacts of development on the Inuit population and their environment, by granting special protection to their hunting, fishing, and trapping rights and guaranteeing their participation and consultation in all stages of the environmental assessment process;
- Noting that since the *Canadian Environmental Assessment Act* came into effect, the Canadian Environmental Assessment Agency has been applying the assessment procedure established under this act in the territory of Nunavik already covered by the environmental assessment procedure set out in Section 23 of the *JBNQA*;
- Whereas the application of the *CEAA* assessment procedures diminishes the role and rights granted to the Inuit by Section 23 and whereas the *JBNQA* does not authorize the federal authorities to unilaterally alter the assessment regime of the Agreement without the involvement of the Inuit party;
- Knowing that the in *Quebec (A.G.)* v. *Moses* (SCC), the Supreme Court of Canada decided that the comprehensive study provided for in the *CEAA* is a procedure that is external to the *JBNQA* and that it occurs once the project has been assessed and authorized under the *JBNQA*;
- Noting that no harmonization agreement has been concluded to avoid conducting a second federal environmental assessment in the area covered by the *JBNQA*, which is likely to inform the public belatedly about environmental and social issues associated with a project already authorized under Section 23 of the *JBNQA*;
- Considering the desire of the federal government to reduce duplication with the *CEAA*, as well as the opportunities for harmonization that the *CEAA* affords with respect to exclusions and substituting the process established by Section 23 of the *JBNQA* for the *CEAA* assessment process.

For all of these reasons, the KEAC recommends:

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a land claims agreement referred to in section 35 of the *Constitution Act*, 1982 and having powers, duties or functions in relation to an assessment of the environmental effects of a project.

[21] *JBNQA*, paras. 23.4.1; 23.7.3; 23.7.5; 23.7.6; 23.7.7.

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1) That the *CEAA* be amended by the addition of the following paragraph at the end of subsection 7(1):

> d) the project is subject to an assessment of environmental effects by a body established under the terms of a land claims agreement referred to in section 35 of *The Constitution Act, 1982* and listed in Schedule 2

To insert the following paragraph after paragraph d) in subsection 16(1):

> d.1) the impacts that the project might have on aboriginal rights and on the treaty rights that the aboriginal peoples of Canada now have or may acquire and, if appropriate, the conditions for avoiding or mitigating the potential adverse impacts and violations of these rights.

2) As a next step, that the *CEAA* be amended so as to provide for the substitution of the assessment under Section 23 for the external assessment under the *CEAA*:

By amending ss. (1) of section 43 of the *CEAA* and inserting subsection (1.1) as follows:

> 43. (1) Where the referral of a project to a review panel is required or permitted by this Act and the Minister is of the opinion that a process for assessing the environmental effects of projects that is followed by a federal authority under an Act of Parliament other than this Act would be an appropriate substitute, the Minister may approve the substitution of that process for an environmental assessment by a review panel under this Act.
>
> (1.1) Where the referral of a project to a review panel is required or permitted by this Act, and when the process for assessing the environmental effects of projects that is followed by a body referred to in paragraph 40(1)(d) also applies to the project, the Minister shall substitute this assessment process for the review.

By amending section 44 of the *CEAA* as follows:

> 44. The Minister shall not approve a substitution **pursuant to subsection 43(1)** unless the Minister is satisfied that
>
> (*a*) the process to be substituted will include a consideration of the factors required to be considered under subsections 16(1) and (2);
> (*b*) the public will be given an opportunity to participate in the assessment;
> (*c*) at the end of the assessment, a report will be submitted to the Minister;
> (*d*) the report will be published; and
> (*e*) any criteria established pursuant to paragraph 58(1)(*g*) are met.

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By replacing section 45 of the *CEAA* as follows:

> **45.** Where the Minister approves a substitution of a process pursuant to subsection 43(1) **and (2)**, an assessment that is conducted in accordance with that process shall be deemed to satisfy any requirements of this Act and the regulations in respect of assessments by a review panel.

3) In general, the KEAC recommends:

That the *CEAA* be amended so as to incorporate the mechanisms for fulfilling the obligation of the Crown to consult and accommodate Native peoples, in accordance with the principles identified by the Supreme Court of Canada;

To consult the Inuit of Nunavik on any plan to substitute the environmental assessment process provided in Section 23 of the *JBNQA* for the environmental assessment process provided in the *CEAA*.

Sincerely yours,

Paule Halley
Acting Vice-President

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