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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 125TH MEETING

(APPROVED)

DATES: October 6 and 7, 2010

PLACE: Université Laval, Quebec City

PRESENT:

KRG appointees:

Michael Barrett
Adamie Kalingo
Charlie Arngak

Government of Canada appointees:

Claude Abel, Chairperson
Gilles H. Tremblay

Québec government appointees:

Paule Halley
Sylvie Létourneau, Vice-Chairperson
Denyse Gouin

Executive Secretary:

Stéphanie Benoit

GUEST:

Michel Allard, Professor, Researcher, *CÉN, Université Laval*

1. Call to order and adoption of the agenda

The 125th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9:00 a.m. on October 6, 2010, at Quebec City. The Chairperson invited the members to suggest changes to the agenda before 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 123rd and 124th meetings as well as the minutes of the August 30 conference call
3. Business arising from the 124th meeting and correspondence
 - a) *Act to amend the Mining Act*
 - b) *Drinking water quality*
 - c) *Deception Bay: port activities*
 - d) *Federal Sustainable Development Strategy*
 - e) *Residual materials management plan*
4. Budget, secretariat and members
 - a) *Budget*
 - b) *Secretariat*
 - c) *Members*
 - d) *Internal management*
 - e) *2009–2010 annual report*
 - f) *Recent appointments at the MDDEP*
5. Plan Nord
 - a) *Working group on sustainable development*
6. Climate change impacts in Nunavik
7. Environmental assessment
 - a) *Federal environmental assessment*
 - b) *Public participation*
8. Residual materials management
 - a) *Revision of the three residual hazardous materials guides*
 - b) *Burning of residual materials*
 - c) *Military exercises*
9. Mines
 - a) *Renewal of operation authorization: Raglan mine*
 - b) *Project by New Millennium Capital Corporation*
10. Naskapi involvement
11. Miscellaneous
 - a) *Website*
12. Date and place of the next meeting

2. Review of the minutes of the 123rd and 124th meetings as well as the minutes of the August 30 conference call

The members adopted the minutes of the 123rd meeting with a few minor changes. They postponed to a later meeting the adoption of the minutes of the 124th meeting and of the August 30 conference call.

3. Business arising from the 124th meeting and correspondence

a) Act to amend the Mining Act

As Luc Ferland (MNA for Ungava) requested of Ms. Halley and Mr. Abel on August 25 during the public consultations held by the Committee on Agriculture, Fisheries, Energy and Natural Resources, the KEAC position paper on current and future transportation infrastructure development in Nunavik (October 2007) was transmitted to him.

As well, at the same consultations, Denis Trottier (MNA for Roberval) had requested that the KEAC propose an amendment to section 17 of the *Mining Act*, which sets out the objectives of the Act. The members therefore studied a draft proposal with a view to updating the objective of the Act in line with the context of sustainable development. Following discussion of a few changes, it was agreed that the Executive Secretary would transmit the proposed amendment to the concerned authorities.

b) Drinking water quality

Following-up on the final report on household water tank cleaning in Nunavik, the Executive Secretary requested authorization from Benoit Barbeau (Professor, *École Polytechnique* at the *Université de Montréal*) to post the final report on the KEAC website and to propose the preparation of a pilot project to be carried out in a Northern village. Mr. Barbeau is scheduled to discuss these questions with the Executive Secretary shortly and the Executive Secretary will follow up with the members.

c) Deception Bay: port activities

The members were informed that an inspection of the wharf at Deception Bay was carried out in June 2010 further to a complaint about possible contamination of the marine environment due to loading and unloading activities. The report notes that no spilling occurred during the inspection. Analysis results show that the level of contamination does not exceed acceptable standards for public health, plant and wildlife. The members discussed the importance for inspections to be carried out regularly.

d) Federal Sustainable Development Strategy

The Executive Secretary informed the members that a letter was transmitted on July 12 to the federal government concerning the Federal Sustainable

Development Strategy. In the letter, the KEAC welcomed the implementation of this first nation-wide strategy by the federal government, and it expressed a few concerns regarding the impacts of climate change in Arctic regions and on Northerners. The KEAC also underlined the importance of communications and developing knowledge about the North, and encouraged the federal government to collaborate with the Intergovernmental Panel on Climate Change. A summary document of the main comments made during the consultations will be posted on the Environment Canada website sometime in the fall.

e) Residual materials management plan

The Executive Secretary informed the members that Méliissa Gagnon (Environmental Specialist for the Kativik Regional Government (KRG)) has been designated to develop the KRG's residual materials management plan. Ms. Gagnon has suggested to the KEAC that the questionnaire on residual materials management and recycling be incorporated into the plan's public consultations component. During the environmental-inspection visits carried out in the communities of Ungava Bay, the KRG did not meet with municipal officials to discuss the questionnaire, as had been planned. According to Ms. Gagnon, it will be easier to gather comments through the public consultation component of the residual materials management plan process.

Reiterating the KEAC's interest in this issue, the members would like to be given an opportunity to provide feedback on a preliminary version of the plan and to invite Ms. Gagnon to a future meeting to present the preliminary version.

As well, since the questionnaire is now translated into Inuktitut, the Inuit members were asked to revise the questionnaire and make sure that it will be well understood by municipal officials.

4. Budget, secretariat and members

a) Budget

In July, the KEAC received its funding for 2010–2011.

The members reviewed the general expenditures incurred from June 1 to August 31. They discussed expected expenditures until the end of the financial year and projects to be carried out over the same period.

b) Secretariat

The administrative subcommittee, which is responsible for hiring, informed the members that it had studied the employment conditions of the candidate selected to temporarily replace the current Executive Secretary. Several issues were discussed, including secretariat operations, the employee's presence at Kuujjuaq, the start and end dates of employment, as well as salary and working

conditions. The subcommittee plans to meet shortly with the candidate to discuss these issues.

c) Members

The members welcomed Ms. Gouin who was appointed to the KEAC on September 8 by the Québec Administrator. Ms. Gouin who previously sat on the KEAC from December 2004 to September 2005 replaces Jean Couture. Ms. Gouin provided background information on her professional experience and the members introduced themselves.

As of August 23 James Yantha, who was appointed by the federal party (Indian and Northern Affairs Canada), is no longer a member of the KEAC. The federal government must therefore appoint a replacement. The Government of Canada appointees informed the other members that the replacement procedure had already been launched.

d) Internal management

The KEAC transmitted to the Minister of Sustainable Development, Environment and Parks, Line Beauchamp, a letter requesting that the Québec procedures for appointing the KEAC chairperson and vice-chairperson be streamlined. In the past on several occasions, Québec has experienced difficulty appointing a chairperson and vice-chairperson, when required to do so. These situations have moreover placed unnecessary pressure on KRG appointees who have been required to assume the positions for longer periods than prescribed. In response to this request, the Deputy Minister of Sustainable Development, Environment and Parks, Diane Jean, expressed interest in receiving from the KEAC suggestions that comply with the provisions of the *James Bay and Northern Québec Agreement* (JBNQA).

The members discussed possible changes that could be proposed and asked the Executive Secretary to identify the legislation and regulations that apply concerning the appointment of the KEAC chairperson and vice-chairperson.

e) 2009–2010 annual report

The members completed a final updating of the distribution list and revised the new layout of the financial statements. Moreover, since the annual report had only recently been transmitted for translation, they asked that this item be discussed at a future meeting along with the 2010–2011 annual report.

f) Recent appointments at the MDDEP

The members were informed of the appointments of Pierre Arcand as the Minister of Sustainable Development, Environment and Parks, replacing Line Beauchamp, and of Diane Jean as the Provincial and Deputy Minister of Sustainable Development, Environment and Parks, replacing Madeleine Paulin. The members asked that letters be transmitted to Ms. Jean and Mr. Arcand to

congratulate them on their recent appointments and make known the KEAC's availability to meet with them, if necessary.

5. Plan Nord

a) Working group on sustainable development

The Executive Secretary updated the members on the meetings of the working group on sustainable development that were organized over the summer of 2010. The KEAC is a participant in this working group. Among other issues, the KEAC proposed changes to the minutes of proceedings of the meetings and the documents summarizing the working group's concerns under the Plan Nord project. The KEAC is moreover critical of the lack of detailed information about the North in these documents, which instead place emphasis on a comprehensive vision for Québec society. The KEAC feels that the immediate consequences of future development projects will be local and regional. In this context, the KEAC continues to feel that its participation in the working group is important to ensure that there is awareness of the JBNQA and the specific characteristics of environmental and social legislation, regulations and land use, among other, in Nunavik.

6. Climate change impacts in Nunavik

At the invitation of the KEAC, Mr. Allard of the *Centre d'études nordiques* (northern studies, CÉN) at the *Université Laval* made a presentation to the members on the impacts of climate change in Nunavik. Mr. Allard spoke about the evolution of recent variations in air temperature, snow cover, precipitation, tree cover, and the active layer. Subsequently, he described climate forecasts with reference to longer seasons, increased precipitation, as well as longer and thicker snow cover.

Mr. Allard explained that, as a result of global warming, some species such as caribou and arctic char are especially vulnerable. Ecosystems and drinking water are also at risk. In Nunavik, it has been observed that permafrost deterioration contributes significantly to the creation of slush lakes and greenhouse gas emissions, and that shrub vegetation and coniferous trees are expanding into peat land.

Mr. Allard also presented the intervention plan adopted by the Northern Village of Salluit in response to the impacts of climate change on airport infrastructure. According to Mr. Allard, a proper adaptation scenario must include a realistic diagnosis of the situation and quality communication strategies adapted to concerned residents.

The members discussed public safety initiatives and decisions that will be needed in the context of climate change. They support the continued monitoring of this topic.

7. Environmental assessments

a) Federal environmental assessment

The members were informed of developments concerning federal environmental assessment that are likely to impact on sections 22 and 23 of the JBNQA. Involved are the Supreme Court of Canada rulings in the cases of *Québec (Attorney-General) vs. Moses* and *Mines Alerte Canada vs. Canada*, as well as the revision of the *Canadian Environmental Assessment Act* (CEAA). According to the ruling in the case of *Québec (Attorney-General) vs. Moses*, federal environmental assessment under the CEAA is applicable in the territory of Québec north of the 55th parallel, in addition to existing environmental assessments required under the JBNQA. According to the ruling in the case of *Mines Alerte Canada vs. Canada*, federal environmental assessment under the CEAA must apply to entire projects (as submitted by the project proponent) and not only one or another of their components. At the same time, further to Bill C-9 modifying the CEAA, the Canadian Environmental Assessment Agency is being given the mandate for carrying out most of the in-depth studies further to federal environmental assessment. Further to these rulings and the bill, the Canadian Environmental Assessment Agency will need to review some of its interventions in order to harmonize its assessment procedures with the environmental and social impact assessment and review procedures under the JBNQA, so as to preclude an increased number of assessments and delays. Questions remain about the application of a harmonized federal procedure.

Further to consultations on the revision of the CEAA to be carried out by the Standing Committee on Environment and Sustainable Development in the coming months, the members discussed the different issues at hand. They asked that a draft position paper on the concerns and recommendations of the KEAC regarding the application of the CEAA in Nunavik be prepared and transmitted to the Standing Committee and the federal government.

b) Public participation

The members were informed that the KRG is interested in sitting on the working group on public participation, transparency and access to information. It was noted that the *ministère du Développement durable, de l'Environnement et des Parcs* (sustainable development, environment and parks) has received the names of the KRG participants and that the working group should meet in the coming weeks. Participants will begin to study and prioritize tentative actions that will lead to administrative changes.

8. Residual materials management

a) Revision of the three residual hazardous materials guides

The Executive Secretary informed the members that the translations of the guides are being prepared and, as soon as the subcommittee has completed its revision, they will be shared with all the members for approval. The adoption of the guides was therefore postponed to a future meeting.

The Executive Secretary indicated that the KRG Municipal Public Works Department as well as occupational health and safety personnel at the Nunavik Regional Board of Health and Social Services have expressed interest in the guides. The members subsequently discussed different needs for the guides and the target audiences of this project.

b) Burning of residual materials

Further to meetings with the KRG Municipal Public Works Department and the KRG Environment Section, research on residual materials management methods in northern Canada and the United States, as well as the review of different consultant reports, the Executive Secretary presented a draft letter concerning the burning of residual materials.

In order to ensure that an exemption from mandatory burning does not produce more negative impacts than the current situation (mandatory burning), the members discussed the feasibility of the solutions identified and proposed in the letter. They suggested that specialists could be invited to a future meeting to provide input on solutions for Nunavik communities.

c) Military exercises

The members discussed a draft letter containing the KEAC's observations on the environmental inspection report for the Guerrier Nordique military exercise that was carried out at Kuujuaq in 2009. They proposed a few minor changes and asked that the letter and the report prepared by the Department of National Defence be transmitted to the appropriate authorities, which is to say the KRG and the Northern Village of Kuujuaq.

9. Mines

a) Renewal of operation authorization: Raglan mine

In view of the MDDEP public consultations, the members discussed the five-year renewal of the depollution attestation regarding the Raglan mine operations in Nunavik. The members focused on the pollution generated by this mine, specifically light and dust pollution. In addition to discussing the sources of these types of pollution, the members noted other impacts on the natural and social environments, as well as proposing tentative solutions. The members asked the

Executive Secretary to prepare a letter regarding the KEAC's concerns regarding this subject.

b) Project by New Millennium Capital Corporation

The members were informed about a project to exploit iron ore, involving New Millennium Capital Corporation and the Naskapi First Nation. This Canadian mining company will begin their assessment of environmental impacts of this project shortly. A description of the project will also be transmitted to the members.

10. Naskapi participation

The members discussed Naskapi participation on environmental issues in Nunavik. A member explained that Naskapi possess category IN-B lands north of the 55th parallel and have permanent representation on the KRG Council. In this manner, they participate on environmental, parks and abandoned mineral exploration site clean-up projects, and they receive all the documentation transmitted to the KRG. As well, every year the KEAC transmits a copy of its current annual report.

11. Miscellaneous

a) Website

The Executive Secretary reviewed with the members the documents recently posted on the KEAC website as well as updated information under the heading "Topics of Interest".

The members requested that user statistics be presented at the next meeting.

12. Date and place of the next meeting

The KEAC's 126th meeting will take place on December 8–10, 2010 at Kuujjuaq.

Stéphanie Benoit
Executive Secretary
November 12, 2010