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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

## MINUTES OF THE 127TH MEETING

(APPROVED)

**DATES:** February 24 and 25, 2011

**PLACE:** Kruger Pavilion, *Université Laval*, Quebec City

**PRESENT:**

**KRG appointees:**

Michael Barrett  
Adamie Kalingo

**Government of Canada appointees:**

Claude Abel, Chairperson  
Gilles H. Tremblay

**Québec government appointees:**

Paule Halley  
Denyse Gouin

**Executive Secretary:**

Nathalie Girard

**ABSENT:**

Charlie Arngak, KRG appointee  
Sylvie Létourneau, Vice-Chairperson, Québec government appointee

**GUESTS:**

François Boulanger, Regional Director, CEAA  
Marie-Josée Lizotte, Director, Environmental Assessments Branch, MDDEP  
Jean-François Coulombe, Department Head, Industrial and Northern Sector,  
Environmental Assessments Branch, MDDEP  
Anne-Marie Gaudet, Senior Advisor, CEAA  
Diane Myrand, Hydrogeologist, MDDEP  
Sylvie Chevalier, Hydrogeologist, MDDEP  
Richard Fortier, Professor, *Université Laval*; Director, CÉN

## 1. Call to order and adoption of the agenda

The 127th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on February 24, 2011, 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 124th, 125th and 126th meetings
3. Business arising from the 126th meeting and correspondence
  - a) Plan Nord
  - b) *Public consultation on the sustainable development of forests in Québec*
  - c) *Burning of residual materials*
  - d) *Renewal of the depollution attestation for the Raglan mine – Xstrata Nickel*
  - e) *Drinking water tank cleaning project*
4. Budget, secretariat and members
  - a) *Budget*
  - b) *Secretariat*
  - c) *Internal management*
  - d) *2009–2010 annual report*
  - e) *2010–2011 annual report*
5. Public consultation on the amendment of the *Regulation respecting the Quality of Drinking Water*
6. Study on groundwater in Nunavik in relation to climate change
7. Environmental assessment regime in Nunavik
  - a) *Public consultation on the amendment of the Canadian Environmental Assessment Act*
  - b) *Revision of the schedules of Section 23 of the JBNQA*
  - c) *Application of the federal environmental assessment regime in Nunavik*
8. Residual materials management
  - a) *Residual hazardous materials guides*
9. *Plan Nord*
10. Miscellaneous
11. Date and place of the next meeting

## **2. Review of the minutes of the 124th, 125th and 126th meetings**

The members adopted the minutes of the 124th and 125th meetings. They postponed the adoption of the minutes of the 126th meeting.

## **3. Business arising from the 126th meeting and correspondence**

### *a) Plan Nord*

As agreed at the 126th meeting, the KEAC transmitted a letter to Pierre Arcand, Minister of Sustainable Development, Environment and Parks, on January 31. The letter recognized the creation of the Conservation Round Table and it underlined the KEAC's concerns regarding the precise definition of the term "industrial activities" in the context of plans to reserve 50% of the *Plan Nord* territory for non-industrial purposes. The letter also reiterated the importance of the principles already established under the *James Bay and Northern Québec Agreement* (JBNQA). Finally, in order to facilitate communication with the Round Table, the KEAC asked to be informed of the names of the Nunavik appointees. On February 10, the KEAC received an acknowledgement of receipt (dated February 2) of its letter.

### *b) Public consultation on the sustainable development of forests in Québec*

On December 13, the Executive Secretary attended an information session on the two issues being examined by the public consultation on the sustainable development of forests in Québec: the Sustainable Forest Management Strategy and the proposed provisions of a regulation respecting the sustainable management of forests. On January 27, the KEAC transmitted a letter to Jobie Tukkiapik, a representative of the Regional Conference of Elected Officers for the Kativik Region. The first purpose of the letter was to demonstrate the KEAC's continued interest in the forests of Nunavik. In this respect, the letter recalled that in 2004 the KEAC submitted a position paper to the *Commission d'étude sur la gestion de la forêt publique québécoise* (public forests management task force). The letter also pointed out that the Strategy and future regulations should, insofar as possible, be applicable to the forests of Nunavik. Finally, the letter underscored the process to draft a Strategy and regulations aimed at improving the sustainable management of forests. The members will continue to monitor this file.

### *c) Burning of residual materials*

On January 31, the KEAC transmitted a letter to Diane Jean, Deputy Minister of Sustainable Development, Environment and Parks, recommending that section 99 of the *Regulation respecting the Landfilling and Incineration of Residual Materials* be amended to relax the requirement regarding the mandatory weekly burning of residual materials, in particular by authorizing other treatment methods. In this manner, certain villages (especially the larger ones) would be enabled to explore alternative residual-materials management

solutions.

*d) Renewal of the depollution attestation for the Raglan mine – Xstrata Nickel*

On November 4, the KEAC transmitted its concerns and comments prepared further to the public consultation on the depollution attestation for the Raglan mine operated by Xstrata Nickel. Further to its analysis of the KEAC's comments, the *ministère du Développement durable, de l'Environnement et des Parcs* (sustainable development, environment and parks, MDDEP) adjusted certain sections of the attestation. These adjustments concerned dust emissions and light pollution. More specifically, studies on these problems will be carried out. The members expressed satisfaction with this information.

*e) Drinking water tank cleaning project*

Following the 126th meeting, the Executive Secretary communicated to Benoit Barbeau some of the questions raised by the members. In response, Mr. Barbeau adjusted the project proposal by placing more emphasis on the preparation of recommendations regarding suitable drinking-water tank cleaning practices and, more specifically, cleaning frequency. The adjusted proposal was reviewed. Although not yet perfect, the adjusted proposal more closely resembles the type of project desired by the KEAC. Notwithstanding, one important concern was noted: It must be ascertained that the region possesses the means to implement the final recommendations. The members therefore decided that it was first necessary to assess the applicability of various cleaning methods and frequencies that could be recommended. It was also agreed that discussions should be held with the region's largest home owners, the Kativik Municipal Housing Bureau as well as with the Nunavik Regional Board of Health and Social Services. The Executive Secretary will organize this meeting. At the same time, the members asked that research be carried out to determine if similar methods exist in Nunavut. The members also assessed the maximum amount of funding to be invested in this project and proposed that the Executive Secretary try to identify and contact other potential financial backers. The funding arrangement remains to be finalized

#### **4. Budget, secretariat and members**

*a) Budget*

The Executive Secretary provided a budget update for the months from December 2010 to February 2011. A financial-statements forecast for March 31, 2011, was also produced. In preparation for the meeting with government officials, the members reviewed the administrative agreement reached with the MDDEP in 2005 as well as the budget for the 2009–2014 action plan.

At the request of the federal and provincial administrators, the KEAC welcomed Mr. Boulanger and Ms. Gaudet from the Canadian Environmental Assessment

Agency (CEAA), as well as Ms. Lizotte and Mr. Coulombe from the MDDEP, in order to discuss the KEAC budget. The CEAA and MDDEP representatives asked to be updated on the KEAC's needs, the state of the KEAC budget currently, and the forecast for the current fiscal year-end (March 31, 2011).

The members explained to the MDDEP representatives that the KEAC's annual funding is often received late in the year (usually in the fall) even though pursuant to the funding agreement it is due in April. This situation requires the KEAC to plan a surplus in March every year to ensure necessary operating funds until the annual funding is paid. In addition, the surplus has grown substantially as a result of unexpected savings, in particular related to accommodation expenditures over a few years. The MDDEP representatives assured the members that measures to correct this situation had been put in place and that the annual funding will henceforth be paid in April.

Further to their analysis of the situation, the parties agreed that the subsidy paid by the MDDEP to the KEAC will be maintained but that, exceptionally for the 2011–2012 fiscal year, it will be reduced to allow part of the surplus to be used up. The arrangement will be described in an addendum to the administrative agreement to be signed by the MDDEP and the KEAC. The MDDEP will propose the text for the addendum. The arrangement will apply uniquely for the year contemplated in the addendum. The KEAC–MDDEP administrative agreement will remain effective and unchanged. It was reiterated that this situation is exceptional and the addendum will not impact on funding in future years.

The members took care to clarify their understanding to the effect that, if the KEAC incurs a deficit, the administrators will agree on a solution to stabilize the situation and prevent the KEAC's work from being negatively affected.

*b) Secretariat*

The Executive Secretary informed the members that, as suggested at the 126th meeting, an individual had been hired for two weeks at the end of March to classify and digitize the KEAC's files at its Kuujuaq office. The members asked the Executive Secretary to opt for document digitization with the electronic recognition named: document docpdf.

*c) Internal management*

As agreed at the 126th meeting, a letter was transmitted to Diane Jean, Deputy Minister of Sustainable Development, Environment and Parks, on February 2 to follow up on her request for proposed solutions to improve the Québec appointment process for the KEAC chairperson and vice-chairperson.

As well, the members approved a resolution to add Laina Grey as an authorized signatory for KEAC financial matters.

*d) 2009–2010 annual report*

The Executive Secretary presented the printed version of the annual report. The report will be distributed the week following the meeting.

*e) 2010–2011 annual report*

The KEAC received a service offer from Josée Brunelle for the preparation of the 2010–2011 annual report. The offer was reviewed and accepted under certain conditions, mainly related to budgeting. The Executive Secretary will transmit to Ms. Brunelle the members' concerns.

## **5. Public consultation on the amendment of the *Regulation respecting the Quality of Drinking Water***

On February 4, a letter was transmitted to Carole Jutras who is responsible for the public consultation on the amendment of the *Regulation respecting the Quality of Drinking Water*. The letter reiterated the importance of taking into account the specific characteristics of drinking water treatment in the region. More specifically, it presented suggestions regarding the amendment of the Regulation prepared by the KEAC further to recommendations made by the Kativik Regional Government (KRG) concerning the application of the Regulation in Nunavik.

It was agreed that a copy of the position paper be transmitted to Diane Jean and that, in the future, a copy of KEAC position papers be transmitted to the concerned administrator.

## **6. Study on groundwater in Nunavik in relation to climate change**

Ms. Myrand and Ms. Chevalier from the MDDEP, along with Mr. Fortier from the *Centre d'études nordiques* (northern studies, CÉN), presented to the members their study on groundwater in Nunavik. This project, which is included in the Québec 2006–2012 climate change action plan, essentially aims to collect data and monitor groundwater in Nunavik with a view to better estimate some of the consequences that could arise as a result of climate change. The project began last year and will continue until 2012 in four villages. Continuous data-collection instruments will be installed to measure groundwater levels. At the end of the study, groundwater monitoring could be carried out for an additional 20 years. The members urged Ms. Myrand to obtain information on the types of permits needed, as well as the names of resource-persons in Nunavik who could contribute to the successful implementation of the project, which will require in certain instances drilling activities. The Executive Secretary will transmit a list of resource-persons.

## **7. Environmental assessment regime in Nunavik**

### *a) Public consultation on the amendment of the Canadian Environmental Assessment Act*

On February 2, the KEAC transmitted a position paper to the Standing Committee on Environment and Sustainable Development in the framework of the revision of the *Canadian Environmental Assessment Act*. The position paper proposes specific changes to the Act and, more generally, it recommends that the Act be amended to include provisions regarding the Crown's obligation to consult and make adjustments for Aboriginal peoples in accordance with the principles set out by the Supreme Court of Canada. The position paper also recommends to replace the environmental assessment procedure contained in the Act with the procedure contained in Section 23 of the JBNQA, as well as to consult Nunavik Inuit about such a change.

The position paper was also transmitted to the Makivik Corporation, the KRG, the James Bay Advisory Committee on the Environment and the CEAA. The KEAC will continue to closely monitor this file. A copy will moreover be transmitted to Diane Jean, the Québec Administrator.

### *b) Revision of the schedules of Section 23 of the JBNQA*

In response to a letter transmitted by the KEAC on May 26, 2009, the Deputy Minister of Sustainable Development, Environment and Parks, Madeleine Paulin indicated on January 13, 2010, her acceptance to undertake a revision of the schedules of Section 23 of the JBNQA under the condition that Makivik submits such a request to the Administrator, pursuant to section 205 of the *Environment Quality Act*.

On April 16, 2010, the KEAC transmitted a letter to Makivik president Pita Aatami and KRG chairperson Maggie Emudluk to inform them that the MDDEP was open to a revision of the schedules. In its letter, the KEAC suggested to the two organizations that a formal request would need to be submitted to the MDDEP to begin the revision.

To date, the KEAC has not been informed of any further developments in this file. The members decided that follow-up should be carried out with Makivik and the KRG regarding the revision of the schedules of Section 23 of the JBNQA. Specifically, the members asked that a new letter be transmitted to the two parties and indicated that they would like to inform the Federal Administrator of the KEAC's actions in this file over the last few years.

Finally, the members asked that a letter be transmitted to the MDDEP to enquire about the creation of a working group to explore avenues on this topic, as proposed by Ms. Paulin in her January 2010 letter.

*c) Application of the Canadian environmental assessment regime in Nunavik*

Mr. Boulanger and Ms. Gaudet from the CEAA presented the environmental assessment procedure for Nunavik under the *Canadian Environmental Assessment Act*.

Mr. Boulanger began his presentation by indicating that he would like to identify adapted solutions that respond to the Nunavik reality, specifically regarding the application of an environmental assessment procedure that triggers the *Canadian Environmental Assessment Act*.

Mr. Boulanger and Ms. Gaudet described three types of situations that could arise in Nunavik: when the procedure under the Act applies at the same time as the federal procedure under Section 23 of the JBNQA; when the procedure under the Act applies at the same time as the provincial procedure under Section 23 of the JBNQA; and when the procedure under the Act applies on its own. Possible ways of lightening the environmental assessment procedure under the Act when it is applicable in Nunavik were also reviewed.

The members discussed whether or not the federal law should be triggered in Nunavik. Reference was made to the possible use in Nunavik of the JBNQA procedure instead of the procedure under the Act, as well as to the ruling concerning the Vanadium project with the Cree. Tentative solutions were discussed, including the harmonization of the *Canadian Environmental Assessment Act* with the procedure followed by the Kativik Environmental Quality Commission (KEQC). It was finally recommended that Mr. Boulanger transmit a letter to the Makivik president and the KRG chairperson to request KRG participation in further discussions regarding the application of the *Canadian Environmental Assessment Act*.

## **8. Residual materials management**

*a) Residual hazardous materials guides*

The Executive Secretary noted that the English and Inuktitut translations of the residual hazardous materials guides were finished and that the layout would be completed next so that the guides can be presented to the members for their approval prior to printing before the end of March. As mentioned at the 126th meeting, a summary sheet will be enclosed with each guide. Moreover, the members asked that a public poster be prepared to disseminate information about the guides and how to obtain copies. Finally, in order to maximize the guides' visibility, the members asked that they be posted on the KEAC's website. Copies of the guides should be transmitted to the communities before the end of the spring.



## **9. Plan Nord**

The members reiterated their intention to remain actively involved in this file. They decided to begin the development of a definition for the 50% of the territory that should be protected in Nunavik. The members agreed to base their work on the *Master Plan for Land Use in the Kativik Region* (1999) which was produced through consultations in all the region's villages. The KEAC would like this work to lead to a document on the KEAC's vision regarding activities and sectors that need to be protected in the region under the *Plan Nord*. The definition of industrial activities will also need to be studied. The members agreed that a consultant could be retained to provide the necessary support.

Michael Barrett took advantage of this opportunity to mention that he had been appointed by the KRG to the Conservation Round Table. One Round Table has already been held and a second is planned for mid-March.

## **10. Miscellaneous**

The KEAC has been invited by the Canadian Boreal Initiative to participate in a working session on prerequisite, free and informed consent. The purpose of the working session is to identify the optimal conditions that are needed prior to mining development in Québec in order to obtain the support of Aboriginal nations and communities. The KEAC directed the Executive Secretary to attend this session and provide a summary at the next KEAC meeting.

## **11. Date and place of the next meeting**

The KEAC's next meeting will take place on July 5–8, 2011, at the Pyramid Mountain Camp (in the area of the park project on the George River) in Nunavik.

Nathalie Girard  
Executive Secretary  
March 16, 2011