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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

November 24, 2023

Céline Létourneau
Mining Development and Control Department
Ministry of Natural Resources and Forests
5700, 4th Avenue West, C-320,
Québec, QC
G1H 6R1

SUBJECT: KEAC feedback on the MRNF's proposals for revising the mining regime and the framework for mining activity

Dear Ms. Létourneau,

On April 14, 2023, the KEAC attended a virtual meeting, hosted by the Ministry of Natural Resources and Forestry (MRNF), along with other participants from First Nations communities and Inuit organizations to discuss the topic of harmonious development of mining activity. As a follow-up on the consultation process and the analysis of the briefs that were submitted, the KEAC once again attended a virtual meeting held on November 3, 2023, reserved for organizations and Nations located on land covered by the James Bay and Northern Québec Agreement and the Northeastern Québec Agreement. During the meeting, the MRNF presented proposals for revising the mining regime and the framework for mining activity. The following is the KEAC feedback regarding some of those propositions.

Agreements and Mining Activities

Proposed solution by MRNF:

- *Collect information as part of authorizations for impact-causing work and share it with local organizations.*

The KEAC understands that Section 12 of the *Mining Regulation* will list the obligatory information required of claims holders to obtain or renew an authorization including gathering the questions, requests and comments of the local municipalities and Native communities concerned as well as providing answers and a report on these exchanges.

Given the information gathered seems to be an important solution proposed by the MRNF in respond to many of the concerns heard during the previous consultations, the KEAC wishes to better understand the mechanics of the exchanges between the proponent and the communities. Does this include both the community organizations such as the Northern Village and Landholding Corporations as well at the Kativik Regional Government (KRG)? Will the proponent be obliged to meet with communities in person? What type of information will the communities be provided

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to prepare for these exchanges? Will communities be supported by the MRNF during their review of these documents and in exchanges with the proponents? Finally, could an activity or project be authorized by the Minister if a community is opposed to it?

As mentioned in many of our previous correspondence regarding the authorization of mineral exploration activity in Nunavik, it should be once again noted that currently, obtaining a certificate of conformity from the KRG is an informative process by which condition can be set but the activities cannot be refused. As such, the KRG is currently drafting a first ever land use planning by-law for the Kativik territory, in collaboration with Makivvik, the Cree Nation Government, the Naskapi Nation of Kawawachikamach and the Nunavik Landholding Corporations Association. The by-law's objectives are to better control the occupation of the territory (e.g., construction, infrastructure, storage of materials, etc.) by outfitting, recreation, and mining exploration activities, among others. Through this new by-law, a consultative process with the concerned stakeholders would be carried out and help to overcome the current lack of consultation in the mining sector. Therefore, a link between the upcoming KRG's urban planning by-law and any planned regulations of policies is essential to avoid doubling the administrative burden on project proponents. Multiple consultations for a same project must be avoided at all costs since it creates confusion and uncertainty in the communities.

Consultation and Accommodation

Proposed solutions by MRNF:

- *Draft Mining Regulation released on September 6, 2023.*
- *The information gathered through the authorization will inform organizations in the northern territory of current projects.*
- *Provide legislation that will facilitate the protection of certain territories.*

The KEAC considers that the information gathered by the Ministry, including the exchanges with the communities, should have an influence on their decision to authorize an impact-causing exploration work and recommends that this information have a particular emphasis on limiting the nuisance generated by industrial activities on rightful land users such as the Inuit, Naskapi and Cree in Nunavik as well as the flora and fauna.

The KEAC also recommend that all information shared with the KRG as well as the concerned communities should be available in English and/or Inuktitut and in an appropriate format.

In terms of legislation that will facilitate the protection of certain territories, the MRNF must consider that no matter the level of exploration activity, land tenure and the rights of Inuit, Naskapi and Cree, as well as the network of protected areas, must always be respected. Ultimately, economic imperatives must not dominate environmental and social requirements.

The Kativik Regional Master Plan provides a complete overview of accepted land use planning for Nunavik and as such, proposed protected areas, which are important for Inuit and Naskapi, have already been identified by the KRG in cooperation with the Québec government. In terms of negotiating agreements that allow for the exclusion or limitations of mining activities to promote protected areas, the KEAC recommends the MRNF define these terms and the type of agreement in accordance with the Kativik Regional Master Plan and in collaboration with the KRG

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who is responsible for the planning and operation of national parks and protected areas in Nunavik, pursuant to an agreement with the Québec government.

The MRNF also noted that privileged forums for exchanges on mining activities have been created. The KEAC understands that the Nunavik forum consists solely of KRG and MRNF representatives. Given Makivvik's current withdrawal from discussion regarding mining development in the region, the KEAC recommends that other organizations be named to the forum, to broaden communications regarding this important file among various stakeholders.

Information to the Communities

Proposed solution by MRNF:

- *Develop a research tool tailored to Indigenous communities to enable them to track in GESTIM the mining activities and the rights granted and in demand in the claimed territories.*
- *Provide tailored training on the use of GESTIM and its interactive map, digital products, and web services available.*

The KEAC supports these proposals as the GESTIM tool has become a very important and effective geomatics application providing instant access to up-to-date data regarding mining rights in Québec. Allowing for this tool to become more accessible to Nunavik communities and organizations will strengthen the transparency and information sharing regarding impact causing exploration work in the region.

Additionally, regional organizations would benefit from regular updates from the ministry regarding the total number of claims in the region and more specifically the location and type of exploration work being carried out.

Relations with the Proponents

Proposed solution by MRNF

- *Offer to accept costs incurred by the proponent to consult with Indigenous communities as exploration expenses for claim renewal purposes.*
- *Propose to require the claim holder to hold an annual public information session in the region where their project is located to report on the status of the mineral exploration project and future planning.*

In its regulations and proposed solutions, the MRNF focuses on the impact on enterprises operating in the mining sector due to the additional costs associated with compiling the information necessary for the authorization or renewal of an authorization for impact-causing exploration work and that several administrative procedures will be put in place to mitigate these costs. However, the ministry does not address the cost to Native communities and local municipalities in terms of their own administrative burden.

For forestry management, the "Programme de participation autochtone" was created by the Québec government to promote the involvement of Aboriginal communities in the management and sustainable development of the forest territory and to facilitate their contribution to consultations. The KEAC recommends the MRNF create a similar initiative for mineral exploration/exploitation activities.

Similarly, in its list of existing measures, the MRNF notes the Aboriginal Exploration Funds Agreement, which provides \$350,000 to the Nunavik Mineral Exploration Fund (NMEF) to: increase or maintain the number of Inuit jobs in the mining sector; increase the knowledge of mineral exploration and development in Inuit communities; increase or maintain the entrepreneurial engagement in the mineral resources field within Inuit communities; and strengthen or maintain communications between the Inuit communities and mineral exploration companies. Considering the relationship between the NMEF and Nunavik stakeholders, the KEAC recommends the MRNF consider negotiating increased funding or an allowance for additional staff for the NMEF to support communities in exchanges with proponents and in raising awareness of impact-causing exploration work and projects set to be authorized under the *Mining Regulation*.

In terms of proponents holding annual information sessions, it should be noted that beyond directly contacting the KRG as well as the local Landholding Corporation and Northern Village, using the local radio station to provide information and answer questions from the public is an effective method. Also, the NMEF holds annual mining workshops in which all proponents with active or upcoming projects are invited to share information with participants. These public sessions are attended by residents, regional organizations as well as Québec ministries directly or indirectly related to the mining industry in Nunavik. This workshop also provides an opportunity for training and employment information sessions.

Environment, Monitoring and Project Impacts

Proposed solutions by MRNF:

- *Subject temporary exploration camps to prior authorization.*
- *Requiring exploration camps be dismantled and exploration sites be cleaned at the end of the work and not at the end of the titles.*
- *Propose changes to the “monitoring committee to foster the involvement of the local community in the project as a whole”:*
 - *Addition of each Indigenous community consulted.*
 - *Authority of the Minister to authorize a different composition.*
 - *Mandates of the monitoring committee, through regulations (including maximizing community economic benefits and reclamation).*
 - *Propose the possibility of entrusting responsibilities to indigenous communities in the inspection of certain exploration and exploitation activities.*

The KEAC would like to take this opportunity to reiterate the exclusion of several activities that do not appear on the list of impact-causing exploration work as defined by the *Mining Regulation*. In our previous correspondences, the KEAC recommended adding the construction, renovation or remediation of camps built on claims to the list of exploration activities to be considered as impact-causing. As such, we are still seeking reassurance that all camp infrastructure will require authorization and be monitored for dismantlement as activities terminate on the claim.

Access roads and trails leading to temporary camps, drilling sites, airstrips, and any other related infrastructures in sensitive areas (ex. caribou calving zones) can potentially lead to land use and territory fragmentation as well as potential impacts from hydrocarbon spill or destruction of habitat for fragile or at-risk plant species. As such, the

KEAC recommend they be added to the list of impact-causing activities as well as the temporary storage of hazardous waste, particularly hydrocarbons, at exploration camps, airstrips or at work sites located on claims.

In terms of mandating inspection responsibilities, the KEAC would like to, once again, underline KRG's experience and presence on the territory, and therefore recommend the MRNF include regulatory measures that would permit the recognition of monitoring and enforcement powers to KRG for the Nunavik region.

According to GESTIM, in 2022 there were more than 240,000 active mining titles in Québec. Although most of these claims do not lead to mining projects, the effects of exploration activities can be major and must not be neglected by the government. The historical and current interest in the mineral potential of Nunavik has placed pressure on regional communities and environments and multiplied the extent, magnitude and profile of cumulative impacts. Although there have been some benefits to this industrial presence, these impacts have resulted in changes to environmental, social and economic values caused by the combined effect of past, present and potential future human activities and natural processes. As such the KEAC recommends that cumulative impacts be considered as part of the MRNF reflection regarding impact causing activities and the issuance of authorizations and that authorized activities and exploration projects should not be fragmented to avoid cumulative effects of low-impact activities.

Finally, the KEAC understands that one of the objectives of the *Mining Regulation* is to allow for great control over the types and number of exploration activities undertaken in the province. However, truly understanding the impact of these activities goes beyond documenting them. As such, the KEAC would like to underline that the Environmental Quality Act, Article 95.10, states "the Administration's programs determined by government regulation, including the strategies, plans and other forms of guidelines the Administration develops, must be the subject of a strategic environmental assessment..." and recommend that the MRNF conduct a strategic environmental assessment of mining activities in general that would allow environmental and social considerations to be incorporated in the decision-making process of and thus evaluate the alternatives in order to achieve the desired objectives while minimizing any negative effects.

Mining Regime and Other Measures Considered by the MRNF

Proposed solutions by MRNF:

- To reduce claims speculation:
 - Refuse the first transfer of claims, if no exploration.
 - Limit the exemption from work to renew a claim.
 - Establish a process for qualifying mining clients by ministerial order.
 - Add a qualified client number to GESTIM process.
- *Allow the Minister to close a site and refuse further application for a non-exclusive lease to mine surface mineral substances.*
- *Allow the Minister to refuse the opening of a new site and refuse request for a non-exclusive lease to mine surface mineral substances.*
- *Addition of a ministerial power to refuse a lease to mine surface mineral substances.*
- *Promote the circular economy by:*
 - *Requiring operator to report on the characterization of mineral substances in tailings.*

- *Requiring mining of mineral substances in tailings.*

The KEAC welcomes these proposed solutions as a method of reducing the occurrence of unqualified individuals or companies acquiring claims and/or claims being transferred or abandoned with materials and infrastructure that are left unchecked by claim owners or authorizing bodies. The KEAC questions how the MRNF will qualify mining clients, with what criteria and how the ministry will consider clients who are from the region.

The KEAC continue to monitor this file with great interest in hopes that the MRNF resolutions and continued collaboration Nunavik communities and regional stakeholders will lead to a sounder management of mining exploration activities in Nunavik and a way to improve the conservation and protection of Nunavik's natural resources.

Best Regards,



Raymond Mickpegak
Chairperson, KEAC

cc.

Markusi Qisiq, Director of Renewable Resources, Environment, Lands, and Parks, KRG