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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 133RD MEETING

(ADOPTED)

DATE: October 3 and 4, 2012

PLACE: Aquarium du Québec, Quebec City

PRESENT:

Kativik Regional Government (KRG) appointees:

Michael Barrett
Adamie Kalingo

Government of Canada appointees:

Claude Abel
Gilles H. Tremblay
Thessa Girard-Bourgoin, Vice-Chairperson

Gouvernement du Québec appointees:

Paule Halley
Sylvie Létourneau, Chairperson
Vacant

Executive Secretary:

Stéphanie Benoit

Environmental Analyst:

Nancy Dea

ABSENT:

Charlie Arngak, KRG appointee

GUEST:

François Boulanger, Regional Director, Canadian Environmental
Assessment Agency

1. Call to order and adoption of agenda

The 133rd meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9:00 a.m. on October 3, 2012, in Quebec City. The Chairperson invited the members to suggest changes to the agenda, which was then adopted unanimously. The meeting took place in accordance with the agenda shown below.

1. Call to order and adoption of agenda
2. Review of the minutes of the 131st and 132nd meetings and the July 10 and September 21 conference calls
3. Business arising from the 132nd meeting and correspondence
 - a) Draft letter concerning the public land assignment program
 - b) Inspections by the MDDEFP Centre de contrôle environnemental du Québec
 - c) Mid-Canada Line clean-up project
 - d) Residual materials management
 - i) Residual materials management plan
 - ii) Fridge magnets: household hazardous waste
4. Budget, secretariat and members
 - a) Secretariat
 - b) Members
 - c) Internal management
 - d) Budget
 - e) 2011–2012 annual report
5. *New Canadian Environmental Assessment Act*
6. Revision of the schedules of Section 23 of the JBNQA
7. Regional development
 - a) Transportation infrastructure in Nunavik
 - b) Strategic environmental assessment
8. Mining activities
 - a) Mineral exploration on Category I and adjacent lands
 - b) Environmental assessments for mining projects
9. Drinking water tank cleaning
 - a) SHQ letter
 - b) Kativik Region Housing Committee
10. Plan Nunavik
11. HFTCC workshop on declining caribou populations
12. Website
13. Miscellaneous
 - a) Committees established under the JBNQA
 - b) Abandoned outfitting and other camps
 - c) Urban sprawl in Nunavik communities
 - d) KEAC column in *Makivik Magazine*
 - e) MDDEFP Environmental Science Forum
14. Dates and places of next meetings

2. Review of the minutes of the 131st and 132nd meetings and the July 10 and September 21 conference calls

The members requested minor modifications to the minutes of the 131st meeting and the July 10 and September 21 conference calls before they were adopted. The adoption of the 132nd meeting was postponed to the next meeting.

3. Business arising from the 132nd meeting and correspondence

a) Draft letter concerning the public land assignment program

The members revised a draft letter regarding the public land assignment program created to help northern municipalities respond to the needs arising from the implementation of socio-economic projects. The members would like to know whether this program of the Ministère des Ressources naturelles (natural resources, MRN) will be applied in Nunavik and, if applicable, under what conditions given the existing land regime. Corrections were requested to the letter before it is transmitted to the MRN.

b) Inspections by the MDDEFP Centre de contrôle environnemental du Québec

The Environmental Analyst presented a summary of her activities during the two rounds of inspections carried out with the Centre de contrôle environnemental du Québec (environmental monitoring) of the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs (sustainable development, environment, wildlife and parks, MDDEFP) in July and August 2012, in Kuujuaq and Kangirsuk respectively. KEAC participation in the inspections in particular makes it possible to collect comments from municipal officials and from the general public on various environmental concerns. This participation also allows for follow-up on various files and the delivery of technical assistance, if necessary. The members agreed that KEAC participation during these inspections be decided on from time to time.

A member described concerns regarding petroleum tank farms situated close to a few northern villages, in particular Ivujivik. The Environmental Analyst was asked to research this issue and to verify the results of inspections of these sites in Nunavik.

c) Mid-Canada Line clean-up project

The members reviewed a letter dated August 28, 2012, from Diane Jean (MDDEFP deputy minister) to Isabelle Parizeau (KRG director general) regarding the restoration of Mid-Canada Line sites in Nunavik. The MDDEFP has carried out several actions in the past relating to these sites. In particular, discussions must take place between the MDDEFP legal affairs branch and the federal government to determine the respective responsibilities of the Québec and

federal governments relating to the restoration of these sites. The KEAC is referred to in the letter because it had transmitted information on this topic to the federal and provincial administrators of the *James Bay and Northern Québec Agreement* (JBNQA) in May 2012. The members asked to be kept informed of future developments in this file. The Environmental Analyst was asked to ensure follow-up with the MDDEFP's Abitibi-Témiscamingue and Nord-du-Québec regional office of analysis and expertise.

As well, it was noted that the federal government has not responded to the KEAC's May 12 letter.

d) Residual materials management

i) Residual materials management plan

The Environmental Analyst presented the draft Nunavik Residual Materials Management Plan submitted to the KRG Council for approval in September 2012. The members reviewed the various stages of the Plan, the composition of residual materials in Nunavik, objectives, pilot project options and actions that could be implemented by the northern villages over the short term. The members reiterated that they would like to review the Plan when it is made available for consultation.

ii) Fridge magnets: household hazardous waste

The members were informed that the distribution of magnets with information on household hazardous waste was carried out in Kuujjuarapik.

4. Budget, secretariat and members

a) Secretariat

The members commented on the announced departure of the Executive Secretary in March 2013. Despite their disappointment in losing a highly valued employee, the members thanked the Executive Secretary for her participation in and contribution to the KEAC's work and for making her intentions known well in advance. The members discussed in particular the steps needed to find a replacement. It was agreed that the employment subcommittee would adopt a plan to fill the position within the set timetable.

b) Members

Denyse Gouin was appointed to the KEAC in September 2010, and resigned as a member in September 2012. The members thanked Ms. Gouin for her work with the KEAC. The Québec government is responsible for appointing a replacement. The members are hopeful that the appointment will be made quickly to ensure the smooth operation of the KEAC.

c) Internal management

The members discussed the possible re-organization of the secretariats of the KEAC and the Kativik Environmental Quality Commission (KEQC). The members indicated that the two secretariats should remain separate from one another.

As well, the members were updated on the preparation of the KEAC office rental lease. A tender is currently being sought for insurance.

d) Budget

The members were informed that the KEAC's 2012–2013 funding was paid only on August 29, 2012, after the July 9 reminder transmitted to Diane Jean (MDDEFP deputy minister). Pursuant to the administrative agreement concerning the maintenance and operations of the KEAC secretariat, the MDDEFP must pay the KEAC the entire budget for its secretariat before April 15 each year. The KEAC remains concerned about the late payment of the funding needed to fulfil its mandate. On several occasions in the past, the KEAC communicated with the MDDEFP concerning the consequences and difficulties generated by the late payment of its annual subsidy. At those times, MDDEFP representatives indicated to the KEAC that mechanisms had been set up to ensure the annual payment of the subsidy on schedule.

The Executive Secretary presented the draft financial statements for the period from June to August 2012.

e) 2011–2012 annual report

The members asked for certain adjustments to be made to the draft version of the 2011–2012 annual report and that the Inuktitut translation be undertaken.

5. New Canadian Environmental Assessment Act

The members welcomed François Boulanger, who presented the new *Canadian Environmental Assessment Act* (CEAA) (2012). In addition to underlining the main changes made to the CEAA (2012), Mr. Boulanger summarized the principles for determining whether or not projects are subject to environmental assessment. He also described the screening stage, the environmental impacts taken into account and the obligations and timetables for standard and review-board environmental assessments. Several other elements of the CEAA (2012) were also dealt with including the possible substitution of federal and provincial assessment mechanisms, the decision-making process, possible regional studies, and costs recovery. Mr. Boulanger completed his presentation with examples of the steps carried out under Oceanic Iron Ore Corp.'s Hopes Advance Bay project, which is subject to the new CEAA (2012) procedure.

The members followed up by stating their related concerns. In particular, the members pointed out that, in Nunavik, several types of projects under provincial

jurisdiction (such as mining projects) are also subject to the federal CEAA (2012) procedure, and they questioned the relevancy of examining these projects a second time when they are already covered by the provincial environmental assessment procedure under the JBNQA. They also pointed out that, for just one project, four environmental assessment procedures (two federal, one provincial and one independent) could apply, creating confusion in the concerned communities even though a replacement mechanism exists for the federal procedure under the CEAA (2012). The members also asked why, under the Oceanic Hopes Advance Bay project, the federal procedure under the JBNQA was not launched.

The members were also informed that, under the CEAA (2012), a maximum timeframe of 365 days is allowed to complete the federal analysis of a standard project, regardless of the project's scope or nature.

The members would like to prepare a brief with the many comments of the KEAC on the CEAA (2012) that was developed and adopted so quickly by the federal government. A member will prepare a draft and submit it to the other members for feedback. If necessary, a consultant could be contracted to help with this work.

6. Revision of the schedules of Section 23 of the JBNQA

Even though the Makivik Corporation, the MDDEFP and the Canadian Environmental Assessment Agency have responded favourably to KEAC recommendations regarding the revision of schedules 1 and 2 of Section 23 of the JBNQA, it seems that there has been no development concerning this file. The members discussed various steps to ensure follow-up on the KEAC recommendations. They pointed out that the federal party should transmit a letter to the MDDEFP, which is responsible for this file on behalf of the Québec government, to indicate its interest in participating in a revision of the schedules, which has not yet been done. The governments could then organize a first meeting to initiate discussions between the parties.

7. Regional development

a) Transportation infrastructure in Nunavik

At the last meeting, the members agreed to restart discussions with the Ministère des Transports du Québec (transportation, MTQ) regarding the creation of a working group to study transportation infrastructure in Nunavik. The Environmental Analyst provided a summary of exchanges between the KEAC, the KRG, the MTQ, the MRN and the MDDEFP on this issue between 2002 and 2012. The members then discussed the documents studied, the meetings held, the correspondence between the organizations and the legislative

provisions governing transportation infrastructure development and the strategic transportation plan for Nord-du-Québec being prepared by the MTQ. The members discussed the recommendations made by the KEAC in 2007 in a position paper on current and future transportation infrastructure development in Nunavik. They asked that a letter be drafted to request an update on this file from the MTQ.

b) Strategic environmental assessment

The members discussed follow-up to recommendations made by the KEAC in past position papers regarding strategic environmental assessment.

The members also discussed the concept of ecological planning, which has been adopted by the MDDEFP to improve land use planning and development. The members reiterated that they would like to receive a presentation on this topic as the concept remains ill defined.

8. Mining activities

a) Mineral exploration on Category I and adjacent lands

The KEAC is concerned about mineral exploration activities taking place on Category I lands and in areas immediately adjacent to these lands. The members discussed the application of the environmental and social impact assessment and review procedure for mineral exploration projects in these areas. On the one hand, paragraph 7.1.7 of the JBNQA indicates that mineral exploration is prohibited on Category I lands without the consent of the community. Project proponents wishing to carry out exploration work in these areas must therefore obtain the consent of the community.

On the other hand, section 7.1.12, subsection b), of the JBNQA mentions that mineral exploration on Category I lands and in areas immediately adjacent to these lands are subject to the provisions of the environmental and social protection regime established under Section 23 of the JBNQA. The members can not agree on how to interpret these provisions. For some members, they mean that mineral exploration projects are grey zone projects and must therefore be submitted to the MDDEFP and then to the KEQC to decide whether or not an impact study is necessary. For other members, these provisions mean that the projects must be subjected to impact studies. Discussion of this topic will be continued at the next meeting.

b) Environmental assessments for mining projects

Several mining projects have been announced in Nunavik. Currently, four environmental assessment procedures may apply to these projects, specifically (1) the provincial procedure provided under the JBNQA (KEQC); (2) the federal procedure provided under the JBNQA (COFEX-N); (3) the federal procedure

provided under the CEEA (2012); and (4) the procedure applied by the Nunavik Marine Region Impact Review Board.

The members fear that the overlapping procedures generate confusion for project proponents and concerned communities, specifically regarding the dissemination of information and possible consultations. Moreover, directives issued by organizations responsible for project assessment, as well as related authorizations and conditions, could be divergent. The KEAC believes that an information tool should be developed for the communities to summarize the four procedures.

9. Drinking water tank cleaning

a) SHQ letter

The KEAC received a letter (August 2012) from John Mackay (an engineer at Société d'habitation du Québec (housing corporation, SHQ)) regarding the maintenance of drinking water tanks in social dwellings in Nunavik. The SHQ is committed to offering its Nunavik tenants quality drinking water. According to the SHQ, the tenant-based system used by the Kativik Municipal Housing Bureau (KMHB) ensures an adequate level of drinking water tank maintenance. Notwithstanding, the SHQ intends to ask the KMHB to propose by December 2012 an alternative cleaning method. The SHQ also intends to ask Nunavik public health officials for advice on this issue. The KEAC will continue to monitor developments in this file.

b) Kativik Region Housing Committee

A member explained the mandate of the Kativik Region Housing Committee (KRHC). Created pursuant to the *Agreement respecting the Implementation of the James Bay and Northern Québec Agreement on Housing in Nunavik* (March 2010), the KRHC comprises two Government of Canada representatives, two Québec government representatives (SHQ), a Makivik representative, a KRG representative and a KMHB representative. The roles of the KRHC are to monitor, advise and assist the parties with the implementation of the agreement. The KRHC may also suggest initiatives or measures to ensure that the financial resources provided under the agreement for housing construction by Makivik and for housing operation by the KMHB contribute to maximizing quantity and quality goals. A member agreed to report to the KRHC on KEAC concerns regarding quality drinking water in dwellings and appropriate drinking water cleaning methods.

10. Plan Nunavik

The members revised a draft letter concerning *Plan Nunavik*. Generally, they understand that the sectors covered in this document correspond to those

contained in the Québec government's Plan Nord. Notwithstanding, they would have liked regional environmental concerns and priorities to be discussed in a separate chapter. It would have been interesting to document concerns in this sector with a view to sharing concrete solutions with the government and northern development proponents.

The members discussed the need to respect the environment and the rights of Nunavik Inuit established under the JBNQA, as well as to strictly enforce related laws and regulations.

The members were also informed that an updated regional plan called Parnasimautik, is being developed. The members are hopeful that environmental and social protection will play a central role, which is to say that sustainable development will be an integral part of the plan. The members will continue to monitor the evolution of the Plan Nord and other development plans applicable in Nunavik.

11. HFTCC workshop on declining caribou populations

The KEAC was invited by the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) to participate at the workshop it organized in Montreal in September on declining caribou populations. One member who was in attendance provided a summary of the topics discussed. At issue is the significant decline in the number of migrating caribou in Nunavik, their monitoring, the poor understanding of the reasons for the decline, wildlife and cultural impacts, the possibility of introducing a moratorium on caribou hunting, as well as a revision of the caribou management plan.

The members indicated that they were concerned by declining caribou populations and believe that major management decisions must be made to prevent the disappearance of some herds. Caribou is very important to Inuit who harvest the animal, and it has always been an integral part of their culture. Section 24 of the JBNQA establishes the Inuit right to harvest this resource, without any restrictions. The KEAC believes that any decision to mitigate declining caribou populations must be made in collaboration with Inuit since they are the most concerned and they have special rights. It is therefore essential to preserve the Inuit right of harvest. On the other hand, sports hunting could be restricted or prohibited to reduce pressure on this species.

The members also believe that all environmental and social impacts must be assessed before a decision is made to restrict Inuit harvesting. As caribou meat makes up an important part of the Inuit diet, any reduction in harvesting levels will force Inuit to consume more southern foods. Over the long term, such a change could produce various major adverse effects. Greater reliance on southern foods might also mean that Inuit would have to direct a greater portion

of their incomes to food, or it might contribute to increased health problems, such as diabetes. As well, the transmission of traditional Inuit knowledge regarding the harvesting and use of caribou could be weakened. In the opinion of the KEAC, it is important that this issue be examined taking into account the social impacts on the communities of Nunavik.

Finally, the members believe that traditional Aboriginal knowledge should be included in the analysis of tentative solutions to ensure the proper management of this species.

A draft letter will be prepared and transmitted to all the members for feedback.

12. Website

As requested beforehand, the Executive Secretary presented proposals from three firms regarding improvements to the KEAC website. She specified that the KEAC's mandate, a list of its target audiences, and transformation and updating requirements were presented to these firms. The members studied the proposals and, in particular, discussed the budget for the project, before setting up a sub-committee to select one of the tendering firms and to monitor the subsequent development work. The subcommittee members plan to set up a telephone conference on this topic.

13. Miscellaneous

a) Committees established under the JBNQA

The KEAC is concerned about potential conflicts of interest that could arise for appointees to the different entities responsible for the application of Section 23 of the JBNQA. They would like to see an overall review carried out on this topic for all the entities established under sections 22, 23 and 24 of the JBNQA, as well as those established under the *Nunavik Inuit Land Claims Agreement*. It was asked that a list of the appointees on these committees be prepared.

b) Abandoned outfitting and other camps

The Environmental Analyst provided information on the inventory of abandoned outfitting and other camps in Nunavik. The members discussed the status, according to the MRN, of these outfitting and other camps. They asked that more information be obtained on this topic.

c) Urban sprawl in Nunavik communities

One issue raised in the Québec government's *2013–2020 Climate Change Action Plan* is land planning and the limiting of urban sprawl. The members discussed the relevancy of applying this proposal in Nunavik communities and

requested that the KRG be asked to present the draft regional plan for the integrated development of lands and resources at the next KEAC meeting.

d) KEAC column in Makivik Magazine

The members discussed the topic to be covered in the KEAC column in the next issue of *Makivik Magazine*. Specifically, it was decided to highlight a few residual and hazardous materials management initiatives in some northern villages that are noteworthy examples of coordination and collaboration in the area of environmental protection.

e) MDDEFP Environmental Science Forum

The KEAC has been invited to participate in the 45th Environmental Science Forum entitled *Aboriginal Peoples of Québec: Portrait and Partnership...* “because knowledge improves understanding” that will be held on October 24, 2012, in Quebec City.

14. Dates and places of next meetings

The next KEAC meeting will take place on December 5–7, 2012, in Kuujjuaq. The following KEAC meeting will take place on March 5–6, 2013, in Quebec City.



Benjamin Patenaude
Executive Secretary
June 18, 2013