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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

February 11, 2013

Ms. Elaine Feldman
President
Canadian Environmental Assessment Agency
22nd Floor, Bell Place
160 Elgin Street
Ottawa ON K1A 0H3

Subject: Environmental assessment procedure applicable to the Hopes Advance Iron Mining Project

Dear Madam:

The Kativik Environmental Advisory Committee (KEAC) was created pursuant to Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) and is governed by the *Environment Quality Act* (R.S.Q., c. Q-2) and the *James Bay and Northern Québec Native Claims Settlement Act* (S.C. 1976-1979, c. 32). The KEAC acts as a consultative body for responsible governments regarding environmental and social protection in Nunavik (JBNQA, paragraphs 23.5.24 and 23.5.25). The KEAC is therefore the preferential and official forum for the governments of Canada and Québec, as well as the Kativik Regional Government and the northern villages.

During the KEAC's 134th meeting held in Kuujuaq, Québec, on December 5–7, 2012, the members discussed the Hopes Advance Iron Mining Project. Under the project, Oceanic Iron Ore Corp. has proposed the construction, exploitation and decommissioning of an iron ore mine and all related infrastructure, including roads, an airport, worker accommodations, mine tailings sites, a pipeline, a power plant and a sea port.

The project was sent to the Canadian Environmental Assessment Agency and a decision was made regarding its coverage under the *Canadian Environmental Assessment Act* (CEAA 2012) based on a project notice submitted in August 2012. Under the Québec review procedure, a project notice was also submitted to the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs du Québec (sustainable development, environment, wildlife and parks, MDDEFP) in January 2012.

Firstly, the KEAC feels it is pertinent to point a number of differences contained in the two project notices, specifically:

- The project territory differs. In one document it is noted at 33,100 hectares and the other it is noted at 49,100 hectares (a gain of 366 claims).
- The number of open pits changed from 10 to “several”.
- The details regarding powering the mining facilities vary from a connection with a future Hydro-Québec grid system, to a self-generated power plant fuelled by petroleum products, to the possibility of using liquefied natural gas.
- The timelines regarding the commencement and longevity of the project vary in the two documents.
- The length of the pipeline that will carry slurry concentrate to the sea port varies from 21 to 26 kilometres.
- The distance of the road connecting the concentrator and mine area to the port site also varies from 21 to 26 kilometres.
- Details regarding the airstrip vary between updating and extending the current airstrip located in Aupaluk, to upgrading the existing historical airstrip located on the north side of Hopes Advance Bay.
- Details regarding camp facilities vary between each document, including location, number of camps, size and capacity.
- The number and location of the waste rock stockpiles as well as the tailings management facilities vary in each document.
- The January 2012 document describes subsequent phases and related projects in two other locations in the Hopes Advance area where the August 2012 document does not.
- Only the August 2012 document outlines concerns from Inuit communities and organizations voiced during several consultations carried out to date.

Although the project notices are only preliminary descriptions and the project will eventually be more clearly defined in the impact assessment studies to be prepared by the project proponent, the KEAC is concerned that there are so many important differences for such a large project. The KEAC believes it is essential that the different review bodies concerned conduct their analyses based on the same information for the same project.

As well, this project is subject to the environmental assessment requirements set out in Section 23 of the JBNQA. On the one hand, the Provincial Administrator has submitted the project to the Québec procedure set out in that section. The project involves mining and is therefore subject to provincial jurisdiction. On the other hand, certain components of the project fall under federal jurisdiction and would seem to require the implementation of the federal procedure set out in Section 23 of the JBNQA and the involvement of the Environmental and Social Impact Review Panel (COFEX-North) to assess the project’s environmental and social impacts. The KEAC therefore finds it unusual that the federal procedure under the JBNQA was not implemented.

In addition to these requirements, the project is also subject to the environmental assessment procedure under the *Nunavik Inuit Land Claims Agreement* (NILCA) due to its impacts on the Nunavik marine region. A third impact study will therefore be necessary.

The KEAC is of the opinion that the implementation of these different environmental assessment procedures will not foster an efficient, coherent and understandable process. The overlapping procedures will generate confusion in the Inuit communities affected by the project and will prevent their proper participation in the project assessment. In addition to considerable costs for the governments and project proponent, additional delays can only be expected in such a context before all the necessary authorizations can be obtained.

The KEAC also finds it unusual that two federal environmental assessment procedures are to be carried out for this project and wonders why the mechanisms provided in the CEAA 2012 have not been implemented for the purpose of applying a single procedure. Because the project will entail significant social impacts, in particular for the community of Aupaluk, the KEAC believes that the impact review must be carried out under the framework of the procedure provided for in Section 23 of the JBNQA rather than the procedures provided for under the CEAA 2012 and the NILCA. The KEAC feels that the JBNQA procedure ensures a better framework for reviewing the project's social impacts and for proposing appropriate mitigation and compensation measures for the Inuit of Nunavik.

In conclusion, the KEAC hereby requests responses to these questions and would like to see the environmental assessment procedures simplified so that the northern communities concerned are given a clearer understanding of and better enabled to participate in the process, while ensuring development that complies with the principles of sustainable development and the protection of Nunavik's natural and social environments.

Respectfully,



Sylvie Létourneau
Chairperson

c.c. Diane Jean, JBNQA Provincial Administrator
M. Peter Jacobs, President, Kativik Environmental Quality Commission
Putulik Papigatuk, President, Nunavik Marine Region Impact Review Board
Claude Langlois, Chairperson, COFEX-North