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Comité Consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 123RD MEETING

(APPROVED)

DATE: March 2 and 3, 2010

PLACE: Manoir Montmorency, Quebec City

PRESENT:

KRG appointees:

Michael Barrett, Chairperson
Charlie Arngak

Government of Canada appointees:

Gilles H. Tremblay

Québec government appointees:

Paule Halley
Sylvie Létourneau
Jean Couture

Executive Secretary:

Stéphanie Benoit

ABSENT:

Claude Abel, Government of Canada appointee
James Yantha, Government of Canada appointee
Adamie Kalingo, Vice-Chairperson, KRG appointee

GUESTS:

Andrée Bélanger, Director, Plan Nord Coordination Branch, Plan Nord and Land Sector, MRNF
Nancy Dea, Environmental Consultant
Christian Dubois, Associate Deputy Minister for the Plan Nord and Land, MRNF
Suzann Méthot, Regional Director, CBI
Patrick Nadeau, Director General, Conservation and Policies Officer, CPAWS

1. Call to order and adoption of the agenda

The 123rd meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9:00 a.m. on March 2, 2010, in Quebec City. The Chairperson invited the members to suggest changes to the agenda and it was adopted unanimously. The meeting took place in accordance with the agenda shown below.

1. Call to order and adoption of the agenda
2. Review of the minutes of the 121st and 122nd meetings and the conference calls on September 4, 2009, and February 5, 2010
3. Business arising from the 122nd meeting and correspondence
 - a) Letter from Nathalie Normandeau
4. Budget, secretariat and members
 - a) Updated budget
 - b) Annual report 2008–2009
 - c) Annual report 2009–2010
 - d) Internal management
5. *Plan Nord*
 - a) Representatives on the Partners' Discussion Table
 - b) Ministère des Ressources naturelles et de la Faune
6. *Act to amend the Mining Act*
7. Québec tourism strategy
8. Section 23 of the JBNQA
 - a) Schedule changes
 - b) Public participation
9. Drinking water quality
10. Residual materials management
 - a) Residual materials management plan
 - b) Letter concerning the draft *Québec Residual Materials Management Policy*
 - c) Draft: hazardous materials management, guide no. 1
 - d) Questionnaire
 - e) Contracts with Nancy Dea
11. Miscellaneous
 - a) Website
 - b) Deception Bay – wharf activities
 - c) Presentation
12. Date and place of the next meeting

2. Review of the minutes of the 121st and 122nd meetings and the conference calls on September 4, 2009, and February 5, 2010

Following minor corrections to the minutes of the 121st meeting and the conference call on September 4, 2009, these were adopted by the members. The adoption of the minutes of the 122nd meeting and the conference call on February 5, 2010, were postponed to the next meeting.

The members also asked the Executive Secretary to post on the KEAC website the approved minutes.

3. Business arising from the 122nd meeting and correspondence

a) Letter from Nathalie Normandeau

In a written response to the KEAC letter transmitted in mid-December 2009 concerning the *Plan Nord* project, Nathalie Normandeau (Minister of Natural Resources and Wildlife) indicated, among other things, that it is too early to take a position on the need for a strategic environmental assessment. The members discussed the letter and will ensure follow-up.

4. Budget, secretariat and members

a) Updated budget

The members reviewed the budget forecasts dated January 31, 2010, and suggested that changes be made to improve the accuracy of some of the information presented.

b) Annual report 2008–2009

Ms. Dea joined the meeting and presented the ready-for-print version of the 2008–2009 annual report. The members reviewed this version and suggested a few minor changes before the report is printed and distributed.

c) Annual report 2009–2010

The KEAC asked that the Executive Secretary begin drafting the 2009–2010 annual report. They indicated that some changes should be made to reflect the new five-year action plan.

d) Internal management

The members discussed the position of chairperson and vice-chairperson for 2010–2011. These positions should be held respectively by a Government of Canada appointee and a Québec government appointee. Until these appointments are announced Mr. Barrett and Mr. Kalingo will continue to hold these positions respectively.

5. Plan Nord

a) Representatives on the Partners' Discussion Table

At its last meeting in January 2010, the members asked to receive additional information concerning the *Plan Nord* project. Ms. Méthot (Regional Director, Canadian Boreal Initiative (CBI)) and Mr. Nadeau (Director General, Conservation and Policies Officer, Canadian Parks and Wilderness Society (CPAWS)), both representatives on the Partners' Discussion Table, therefore joined the meeting. Mr. Nadeau and Ms. Méthot each spoke about their environmental organizations.

The CPAWS is a non-governmental organization involved with wilderness and protected area conservation. With different partners and through different projects, the CPAWS also monitors ocean, freshwater, boreal forest and national park protection. For its part, the CBI is a non-governmental organization specifically interested in boreal forest conservation throughout Canada. The CBI has moreover invited industry and Aboriginal representatives to participate on a special committee with a view to creating a model for the sustainable protection of the boreal forest.

Ms. Méthot and Mr. Nadeau presented the organizational chart for the *Plan Nord* project (dated January 26, 2010) and indicated that the government is open to changes. More specifically, they described the role and composition of the various working groups. Mr. Nadeau informed the members that a letter would be transmitted to the *ministère des Ressources naturelles et de la Faune* (natural resources and wildlife, MRNF) to request that an environmental representative be appointed to each working group. The members inquired about the appointment processes followed for the positions held by Mr. Nadeau (environment) and Ms. Méthot (sustainable development), both civil society representatives. Concerning the involvement of the KEAC in the *Plan Nord* project, Mr. Nadeau and Ms. Méthot suggested that the KEAC could participate on the sustainable development joint action group or the Inuit table.

The members also expressed to Mr. Nadeau and Ms. Méthot their concerns regarding the *Plan Nord* work structure and the absence of sustainable development principles in that structure. The balance between social, environmental and economic aspects does not seem to be respected. This situation could prevent the development of a comprehensive, sustainable vision and negatively affect decisions relating to the identification of areas to be excluded from industrial activities (energy production, mining and forestry) under the 50%-of-the-territory provision.

Regarding protected status for 12% of Québec, Mr. Nadeau believes that a conservation and land use planning committee could advise the government on this specific issue. In response, a member pointed out that Nunavik already

possesses a regional land use planning document that identifies areas to be protected and that a KRG department already carries out studies and consultations on these issues. Mr. Nadeau therefore suggested that a proposal should be made to include this department on the committee. The members reiterated the importance of submitting the *Plan Nord* to a strategic environmental assessment in order to evaluate the overall impacts of projects in different sectors. The members also raised the issue of transparency under the *Plan Nord* project and the need for quality information to optimize public participation.

b) Ministère des Ressources naturelles et de la Faune

The KEAC welcomed Mr. Dubois (Associate Deputy Minister for the Plan Nord and Land, MRNF) and Ms. Bélanger (Director, Plan Nord Coordination Branch, Plan Nord and Land Sector, MRNF), who are responsible for the *Plan Nord* project. To begin, the members explained the KEAC's mandate pursuant to Section 23 of the *James Bay and Northern Québec Agreement (JBNQA)* (paragraphs 23.2.2, 23.5.24, 23.5.26, 23.5.28 and 23.5.34). They insisted on Inuit hunting, fishing and trapping rights, as well as on the important role of the KEAC to act as a consultative body and to monitor the administration of the environmental and social protection regime. Mr. Dubois noted that the *Plan Nord* project will comply with the JBNQA in its entirety and that, where applicable, development projects from every sector will be subject to existing provisions.

The guests and the members studied the organizational chart for the *Plan Nord* project that includes several levels of coordination and discussed KEAC participation. Since the KEAC has been in existence for 30 years, the members asked why it had not been given a seat on the Partners' Discussion Table. Mr. Dubois stated that several organizations were interested in sitting on the Table. He proposed that the KEAC play a role on the Inuit Table. The members reminded Mr. Dubois that the KEAC has a consultative and monitoring mandate regarding the environment and sustainable development and that it is not involved with most of the topics that would be discussed by the Inuit Table.

Mr. Dubois reiterated that the objective is to make the *Plan Nord* a model of sustainable development. In other words, even while satisfying the criteria of sustainable development, each concerned region will be able to create its own objectives. In this respect, Mr. Dubois pointed out that one individual in each working group will represent sustainable development and there is also a related joint action group. The members next voiced their opinions regarding the implementation of the principles of the *Sustainable Development Act*, the provision that 50% of the area covered by the *Plan Nord* will be excluded from industrial activities, and the addition of a working group on the environment.

6. Act to amend the Mining Act

The members discussed the *Act to amend the Mining Act*. First, they discussed the importance of transferring more land-use powers to the KRG, which acts in Nunavik as a regional county municipality. In this manner, the identification of areas that need to be protected or reserved for specific uses would be possible before the issuance of claims. Moreover, mining development should make use of existing regional infrastructure such as roads, wharves and airports, as proposed by the KEAC in its *Position Paper concerning Current and Future Transportation Infrastructure Development in Nunavik* (October 2007).

The members noted that specific rules apply to mining and mineral exploration activities in Nunavik pursuant to the JBNQA. Section 23 of the JBNQA subjects to the environmental and social impact assessment and review procedure all mining activities, as well as mining and mineral exploration roads. On this topic, the members feel that greater distinction should be made between preliminary, intermediate and advanced mineral exploration to ensure that each level is subject to environmental assessment according to its degree of impact.

The members pointed out that certain other KEAC recommendations are applicable to the revision of the *Mining Act*. They also discussed the topic of public consultations. The members would like to see improved participation procedures for Inuit, the region's other residents and their organizations, in particular by facilitating access to information, as well as ensuring reasonable and predictable timetables and easily understandable information.

Regarding the topic of mining site rehabilitation, the members noted that, in Nunavik, mining companies are required to guarantee only 70% of rehabilitation site costs (not 100%). Moreover, according to a report by the Québec auditor general dated April 1, 2009, the MRNF does not follow up on expired payments, leading to increased financial risks for the government and concerned communities. The members also pointed out that estimated closure costs do not cover entire sites and that, in the future, rehabilitation should include roads and other infrastructure.

Since the KEAC would like to be consulted on the bill, the Executive Secretary informed the members that Lucie Ste-Croix (Director General, Mining Management Branch, Mining Sector, MRNF) had advised her that parliamentary committee consultations would take place shortly. The members decided that their comments on the bill would be transmitted to the parliamentary committee. The Executive Secretary will therefore ensure that the KEAC's comments are transmitted to the National Assembly's Committees Secretariat before the applicable deadline.

7. Québec tourism strategy

In order to increase tourism and related revenue in the North, the Québec government has decided under the *Plan Nord* project to develop a tourism strategy. To this end, Louise Séguin (Coordinator, Northern Tourism Development, Partnership and Regional Actions Branch, *ministère du Tourisme* (tourism)), transmitted to the KEAC a working document with 14 proposals focusing on three sectors: a) structuring, consolidation and supply development; b) product promotion and release; and c) reception, information and enhancement. The Executive Secretary informed the members of recent developments.

The strategy aims to design an ecotourism model as identified by Inuit communities that will highlight nature, culture as well as traditional harvesting and foods based on a sustainable development approach. Local entrepreneurs (through small groups and family businesses) will offer guiding services for adventure travellers. Certain residents could be offered tourism standards training. As well, marketing will be ensured notably through the creation of a specialized travel agency. These actions will respond to a significant increase in interest for Northern adventure travel around the world generated by an affluent and educated clientele, in particular from Europe, who are experienced travellers interested in undiscovered destinations. The Executive Secretary specified that the document makes no reference to mass tourism.

The Executive Secretary was asked to prepare a letter to Ms. Séguin underlining the KEAC's concerns about tourism development in Nunavik.

8. Section 23 of the JBNQA

a) Schedule changes

In its *Position Paper on Strengthening the Environmental and Social Impact Assessment and Review Procedure in Nunavik*, the KEAC recommended, among other things, a revision of the schedules of Section 23 of the JBNQA. The MDDEP's Madeleine Paulin informed the KEAC in a recent letter that she is open to such a revision, but that it must be initiated by the Inuit party. As indicated in its position paper, the KEAC recommends a tripartite approach (provincial–federal–Inuit) from the outset of the revision work on the schedules. The Executive Secretary informed the members that a related letter from the federal Administrator is expected.

b) Public participation

In its position paper, the KEAC also recommended improved public participation in the procedure established under Section 23, transparency and access to information. Ms. Paulin proposed in her recent letter to create a working group to examine tentative solutions. Since the Kativik Environmental Quality Commission

(KEQC) will be invited to participate, the members decided that efforts to meet with Peter Jacobs (KEQC chairman) are no longer necessary. As well, the Executive Secretary informed the members that she had transmitted a letter to Ms. Paulin informing her of the KEAC's interest in participating on the working group.

9. Drinking water quality

The members were informed that the KRG would like to review the findings and recommendations made by Benoit Barbeau (Associate Professor, Industrial Research Chair in Drinking Water Treatment and Distribution for the National Sciences and Engineering Research Council, *École Polytechnique de Montréal*) and contained in his study on drinking water tank cleaning in Nunavik, as well as to carry out a pilot project, possibly at Puvirnituq, where the frequency of cleaning activities has diminished. For these reasons, Mr. Barbeau's presentation to the KRG Council has been postponed.

10. Residual materials management

a) Residual materials management plan

The members were informed that the KRG will receive \$120,000 in funding from the *ministère du Développement durable, de l'Environnement et des Parcs* (sustainable development, environment and parks, MDDEP) for the development of a residual materials management plan. This amount matches the level of funding provided to municipalities with supra-municipal powers and to regional county municipalities that were covered under the 2002 government program. The plan should foster community participation with a view to meeting the objectives set out in the *Québec Residual Materials Management Policy*, taking into account specific Northern characteristics. The members discussed negotiations and the timetable for settling the terms of an agreement between the government and the KRG. The payment of the financial assistance has been made conditional on the signing of a memorandum of understanding.

b) Letter concerning the draft Québec Residual Materials Management Policy

The KEAC transmitted a letter to Ms. Paulin of the MDDEP regarding the new *Québec Residual Materials Management Policy*. The KEAC's concerns involve the dissemination of information to residents regarding the concepts of "reduction at source" and "reclamation" as well as the development and implementation of adapted regional programs. It will also be important to define the term "northern territory" and identify the regions that make up the territory. The \$1 million available over the next five years will also need to be allocated between the regions. Finally, the KEAC is concerned about the development of expertise on residual materials management in the North, specifically Nunavik. The members asked the Executive Secretary to follow up on this letter.

c) Draft: hazardous materials management, guide no. 1

Ms. Dea presented the first hazardous materials management guide for municipalities and regional organizations. Revised by the regional branch of the *ministère du Développement durable, de l'Environnement et des Parcs* (sustainable development, environment and parks) and Stablis (an environmental consultation, services and training firm), the guide summarizes typical staff training. More specifically, it includes a description of hazardous products and their related risks, a description of the roles and responsibilities of producers and government agencies, as well as a summary of hazardous materials management. This last section of the guide provides brief instructions on how to identify, transport, store and dispose of these materials, as well as prevent pollution. A list of specialized residual hazardous materials management resources is also provided at the end of the document.

The members discussed the information presented in the guide and proposed changes. They asked that their comments be integrated into the document and that they receive the revised version. The members also discussed the differences between this guide and another that is being prepared by the KEAC for the same users, but will cover hazardous-material emergencies or spills. Ms. Dea informed the members that they would be receiving shortly the third guide for revision.

d) Questionnaire

Ms. Dea presented a preliminary version of a document for municipal officials. The first part of the document contained general information about hazardous materials in Nunavik. The second part of the document contained a questionnaire for municipal officials on residual materials management and recycling. The members reviewed the document and suggested a few changes.

The members also commented on the proposed process and desired follow-up. It was decided that changes would be made to the questionnaire and the process would be re-discussed at the next meeting.

e) Contracts with Nancy Dea

The KEAC re-established its administrative subcommittee consisting of three members and studied the new proposed contracts with Ms. Dea for environmental consulting services. They reviewed different clauses, including the transportation clause which is subject to member approval. A few changes must therefore be made to the contracts. As well, the Executive Secretary was asked to issue payments for the actions completed by Ms. Dea and to make monthly payments according to the services rendered.

11. Miscellaneous

a) Website

The members asked the Executive Secretary to reorganize the members-only section of the website to improve the sharing of information between members. It was also mentioned that it would be interesting to follow up on meetings using this tool. The Executive Secretary will obtain information on the maximum size of the site for the purpose of archiving important documents.

b) Deception Bay – wharf activities

A member described the industrial loading and unloading activities at the wharf at Deception Bay that could be generating marine pollution. The members asked that the Executive Secretary transmit the related information to the responsible KRG officials.

c) Presentation

The members noted that the KEAC is not well known by political, environmental and other stakeholders in southern Québec. In order to improve awareness about the KEAC, a member proposed that a short film or presentation be prepared. The project would be in line with the 2009–2014 action plan which proposes to “reinforce efforts to make the KEAC and its mandate known to Northern people and to government authorities and officials”. The Executive Secretary was asked to follow up on this project at an upcoming meeting.

12. Date and place of the next meeting

The KEAC’s 124th meeting will take place on June 15 and 16 in Kuujjuaraapik.



Stéphanie Benoit
Executive Secretary
October 6, 2010