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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

December 20, 2024

Marie-Josée Lizotte
Deputy-Minister, ministère de l'Environnement, de la
Lutte contre les changements climatiques, de la Faune et des Parcs
Provincial Administrator of Section 23 of the
James Bay and Northern Quebec Agreement
675 René-Lévesque Boulevard East 30th floor
Québec City, QC
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Subject: Public participation and multiplication of impact assessment processes triggered by the Strange Lake Rare Earth Mining Project

Dear Ms. Lizotte,

Under section 23.5.27 of the James Bay and Northern Quebec Agreement (JBNQA), the Kativik Environmental Advisory Committee (KEAC) examines and makes recommendations respecting the environmental and social impact assessment and review mechanisms and procedures in Nunavik. In this context, the committee wishes to share its observations concerning the issues related to public engagement and multiplication of the Impact Assessment (IA) procedures triggered by the Strange Lake Rare Earth mining project (Project).

The Project proposes the construction, operation and closure of an open-pit rare earth mine approximately 235 km northeast of Kawawachikamach, 287 km south of Kangiqsualujjuaq and 170 km west of the Labrador coast. The Nunavik stakeholders most concerned about the Project include: The Northern Villages of Kangiqsualujjuaq and Kuujjuaq, Naskapi Nation of Kawawachikamach (NNK), the Qiniqtiq and Nayumivik Landholding Corporations, the Kativik Regional Government (KRG) and Makivvik.

Multiplication of Impact Assessment Procedures

The Project is currently being reviewed under four different IA procedures. The Impact Assessment Agency of Canada (the Agency), the Government of Newfoundland and Labrador, and the Nunatsiavut Government are each required to conduct an environmental assessment of the Project and have chosen to work together to avoid duplication. The fourth is that of Québec provincial procedure under Section 23 of the JBNQA and Title II of the Environmental Quality Act. The Kativik Environmental Quality Commission (KEQC) will apply this environmental and social impact assessment procedure, as it is responsible for projects north of the 55th parallel.

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In its [2020 interim report](#), the working group formed by the KEAC, Makivik and the NNC, to review IA procedures applicable to Nunavik, provided a historical overview of the interactions between the various IA processes and the issues associated with their multiplication. Despite the efforts made repeatedly over the decades to identify lasting solutions, the absence of a consensus regarding a formal mechanism has not allowed for advances in the coordination of the processes. Associated issues most cited concerning the multiplication of IA processes include local population fatigue and confusion, voluminous and technical documentation, language, and both financial and resource burden for communities, review boards and proponents during project review.

Public Engagement

Nunavik stakeholders have raised concerns regarding important differences associated with the public engagement led by the Agency and the KEQC in the Strange Lake Rare Earth Project. In the Agency-led process, communications with stakeholders began early in the IA process. Frequent communications with the public, including the main Nunavik stakeholders, enabled the Agency to collect more than 150 opinions and briefs at the preliminary project description stage. A summary of the main issues was published in December 2023, and this information was used by the Agency to issue the Joint Impact Statement Guidelines and a Public Participation Plan in August 2024. These documents were also submitted for public comment.

Since the KEQC procedure does not include consultation at the guideline issuance stage, communications with the main stakeholders are currently still limited. The guidelines for the environmental and social impact study were therefore issued in October 2023 by the KEQC, without the Nunavik population having had the opportunity to share the concerns. Information pertaining to this IA process is available on the KEQC website.

By triggering several procedures, including that of the Impact Assessment Act, the Strange Lake project illustrates that the participation of Nunavik populations in the IA procedure conducted by the KEQC offers far fewer possibilities than in the other procedures applicable to this project (Canada, Newfoundland and Labrador and Nunatsiavut). It comes late in the process, and communities are neither consulted on the guidelines nor invited to comment on the issues that the impact study should address.

This situation is far removed from the spirit of the environmental and social protection regime set out in Section 23 of the JBNQA and its guiding principles, which are designed to protect and give effect to the rights and guarantees of Indigenous peoples established by the Agreement, notably by granting “a special status to the Indigenous peoples and other inhabitants of the Region ensuring them greater participation than that normally provided for the general public” (Section 23.2.2).

Today, impact assessment and review procedures, including the provincial procedure applicable to southern Quebec, inform and consult the public from the outset of the proponent’s initiatives. The recent amendments proposed to the southern procedure in Bill 81, An Act to amend various provisions respecting the environment, appear to be aimed at strengthening public participation from the earliest stages of a project’s impact assessment. The KEAC believes that it would be technically feasible, and at low cost to the KEQC, to inform the people of Nunavik more quickly and consult them on the draft guidelines.

Recommendations

Considering the scope of the Strange Lake Rare Earth Mining Project, its anticipated impacts on Nunavik and the fact that it is subject to four IA procedures, the KEAC considers it important the KEQC guarantee that Nunavik populations are informed and consulted in a timely manner, ensuring that their participation is greater than that normally expected of the general public while avoiding confusion and fatigue among local populations.

In keeping with its mandate to study “the environmental and social impact assessment and review mechanisms and processes applicable to the Region” (section 23.5.27), and on the basis of its observations concerning the Strange Lake project, the KEAC recommends that the KEQC inform the populations of Nunavik as soon as preliminary information (project notice) is filed and consults them on the draft guidelines and issues that the impact studies should address, in order to ensure “greater participation than that normally expected of the general public”.

The KEAC continues to monitor the development of the Project and remains available to discuss this further as required.

Best regards,



André-Anne Gagnon,
Chairperson, KEAC