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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 134TH MEETING

(ADOPTED)

DATE: December 5, 6 and 7, 2012

PLACE: Kativik Regional Government, Kuujjuaq

PRESENT:

Kativik Regional Government (KRG) appointees:

Michael Barrett
Adamie Kalingo
Vacant

Government of Canada appointees:

Claude Abel
Thessa Girard-Bourgoin, Vice-Chairperson (December 6 only)

Gouvernement du Québec appointees:

Paule Halley
Sylvie Létourneau, Chairperson
Vacant

Executive Secretary:

Stéphanie Benoit

Environmental Analyst:

Nancy Dea

ABSENT:

Gilles H. Tremblay, Government of Canada appointee

GUESTS:

Mishal Naseer, Regional Planner, NMRIRB
Christopher Chin, Assistant Director for Lands and Environment, KRG
Renewable Resources, Environment, Lands and Parks Department

1. Call to order and adoption of agenda

The 134th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 3:00 p.m. on December 5, 2012, in Kuujuaq. 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 132nd and 133rd meetings
3. Business arising from the 133rd meeting and correspondence
 - a) Letter – Assignment of public lands – MRN
 - b) Letter – Invitation to meet with the minister of the MDDEFP
 - c) Letter – *Plan Nunavik*
 - d) Letter – Declining caribou populations in Nunavik
 - e) Letter – MAMROT
 - f) Mid-Canada Line Clean-up Project
 - g) Petroleum tank farm near Ivujivik
 - h) Abandoned camps
4. Budget, secretariat and members
 - a) Secretariat
 - b) Budget
 - c) Rules of internal management
 - d) Annual report, 2011–2012
5. Northern Development Secretariat
6. Environmental assessment in Nunavik
 - a) *Canadian Environmental Assessment Act*
 - b) Working group on public participation – MDDEFP
 - c) Members of committees created under the JBNQA and others
 - d) Nunavik Marine Region Impact Review Board
 - e) Presentation by the KRG on Mining Exploration and Exploitation
 - f) Environmental assessment pamphlet
7. Mining activities
 - a) Bill 197 – *An Act respecting Wealth and Job Creation through Sustainable Mining Development*
 - b) Mineral exploration on category I and adjacent lands
 - c) Hopes Advance iron mining project
8. Land use planning
 - a) Regional development plan
 - b) Transportation infrastructure
9. Strategic Plan for Biodiversity 2011–2020 – Environment Canada
10. Bill C-45 – *A Second Act to Implement Certain Provisions of the Budget Tabled in Parliament on March 29, 2012, and Other Measures*
11. Regional and integrated impact study by ArcticNet
12. Parks and protected areas in Nunavik
13. Consultation on strategic issues under the *Politique pour une saine alimentation au Québec*

14. Website
15. Miscellaneous
 - a) KEAC column in Makivik Magazine
16. Dates and places of next meetings

2. Review of the minutes of the 132nd and 133rd meetings

The members provided feedback on the minutes of the 132nd and 133rd meetings. Their adoption was postponed to a later meeting.

3. Business arising from the 133rd meeting and correspondence

a) Letter – Assignment of public lands – MRN

A letter was transmitted to Patrick Déry (Deputy Minister of Natural Resources) in October 2012 regarding the program of the Ministère des Ressources naturelles (natural resources, MRN) to assign public lands to help northern municipalities to meet the needs created by the implementation of socio-economic projects. The KEAC is trying to learn if the program will be applied in Nunavik and, if yes, under what conditions given the existing land regime.

b) Letter – Invitation to meet with the minister of the MDDEFP

On December 4, 2012, Yves-François Blanchet was appointed Minister of Sustainable Development, Environment, Wildlife and Parks, replacing Daniel Breton to whom the KEAC had transmitted an invitation in October 2012. In his new position, Mr. Blanchet is now responsible for a range of issues, including some related to Northern Québec and its communities. The members indicated their interest to meet with the new minister to provide information on the KEAC, its mandate and its concerns regarding environmental and social protection in Nunavik. The members would in particular like to discuss land development, the environmental assessment procedures applicable north of the 55th parallel, and the creation of protected areas. The Executive Secretary was asked to prepare a draft letter.

c) Letter – Plan Nunavik

The members were informed that a letter with feedback on *Plan Nunavik* was transmitted in November to Maggie Emudluk, the Chairperson of the KRG, and Jobie Tukkiapik, the President of the Makivik Corporation.

A member informed the meeting that the KRG and Makivik plan to carry out public consultations beginning in February 2013 with a view to improving *Plan Nunavik*.

d) Letter – Declining caribou populations in Nunavik

The members were informed that a letter was transmitted in November to the appropriate authorities on the KEAC's concerns regarding declining caribou populations in Nunavik.

A member drew attention to a November press release issued by the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs (sustainable development, environment, wildlife and parks, MDDEFP) to announce the opening of the winter tundra caribou hunt. It was however pointed out that sport hunting has been prohibited in much of Nunavik for the 2012–2013 season. The members indicated their support for this measure.

e) Letter – MAMROT

The members were informed that a letter was transmitted in November to Sylvain Boucher (Deputy Minister of Municipal Affairs, Regions and Land Occupancy) regarding Bill 34, *An Act to Ensure the Occupancy and Vitality of Territories*. The KEAC has indicated to the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (municipal affairs, regions and land occupancy, MAMROT) the need to consult the KEAC prior to the adoption of laws, regulations and policies that touch on the natural and social environments of Nunavik. In order to promote the sustainable development of Nunavik communities and lands, the KEAC also indicated that closer collaboration between northern organizations and the MAMROT is desirable.

f) Mid-Canada Line Clean-up Project

The Environmental Analyst informed the members that the regional branch of the MDDEFP has indicated interest in launching a third phase of rehabilitation work for Mid-Canada Line sites in Nunavik and that it would communicate shortly with the Department of National Defence, which was responsible for operating the sites from 1958 to 1965. The KEAC will continue to monitor this file.

g) Petroleum tank farm near Ivujivik

The Environmental Analyst presented background information on the inspection actions taken by the Federation of Cooperatives of Northern Québec and the MDDEFP Centre de contrôle environnemental du Québec (environmental monitoring) to ensure safety at a former petroleum tank farm near Ivujivik. Despite the odours coming from the site, inspections have shown only a low level of contamination. The site could be reused for industrial purposes.

h) Abandoned camps

The Environmental Analyst informed the members of the expected timetable for obtaining the list of abandoned camps from the concerned government departments, in particular the MRN. The transfer of responsibilities between departments following the 2012 provincial elections explains in part the delays being encountered obtaining the list. Discussion of the topic was postponed to the next meeting.

4. Budget, secretariat and members

a) Secretariat

A member of the employment subcommittee explained the steps that had been taken to find a replacement for the Executive Secretary, who is scheduled to resign in March 2013. The interview of a candidate for the position and the subcommittee's recommendation were in particular reviewed. The members discussed the candidate's résumé and made a decision to proceed with the hiring.

b) Budget

The provisional financial statements for September and October 2012 were presented. The members also discussed possible projects for the coming year.

c) Rules of internal management

The members reviewed the issue of quorum for decisions for items covering mixed jurisdiction and referred in particular to the *Regulation respecting Certain Bodies for the Protection of the Environment and Social Milieu of the Territory of James Bay and Northern Québec* (Q-2, r.34) as well as the *Internal management rules of the Kativik Environmental Advisory Committee* (Q-2, r.20.1). It appears that quorum is five members for items of mixed jurisdiction and four members for items of provincial or federal jurisdiction.

As well, the members were informed that Charlie Arngak, a KRG appointee, had submitted his resignation. The KRG will adopt a resolution to appoint his replacement.

At present there are two vacancies on the KEAC which makes it difficult to have a quorum and ensure the progression of files.

d) Annual report, 2011–2012

The Executive Secretary updated the members regarding the production of the 2011–2012 annual report. After reviewing the electronic version of the report, the members asked that it be published and distributed.

5. Northern Development Secretariat

The members reviewed a Québec-government press release announcing the creation of the Secrétariat au développement nordique (northern development, SDN) to replace the Société du Plan Nord, under the responsibility of Martine Ouellet (Minister of Natural Resources). The mandate of the SDN will be to coordinate all government actions in a manner that is responsive to the needs of northern communities and ensures coherent development of the north. The Environmental Analyst was asked to prepare a draft letter requesting more information on the topic.

6. Environmental assessment in Nunavik

a) Canadian Environmental Assessment Act

The members discussed the presentation made by François Boulanger (Regional Director, Canadian Environmental Assessment Agency) at the KEAC's 133rd meeting regarding the new *Canadian Environmental Assessment Act* (CEAA 2012), and in particular substitution mechanisms. A member will prepare a draft brief on KEAC concerns regarding the application of the environmental assessment procedure in Nunavik.

b) Working group on public participation – MDDEFP

The members reviewed the minutes of the January 2012 meeting of the working group on public participation that included KEAC representation. They noted that many tentative solutions were discussed that would foster the sharing of information and public participation in the environmental and social impact assessment and review procedure. The members reviewed in particular the MDDEFP's public register project that would make public, on the Internet, documentation on development projects subject to the procedure. This is a major initiative that would significantly improve the procedure.

The members were informed that a second meeting of the working group took place in October 2012 and that the minutes of the meeting would be transmitted to them as soon as they are adopted. Improved public participation in the assessment and review procedure remains a KEAC priority.

c) Members of committees created under the JBNQA and others

The Environmental Analyst presented information on the committees created under sections 23 and 24 of the *James Bay and Northern Québec Agreement* (JBNQA) and those created for the Nunavik Marine Region. The mandate of each committee is described along with the names of the representatives.

d) Nunavik Marine Region Impact Review Board

The members welcomed Mishal Naseer who presented the mandate of the Nunavik Marine Region Impact Review Board (NMRIRB). Created under the *Nunavik Inuit Land Claims Agreement* (NILCA), the NMRIRB is responsible for assessing development projects in the Nunavik Marine Region. Based on its analysis, the NMRIRB determines if development projects are acceptable, with or without conditions, or if they must be revised or abandoned. As well, the NMRIRB is currently funding, jointly with the Nunavik Marine Region Planning Commission, a territory use and occupation mapping project for Nunavik that will identify significant and important areas for Inuit in the marine region. Ms. Naseer also explained the project assessment procedure established under the NILCA; this procedure is similar to the procedure used in Nunavut. The implementation of one part of the procedure can fall to the NMRIRB and the other part to a federal environmental assessment panel under the NILCA. A register that contains project application forms, documents to be used for the assessment and NMRIRB

recommendations will eventually be created on that organization's website (www.nmriib.ca).

The members studied several aspects of the environmental assessment procedure applicable to the Nunavik Marine Region, specifically the assessment of project impacts on the environment, project exemptions, timetables and the issuing of certificates of authorization. The members also asked questions about the differences between the federal environmental assessment panel and the federal procedure created under Section 23 of the JBNQA (COFEX-North), and discussed the sectors of activity covered by the procedure, such as mining and marine transportation, as well as their environmental impacts. The members finally examined the assessment of social impacts under the procedure. The members expressed disappointment with the lack of directives fostering public participation: public hearings are not mandatory. It was decided to continue this discussion at the next meeting.

e) Presentation by the KRG on mining exploration and exploitation

The members welcomed Christopher Chin who gave a presentation entitled "From Exploration to a Mine". The same presentation had been delivered to the KRG Council in November 2012. Specifically, the presentation reviewed the history of mineral exploration in Nunavik, the region's production potential, mining claims, current exploration, development projects, the role of the KRG, environmental assessment processes and authorizations, mining operations, site restoration, as well as the approximate timeframe for a complete mineral exploration project. Mr. Chin also pointed out that there are 37 active mineral exploration projects in Nunavik and five exploitation development projects that are or will be analysed shortly.

f) Environmental assessment pamphlet

The Environmental Analyst presented an information pamphlet that summarizes the provincial and federal environmental and social impact assessment and review procedures created under Section 22 of the JBNQA. The members discussed the pertinence of producing a similar pamphlet for the procedures created under Section 23 of the JBNQA and setting up training sessions for Inuit communities. The objective would be to reinforce understanding in Inuit communities of the procedures and to foster their participation. A subcommittee was created to be responsible for this file. If required, a consultant could be hired. Further discussion of the topic was postponed to a later meeting.

7. Mining activities

a) Bill 197 – An Act respecting Wealth and Job Creation through Sustainable Mining Development

The members were informed that a bill respecting wealth and job creation through sustainable mining development was tabled in the National Assembly in

November 2012 for study. The KEAC will continue to monitor the progress of this bill.

b) Mineral exploration on category I and adjacent lands

The members continued their discussions on the application of the environmental assessment procedure for mineral exploration projects on category I and adjacent lands. The Environmental Analyst was asked to review past KEAC briefs on the topic. The discussion will be continued at the next meeting.

c) Hopes Advance iron mining project

The members discussed the Hopes Advance iron mining project by Oceanic Iron Ore Corp. The project includes the construction, operation and decommissioning of an iron ore mine and all related infrastructure (roads, airport, accommodations, mine tailings sites, a pipeline, a power-generating plant and a deep sea port). The project was transmitted to the Canadian Environmental Assessment Agency which made a decision concerning the application of the CEAA 2012 based on a project notice submitted in August 2012. Another project notice had also been produced for the provincial assessment procedure and tabled with the MDDEFP in January 2012.

The members discussed the differences between the two project notices and expressed concern that such differences exist for a large-scale project. The members consider it essential that the review organizations be able to base their analyses on the same information and the same project.

As well, this project is subject to the environmental assessment requirements of Section 23 of the JBNQA. On the one hand, the Provincial Administrator has submitted the project to the Québec procedure under Section 23 since mining projects fall under provincial jurisdiction. On the other hand, certain components of the project fall under federal jurisdiction and seem to require the application of the federal procedure under Section 23 and the involvement of COFEX-North to assess the environmental and social impacts of the project. The members were concerned that the federal procedure has not been implemented. In addition to these requirements, the project is also subject to the environmental assessment procedure created under the NILCA since it will have impacts on the Nunavik Marine Region.

The members feel that the application of multiple environmental assessment procedures is not efficient, coherent or understandable. The overlapping procedures will generate confusion in the Inuit communities concerned by the project, preventing them from participating adequately in the assessment of the project. In addition to considerable costs for governments and the project proponent, this situation will likely generate additional delays in obtaining all the required authorizations.

The members also focused on the application of three federal environmental assessment procedures for the same project and questioned why mechanisms created under the CEAA (2012) were not implemented to allow for the application of just one procedure, specifically the procedure established under the JBNQA. As well, given the project's potential major social impacts, the members feel that the review of these impacts must be carried out using the federal procedure established under Section 23 of the JBNQA, rather than the procedures contained in the CEAA (2012) or the NILCA. The members believe that the procedure provided for under the JBNQA provides a better framework for assessing social impacts and proposing adequate mitigation and compensation measures.

The Environmental Analyst will prepare a draft letter on this topic.

8. Land use planning

a) Regional development plan

At the 133rd meeting of the KEAC, the members requested a presentation be made on the draft regional development plan. The KEAC therefore invited Christopher Chin to explain the different aspects of the *Master Plan for Land Use in the Kativik Region* (1998). In particular, zonings and the subsistence activities of the region's inhabitants were described. According to Mr. Chin, the next step is to implement the Master Plan. To this end, description of development activities for the various zones must be prepared with a view to creating a by-law that will permit the Master Plan to be implemented, taking into account the uses of certain areas of the territory and the environment.

Mr. Chin also presented the development plans for the northern villages of Kuujjuaq and Kangirsuk, adopted in 2006, including the expansion plans approved in 2012. He described the expansion zones explored by the municipalities to respond to growing housing needs and the expected increase in housing construction. Efforts to adjust funding for the required increased municipal services will begin shortly.

The members discussed the implementation of the *Master Plan for Land Use in the Kativik Region*. They asked that steps be taken to compile an overview of the situation with examples of master plan implementation by-laws for regional county municipalities in southern Québec that could be applicable in Nunavik.

b) Transportation infrastructure

The Environmental Analyst presented a draft letter addressed to Dominique Savoie (Deputy Minister of Transport). The KEAC correspondence refers to a letter dated October 10, 2007, from the Ministère des Transports du Québec (transportation, MTQ), which contained follow-up to the KEAC *Position Paper concerning Current and Future Transportation Infrastructure Development in*

Nunavik. In the MTQ letter, the author indicated that the interested parties should discuss and clarify the responsibilities of those involved, and emphasized the importance of creating a strategic transportation network for Nunavik.

The members discussed that the MTQ is in charge of developing a transportation plan for Northern Québec, as is indicated on its website. Meetings were conducted in various communities in 2004–2005 to collect comments and ensure public participation in development of the plan. It seems that talks are ongoing between various regional and provincial representatives, in particular the Cree and the Inuit, but that the transportation plan has yet not been finalized.

The members indicated their interest in being kept informed of further work on the strategic transportation plan for the region. This is an important matter for Nunavik Inuit, in particular since the number of development projects in the region is expected to grow in the coming years and access to the territory will be fostered.

The Environmental Analyst was asked to make some changes to the letter.

9. Strategic Plan for Biodiversity 2011–2020 – Environment Canada

The members reviewed *Canada's Draft 2020 Biodiversity Goals and Targets* produced by Environment Canada, and it was noted that the KEAC had not been consulted on this very important topic. Given the KEAC's status as a preferential forum, the members would have liked to have been invited to take part in the related consultation, as were other Northern Québec organizations.

In general, the members welcomed the proposed goals and targets. They nonetheless consider that a few are very general and need to be better defined. In order to protect and conserve the vast arctic and subarctic regions that include a large part of the country's waters and lands, additional efforts need to be deployed. For the KEAC, it is important that knowledge on northern biodiversity be expanded rapidly, before climate change has completely modified the environment. To this end, the members advocated improved integration of traditional and community knowledge, as well as the furthering of scientific knowledge on biodiversity. They also insisted on the need to obtain more data on certain species at risk, such as caribou and beluga, and their habitats, and to ensure they are better protected from harmful development projects. Knowledge acquisition and the identification of zones requiring more protection should be accelerated and include Inuit participation.

Although preliminary consultations are complete, the members proposed to set up a subcommittee to prepare a draft letter. The members would like to be kept informed of the next stages leading to the adoption of the 2020 biodiversity plan.

10. Bill C-45 – A Second Act to Implement Certain Provisions of the Budget Tabled in Parliament on March 29, 2012, and Other Measures

The members discussed the consequences of Bill C-45 on the natural and social environments in the north, and in particular changes to the *Navigable Waters Protection Act* and the CEEA (2012). The KEAC was not consulted on the bill.

11. Regional and integrated impact study by ArcticNet

The members examined a summary document produced by ArcticNet entitled *From Science to Policy in Nunavik and Nunatsiavut: Synthesis and Recommendations* (November 2012). The document is, in fact, a regional and integrated impact study on development and the dissemination of knowledge needed to prepare national adaptation strategies and policies that will help the residents of these regions to adapt to the impacts of climate change and modernization. Among the concerns raised in the study, the members were especially interested in issues regarding public health, safety and security, transportation, infrastructure and resource exploitation. The study in particular confirms that the effects of climate change on arctic char, vegetation, berries, drinking water resources, food insecurity faced by a large number of Inuit families, declining caribou populations and permafrost thawing will place significant pressure on the adaptation capacities of Nunavimmiut. A member provided a summary of the main recommendations of the study.

12. Parks and protected areas in Nunavik

A member updated the meeting on the KRG-lead process to identify protected areas. To date, consultations have been conducted in all the Nunavik communities as well as the village of Kawawachikamach. The communities and the MDDEFP will respectively propose areas for protection.

The members discussed the upcoming creation of Parc national Tursujuq. In 2008, the KEAC participated in the public hearings for the park as an observer and submitted a related position paper.

13. Consultation on strategic issues under the Politique pour une saine alimentation au Québec

The members reviewed an invitation received from Horacio Arruda (National Director of Public Health and Assistant Deputy Minister of Health and Social Services) to take part in the consultation on strategic issues under the Politique pour une saine alimentation au Québec (healthy living policy). In fact, the KEAC's opinion on the relevancy of various strategic components of the policy has been

requested regarding, in particular, the complementary orientation for First Nations and Inuit focusing on the realities and concerns of these populations in relation to traditional foods and related physical and economic access. Since the orientation touches on certain environmental issues, such as the toxicity of certain hunting, fishing and trapping products, the Executive Secretary was asked to obtain more information on this topic.

14. Website

The Executive Secretary provided information on the next work stages planned by the subcommittee responsible for the website development project and on the October 2012 conference call that in particular included discussion regarding the selection of a firm to carry out the website transformation work.

The members discussed the relevancy of social media used on the websites of various environmental organizations. Since Nunavimmiut seem to be important users of these social forums, the Executive Secretary was asked to present at a later meeting a list of existing discussion sites on this topic and a detailed portrait of the actions necessary to maintain such sites.

15. Miscellaneous

a) KEAC column in Makivik Magazine

The Environmental Analyst updated the members on recent developments regarding the publication of the KEAC's environmental column in the fall and winter issues of *Makivik Magazine*. The members agreed on the topic to be covered in the spring 2013 issue and asked the Environmental Analyst to carry out the research necessary for the article.

16. Dates and places of next meetings

The next KEAC meeting will take place on March 5 and 6, 2013, in Quebec City.

The following meeting will take place in Parc national Tursujuq from June 17 to 21, 2013.



Benjamin Patenaude
Executive Secretary
June 18, 2013