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**Submission from the Kativik Regional Government**

**The Kativik Environmental Quality Commission**

**Public Hearings**

**The Raglan Mine Property Beyond 2020 (Phases II and III)**

**“The Sivumut Project”**

**Salluit and Kangiqsujaq, Nunavik**

**April 3-6, 2017**

## Introduction

The Kativik Regional Government (KRG), a legal person created in the public interest pursuant to the *Act respecting Northern villages and the Kativik Regional Government* (R.S.Q., c. V-6.1), has examined the available documentation relative to the Raglan Mine Property Beyond 2020 (Phases II and III). Pursuant to the KRG's mandate, our comments and recommendations are presented in the spirit of promoting sustainable resource development in the Kativik Region and reflect local and regional preoccupations.

Our comments are also informed and shaped by the content of the 2014 Parnasimautik Consultation Report (Report) and the 2015 Nunavik Inuit Declaration. In 2013, leaders of seven Nunavik organizations participated in consultation workshops in all communities as well with Nunavik Inuit in Chisasibi and Montreal, and Naskapi in Kawawachikamach. The Report presents a comprehensive vision for the future of Nunavik Inuit, families and communities, as well as for the renewal of the relationship with regional organizations, the governments of Québec and Canada and industrial developers. It defines a vision of the future that includes greater control of planning and governance for Nunavik Inuit in every aspect of their lives, communities and regions.

To quote the Report (pg. 171)

“With southern eyes trained on Nunavik and its resources, Nunavik Inuit will not accept anything less than a commitment to a comprehensive, integrated, sustainable and equitable approach for improving our lives by addressing the fundamental issues raised in this report.”

The KRG also reminds the Commission that, according to the 2002 Sanarrutik Agreement (*Partnership agreement on economic and community development in Nunavik*), article 2.3 regarding mining development states that “If any mining projects were to take place, Québec undertakes to encourage and facilitate the signing of agreements between Makivik and the mining companies concerning remedial measures and monitoring, financial arrangements, employment and contracts.” We will return to this topic later.

Finally it is important to state that KRG recognizes the experience and progress made by the Proponent in evolving relationships with the communities and regional organizations and for generally maintaining high environmental standards. All of the following comments are made from this basis and are intended as constructive and collaborative.

## Environmental Considerations

It is important first to state that the KRG does not have the internal capacity to conduct a full and comprehensive analysis the bio-physical portion of the EIS. We are relying on other organizations and authorities for this expertise. However, there are a few matters that are regularly raised by the communities which we feel important to highlight for further attention.

While the Proponent cannot be held responsible for correcting the deficiencies of science in the region, they do inherit the burden of living with the high degree of uncertainty that these deficiencies create. This ‘baseline condition’ makes application of

the precautionary principle all the more important. It also makes monitoring and adaptation as a means to adjust and manage intervention and mitigation over time critical. Because of the life-span of the proposed Project, there are opportunities to be pro-active. Detecting issues and influencing events to prevent or reduce negative outcomes (anticipated or unforeseen) is challenging. It is precisely this uncertainty that supports the need for a more fulsome discussion at this stage of the review process about exactly what adaptive management means and how it will be implemented.

One of the important opportunities is to continue to actively engage local Inuit. Effective management and mitigation should be a process that identifies and responds to Inuit concerns and priorities, is capable of providing the information necessary to support sustained benefits for Inuit and the environment, and involve Inuit directly in its implementation. Central to this approach is the development of community-based monitoring programs to ensure the direct participation of Inuit and progressively increasing their capacity to do so over time. KRG strongly recommends that the Proponent continue and expand its efforts in this regard.

We note that in the summary document for the proposed Project, under future mitigation measures, there is an undertaking to optimize environmental monitoring and put in place a social monitoring program. KRG strongly supports this and recommends the establishment of a monitoring committee, with the involvement of KRG, for the life of the project, similar to what the KEQC required in the condition 21 of the certificate of authorization for the Tata Steel Minerals Canada Project at Goodwood and Sunny 1.

This would ensure compliance with the commitments made by the Proponent, in particular pertaining to the protection and promotion of traditional and subsistence activities, as well the effects of economic spinoffs to local communities and the region as a whole.

It is noted that Environmental Monitor Officer positions will be created in Salluit and Kangiqsujaq. KRG supports this however recommends that the Proponent work with the communities and look closely at the Indigenous Guardians Program currently being led in other regions of the country by the *Indigenous Leadership Initiative*. Guardians monitor ecological health, maintain cultural sites and protect sensitive areas and species. Very importantly they promote intergenerational sharing of traditional knowledge in their work. It is our understanding that this has been a very successful program for the Innu in Labrador and their work with the Voisey's Bay mine. Another avenue worth exploring is to coordinate with the Pingualuit Park Wardens and Umajuit Wardens in general monitoring activities, information sharing and communications. It is in everyone's interest to work with existing expertise given the small populations and available human resources.

Continuing to involve regional organizations, such as the KRG is also important. We are part of Glencore's Environmental Forum and Glencore has provided funding for a KRG-sea ice monitoring program. They are also providing support for to the Université Laval for work on caribou and to the Nunavik Research Center for the Iqaluk Project. All biological monitoring work should first look to the Nunavik Research Center for participation before going elsewhere.

We take note of point 30 in the February 15<sup>th</sup> letter to the KEQC where the Proponent commits to collaborating on cumulative effects on environmental impacts if required by the regional organizations. In the absence of knowing if this matter is addressed in the IBA, KRG as a regional organization with related mandates insists on being party to any discussion on how this commitment to collaborate is operationalized. We would also recommend that this commitment be expanded to include cumulative socio-economic effects.

Dust control has been raised by the communities to KRG, particularly in relation to road transport. It is our understanding that there are discussions currently being had about air quality standards that will be applied for the roads and port site. We would like to go on record and clearly state that there should be no lowering of Québec air quality standards for the proposed Project. Water quality and waste management will also require careful monitoring to ensure that standards are being maintained, particularly in water courses that support fish harvested by local Inuit.

The KRG has some specific questions and concerns regarding the possible construction of a road connecting communities to the mining site and the status of existing roads post-closure. With respect to the road network, both primary and secondary, we understand the primary access roads are under the jurisdiction of the Ministère des Transports (MTQ) and the secondary access roads are under the jurisdiction of the Ministère de l'Énergie et des Ressources naturelles. In either case, through an agreement with these ministries, the mining companies are responsible for their maintenance. These roads are also accessible to the public. The KRG recommends that the primary roads and where possible secondary be accessible to the public and safety standards are maintained in accordance with MTQ's regulations. The KRG in its status as a municipality outside of the fourteen northern villages should receive copies of the regular technical inspection reports. Copies of these reports should also be sent to the proposed environmental and social monitoring committee. Should in the future, road connections with the communities be proposed, this subject should also be included in the mandate of the monitoring committee with KRG.

The KRG asks that the Commission ensure that the reclamation plans, particularly those associated with the expanded tailings site, are adequate. Acid rock drainage and metal leaching are a significant concern. Monitoring and testing should involve the Inuit guardians/monitors. Contingency plans should be adapted to any new information.

KRG congratulates the Proponent on its initiative to install a wind turbine to generate electricity. This initiative complements the position of KRG and other regional authorities during the public consultations conducted by the Government of Québec on a new Energy Policy. Finding alternatives to the dependency of our communities and businesses on diesel and other fossil fuels is one of the region's major challenges.

## **Socio-economic Considerations**

The KRG has very specific mandates and responsibilities regarding employment, training, contracting and other socio-economic matters. We understand that many of these topics are included in the draft Impact Benefit Agreement between the Proponent, Makivik Corporation and the communities of Salluit and Kangiqsujuaq. KRG is not a

party to that agreement nor are we privy to the details and issues raised during the negotiations.

We do understand that the IBA built upon the original 1995 Raglan Agreement which in many respects has been successful while less so in others. The EIS and summary documents set out some of the continuing challenges in meeting Inuit employment targets, Inuit employee retention and advancement, benefits at the community level and very importantly, the negative effects of capital transfers on communities and families. These matters challenge Inuit communities across the Canadian Arctic. Transforming financial payments and employment opportunities in positive, long-term benefits for individuals, families and communities is elusive.

There is a very critical interplay between an environmental and social impact review process and negotiations for an IBA. Many of the IBA matters are in themselves mitigation measures. Examples are training programs, employment initiatives and workplace conditions. The IBA and KEQC process can intersect in a mutually supportive manner in the area of monitoring and management of measures intended to benefit Inuit. The IBA can create a requirement for a high-level management and intervention capability overseen by senior representatives of Inuit and the Proponent.

Socio-economic dynamics and impacts are difficult to predict and there are inherent challenges in detecting negative effects before harm has occurred. This is particularly important in the north. For Inuit it is simply not possible to separate biophysical from cultural effects. The uncertainties related to biophysical impacts in relation to Inuit land use and harvesting, culture and general wellbeing must be acknowledged and accounted for in monitoring efforts. Therefore, the ability and commitment to monitor and manage effects as they unfold is a priority for Inuit and KRG.

We are taking the approach that the time line of this proposed Project (past and proposed) provides significant opportunities for supporting positive community engagement. The letter dated February 15, 2017 from the Proponent to the President of the KEQC provided information on the results of a consultation process to further develop mitigation measures for both socio-economic and environmental impacts. We take note, in particular, of a commitment “to continuously review the current Pijariurisiq program with local organizations to develop a long term vision for the region, while focusing essentially the Inuit Community Partners.” (pg.2)

The Pijariurisiq program, as described on page 4-12 of the EIS, has as its primary objective “to strengthen the Nunavik Inuit community’s capacity by supporting the implementation of local socioeconomic projects, which people will benefit from in the long term (beyond the closure of the mine).

KRG fully supports this approach and through our Regional and Local Development Department have been working to develop small scale, local business opportunities around a ‘social economy’ model. What we mean by this is to support local entrepreneurs in not-for-profit projects that will enhance the social, economic and environmental conditions of communities. Employment is provided, goods and services that the communities need are produced and local and traditional skills are valued.

One example is local food production. If one looks beyond mining-related employment and business development, this is an area where the Proponent could contribute to real

sustainable development at the community and regional levels. Fish hatcheries, small-scale husbandry, greenhouse production when combined with improving access and distribution of country food could have a very positive impact.

KRG is already working in this area with the government of Québec. There is an existing 5-year agreement with the Ministry of Agriculture, fisheries and Food (MAPAQ) concerning Agro-Food development in Nunavik. The main objectives of the Agreement are:

- foster the creation of food production and processing projects through innovative and exemplary business opportunities and the development of partnerships between local organizations;
- promote awareness among youth of the career opportunities in the agro-food sector;
- promote skills development among proponents via a comprehensive approach based on coaching and the transfer of knowledge related to agro-food, management and commercialization, as well as healthy, safe and quality food;
- support the start-up, growth, consolidation and development of agro-food businesses committed to a market perspective with the potential for job creation;
- Promote the local art and handicraft sector;

The Proponent has already engaged in a similar initiative – the Plein Nord Inc. which is a project run by a Salluit company to provide seafood locally and sell to other communities. The Proponent could consider a working relationship with KRG and ‘add value’ to this initiative with MAPAQ.

Regarding Inuit employment there has been considerable effort in both communicating and consulting with local authorities, regional organizations and employees on how to continuously improve both numbers of Inuit employees, moving them into more senior positions, and retention. The engagement processes and results are set out in the EIS. We all share the objective of maximizing Inuit employment and using the multi-generational life span of this proposed Project to increase local employment skills and capacity than can then go on to be applied elsewhere.

Staff from our Sustainable Employment Department noted several specific areas where efforts for improvement should be focused.

- Continue coordination with local and regional school authorities to organize workshops on opportunities in mining and associated fields and to encourage school perseverance;
- Sponsor and support scholarships for post-secondary education;
- Work directly with the Kativik School board and create programs related mining jobs to support advancement to higher level positions;
- Continually improve on existing training efforts by employment best practices, measuring and reporting results;
- Review the zero tolerance policy for drugs and alcohol and in consultation with regional and community agencies propose an amendment so that an individual could apply for a review of their case after a minimum period of two years. This could allow individuals to re-enter the workforce and be a contributing member of their community.

- Increase the number of cultural workshops for non-Inuit staff to among other things, reduce harassment and discrimination.

KRG is encouraged by the commitments to include matters set out in the February 15, 2017 letter to the KEQC to hire and train Inuit beneficiaries for positions of Inuit Employment and Training Officers, and Community Liaison Officers and Environmental Monitoring Officers for Salluit and Kangiqsujuaq. In addition to the two community employment officers for Salluit and Kangiqsujuaq, it is recommended that a third employment officer for the other communities be established within the KRG sustainable employment department.

### Phase III

Phase III of the proposed Project is scheduled to begin in 2032 – some 15 years from now. Simply put, many things can change in that time frame. What may be predicted or expected given today's information may shift as new information becomes available or events occur. It is difficult to imagine providing a final approval for all the environmental and socio-economic components of Phase III at this time. Climate change, technological innovations, demographics, economic viability are all factors that should be revisited.

The effect of the proposed Project extends well beyond the physical boundaries of the site and well into the future, particularly with regards to socio-economic matters. Even today, there are Inuit in Montreal who are in the regular workforce. Points of hire have expanded beyond the 2 proximate communities and hopefully this will continue. This can also be the case with contracting and other business opportunities.

We are not suggesting a full, new EIS for Phase III. Rather approval could be made conditional on certain matters being 'brought up to date'. We leave it to the Commission to determine the most appropriate mechanism.

### Conclusion

Community and family life are very different today than in the past. Inuit have been required to adapt to new circumstances, many of which were beyond their control. While Inuit remain strongly attached to the land and hunting remains an essential part of their identity, they are also experiencing dramatic social and environmental changes and confronting many challenges associated with education, industrial development and new governance structures. These are putting stress on traditional systems of decision making and the family structures that are so important to Inuit culture. There remain many challenges as Inuit seek to take their place in a modern world, consistent with their traditions and culture.

As set out in Nunavik Inuit Mining Policy and reiterated in the 2014 Parnasimautik Consultation Report, Nunavik Inuit will support the sustainable and equitable development of the mineral potential of Nunavik if this development (1) responds to their needs and concerns; (2) contributes to the socio-economic development of their communities; (3) complies with established environmental and social impact assessment procedures; and (4) ensures the preservation and enhancement of Nunavik Inuit culture, language and identity.

The scale of the proposed Project and the likelihood that its lifespan will expand well beyond the initial 21 years creates many challenges and opportunities to produce sustained benefits to the region, its' peoples and organizations. KRG concludes that with the adjustments proposed, including the establishment of an environmental and socio-economic monitoring committee composed of representatives of Salluit, Kangiqsujuaq, Makivik, KRG and Glencore, and the development of a mechanism to review Phase III in the context of new pressures, innovations, trends, etc. the proponent is endeavoring to meet these challenges.

Finally we must state our concerns related to information sharing and commitments being made that involve mandates of the KRG and likely other regional organizations. Supporting documents should be accessible to individuals, communities, and organizations, well in advance of public consultations. For instance, we have made reference to the February 15, 2017 letter from the Proponent to the KEQC in this brief positively however the fact that this letter was only recently made publically available on the KEQC website illustrates the necessity to improve timely the accessibility of relevant documents. The KRG had no input in the discussions that were taking place. In the future, the KRG must be represented in any discussions and decisions made that involve our mandates or authorities.

The KRG wishes to thank the Commission for the opportunity to provide its views regarding this project and welcomes any feedback you may have.