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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

February 8, 2018

Roch Gaudreau
Director
Development and Control of Mining Activity
Ministère de l'Énergie et des Ressources naturelles
5700–4e Avenue West, Suite C-320,
Quebec City, QC
G1H 6R1

SUBJECT: Comments regarding the Aboriginal Community Consultation Policy for the Mining Sector

Dear Mr. Gaudreau:

As part of its mandate, the Kativik Environmental Advisory Committee (KEAC) monitors activities related to mining development in Nunavik. In March 2016, the KEAC participated in a consultation conducted by the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) on the proposed Aboriginal community consultation policy specific to the mining sector. Subsequently, the MERN produced an updated version of the Policy and continued its efforts to obtain feedback from Aboriginal communities. Although the KEAC was not part of these latter consultations, it welcomes this opportunity to comment on the version of the Policy dated December 1, 2017. Furthermore, in its 2009 brief on the strengthening of the environmental and social impact assessment and review procedure in Nunavik, the KEAC underlined the importance of improving the public consultation process and made several recommendations to that effect.

The members recognize the MERN's efforts to improve the consultation process where it concerns Aboriginal communities. After reviewing the document, the KEAC understands that the MERN's intention is to clarify the consultation processes for Aboriginal communities applicable to the mining sector, while enabling project proponents to better understand their role with regard to these communities at each stage in the development of a mineral exploration or mining project. This orientation moreover enables project proponents to become more familiar with the Crown's obligation to consult.

Despite the document's intended purpose, the members question its applicability in Nunavik as it does not refer to the applicable consultation processes under the *James Bay and Northern Québec Agreement (JBNQA)* and *Environment Quality Act*. In order to clarify the different applicable legal frameworks, it would be preferable that the Policy included a description of activities subject to or exempt from the environmental and social impact assessment and review procedure, as stipulated in schedules 1 and 2 of Section 23 of the JBNQA.

The Policy states that, although project proponents are not subject to the duty to consult, they may be called upon to take part in a consultation process organized by the Québec government, which may communicate with an Aboriginal community represented by a duly appointed organization, such as the Kativik Regional Government. It would therefore be preferable that the Policy identifies the regional entities that would be contacted in the event of a consultation in Nunavik. Furthermore, the document should encourage project proponents to refer to the *Nunavik Inuit Mining Policy* which stipulates that all mining activities in Nunavik must be built on a relationship of trust among all stakeholders.



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The creation of the mining title management system (GESTIM) is a clear improvement with regards to access to information; however this tool could be simplified and improved for use by Nunavik residents. The training needed to master the geomatic application requires a high level of initial and follow-up training which is not accessible to the vast majority of Nunavik's population. Furthermore, with regards to mineral exploration activities on Category II lands near northern villages, project proponents should provide regular updates, both through the GESTIM platform and regional entities on any information regarding the planning and logistics of exploration activities. This would also allow an objective assessment of the potential environmental and social impacts of these activities, which are a serious concern for northern communities.

Mining development projects should respect the procedures applicable in Nunavik with regards to public consultations and recognize the importance of the different uses of the territory and the knowledge of its residents in environmental and social matters. Nunavik communities will better understand the impacts of their contribution to consultations if they have access to up-to-date information and observations. In this sense, the KEAC encourages the MERN to further enhance tools for evaluating the performance of consultations upstream of potential mining projects.

The KEAC intends to keep abreast of developments in this file and remains interested in participating in future exchanges with the MERN.

Respectfully,

Michael Barrett
Chairperson