

COMMISSION DE LA QUALITÉ DE L'ENVIRONNEMENT KATIVIK

Rapport annuel 1996-1997

KATIVIK ENVIRONMENTAL QUALITY COMMISSION

1996-1997 Annual Report

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Chairman's Message

If the Commission has successfully managed the 18 years since its inception, it is largely due to the expertise of its members and the mutual respect shown each other.

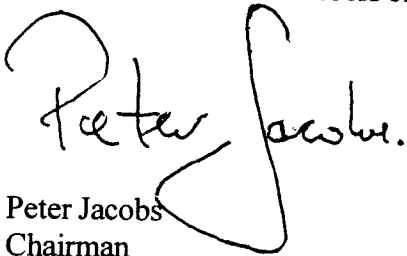
At year's end, three of our faithful companions will have left the Commission: Bertrand Bouchard and Georges Simard, appointed by the Government of Québec, and Bernard Arcand, appointed by the Kativik Regional Government.

Twenty years ago, Bernard Arcand and I traveled to Quaqtq where we first met David Okpik to discuss the spirit and the regulations of the new Commission. Since then Bernard has learned to take his fear of flying in stride. He contributed equal measures of wisdom and humour to the issues reviewed by the Commission, as well as providing expert culinary support during our travels.

Bertrand Bouchard served as our hydrology expert, most particularly with respect to the management of dam sites. His gift for presenting complex issues in layman's terms in civil engineering, cost/benefit analyses, and economics was particularly appreciated by the entire membership. Additionally, his capability in managing extracurricular activities was particularly prized by all who benefited from his organizational skills.

Despite his insistence on calling dumps, *landfills*, Georges Simard managed to amaze us with his profound grasp of garbage and all the messy issues related to it. The grandfather of the Commission was particularly apt in adapting the complex body of provincial regulations to Northern Québec's specific conditions. During the Commission's deliberations on the Raglan and Great Whale projects, his experience in geology, geomorphology and engineering was an essential resource.

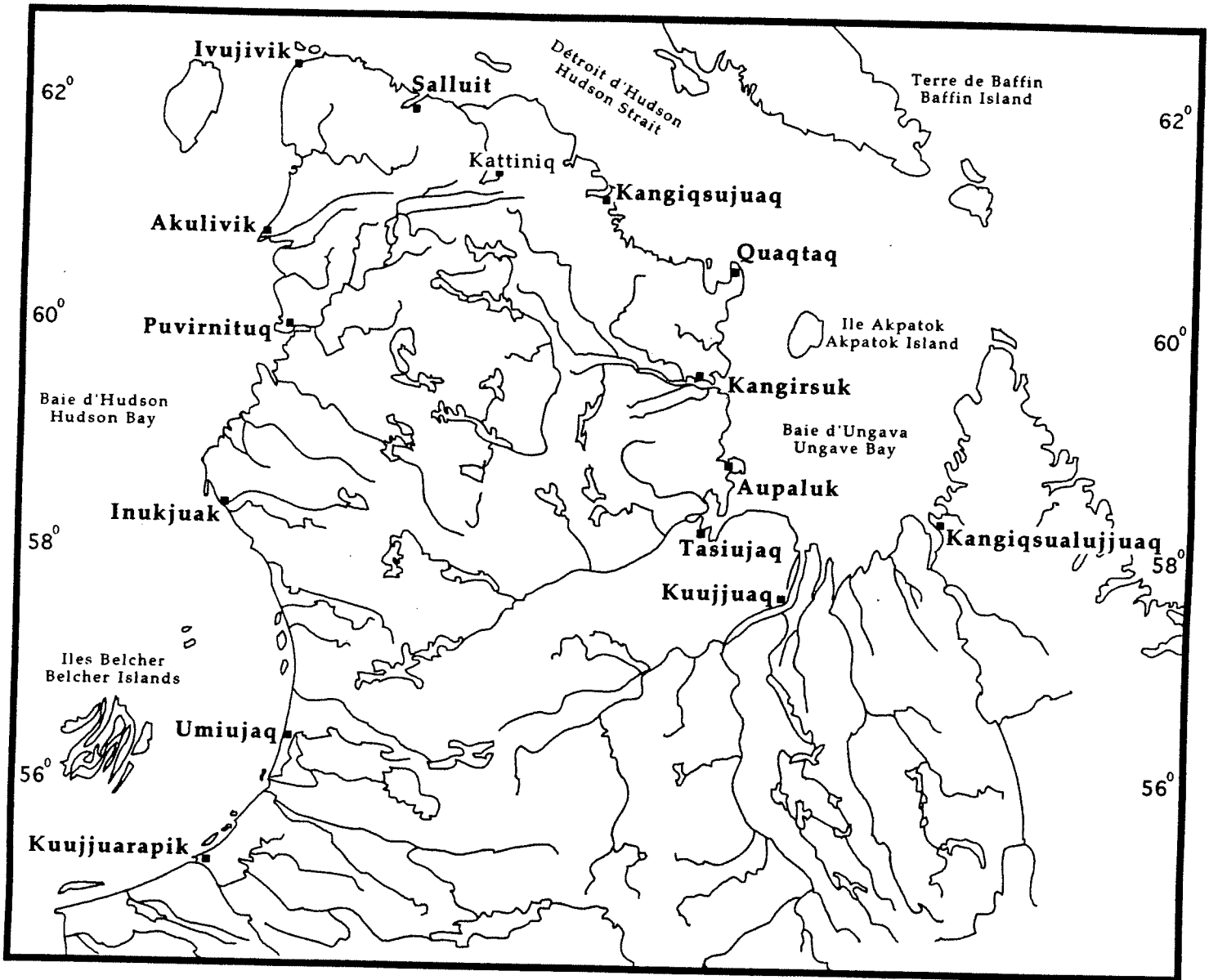
On behalf of all the members of the Commission, our thanks to these three musketeers.



Peter Jacobs
Chairman

Environmental protection regime for Nunavik

The territory located north of the 55th parallel is called either Kativik or Nunavik, without distinction.



Mandate

The Kativik Environmental Quality Commission (hereinafter referred to as "the Commission") was established by Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) and is governed by sections 181 to 213 of the *Environment Quality Act* (R.S.Q., c. Q-2). The Commission exercises its jurisdiction in the Inuit territory of Québec located north of the 55th parallel.

Section 23 provides for two project categories, i.e. developments that are automatically subject to the environmental and social impact assessment and review procedure, and those which are automatically exempt from the procedure. All other developments (projects that fall within the "grey area") are screened by the Commission to determine whether they are subject to this procedure. The Commission makes this decision based on the preliminary information prepared by the proponent and transmitted to the Commission by the Québec administrator (Minister or Deputy Minister of the Environment and Wildlife). The same information must be submitted for projects automatically subject to impact assessment and review.

For projects automatically subject to the assessment and review procedure and those subject to it following a decision by the Commission, the latter makes recommendations (or sets forth guidelines) to the administrator regarding the contents and scope of the impact statement to be prepared by the proponent. The Commission studies the impact statement for compliance with the guidelines and rules of procedure, while the administrator decides whether it is complete.

When the impact statement is deemed complete, the Commission recommends whether the project should be authorized, taking into account the guiding principles set forth in paragraph 23.3.19 of the JBNQA and respecting the time frame stipulated in the *Environment Quality Act*.

The Commission may also stipulate the conditions under which a project is to be authorized in order to minimize any adverse impacts. The final decision regarding project authorization falls to the administrator. If the administrator renders a different decision than the Commission, he must officially notify the Commission.

At any stage in the above process, the Commission may hold public consultations if deemed useful or necessary to proper project assessment.

Principles underlying project assessment

Within the limits of its jurisdiction and functions, the Commission must give due consideration to the guiding principles set forth in paragraph 23.2.4 of the JBNQA, i.e.:

- the protection of the hunting, fishing and trapping rights of the Inuit and their other rights in the Region with respect to developmental activity affecting the Region;

- the minimizing of negative environmental and social impacts of developmental activity affecting the Region by means of the measures proposed as a result of the impact assessment and review procedure;
- the protection of Native people, societies, communities and economies with respect to developmental activity affecting the Region;
- the rights and interests of non-Native people, whatever they may be;
- the involvement of the Native people and other inhabitants of the Region in the application of the environmental and social protection regime.

As well, when evaluating or assessing each impact statement and when rendering a decision with regard to project authorization, the Commission must take into account the considerations set forth in paragraph 23.3.19 of the JBNQA, giving each consideration the weight it deems appropriate:

- the environmental and social aspects and impact of development, both beneficial and adverse;
- negative environmental impacts which cannot be avoided through present technological means and those which the proponent chose not to fully avoid, and the proponent's proposals to limit such negative impacts;
- reasonable measures available to avoid or minimize adverse effects or to enhance beneficial effects;
- reasonable alternatives to the development and its various components;
- the methods and procedures outlined by the proponent and other possible measures to adequately limit the release of pollutants into the environment or to regulate other activities, whichever the case may be;
- project compliance with laws and regulations, including draft laws and regulations officially tabled by the Ministère de l'Environnement et de la Faune (MEF), respecting environmental problems created by this type of development;
- the environmental protection measures to be put in place by the proponent in the event of accidents.

Composition

The Commission is composed of nine members, including the chairperson. The Québec government appoints and replaces, as it sees fit, five members, among whom it designates the chairperson. The appointment of the chairperson must, however, be approved by the Kativik Regional Government (KRG), which appoints and replaces, as it sees fit, four other members, two of whom must be Inuit residing in the territory of Nunavik.

During 1996-1997, there was no change in the Québec representatives. Bernard Arcand, a KRG representative, stepped down from the Commission in May 1996 and had not been replaced at year-end.

On March 31, 1997, the Commission was composed of the following members:

Chairman

Peter Jacobs : A full professor with the Université de Montréal's Department of Landscape Architecture, Peter Jacobs has served as chairman of the Commission for the past 18 years. He is past chairman of the World Conservation Union's (IUCN) Environmental Planning Commission and of the advisory committee for *The State of Canada's Environment* report.

Québec-appointed members

Denis Bernatchez : A graduate of Université Laval's Faculty of Education, Denis Bernatchez has worked at MEF since 1979, first with the Service de l'éducation à l'environnement, then the Direction de la récupération et du recyclage, and now the James Bay Advisory Committee on the Environment, of which he is secretary.

Daniel Berrouard : Mr. Berrouard, a biologist with the Direction de l'évaluation environnementale des projets en milieux hydrique et nordique at MEF, has over 20 years of experience in Northern Québec affairs. He lived in the region for nearly ten years during the construction of Phase 1 of the La Grande hydroelectric complex and is a member of several northern bodies established by the JBNQA.

Gilles Harvey : A wildlife biologist and an administrator with MEF's Direction de la faune et des habitats, Gilles Harvey has also held various managerial positions with the Direction des opérations-faune and the Direction générale de la faune et des parcs. He has worked on a number of Native files.

Georges Simard : A geological engineer, Georges Simard is currently retired. He is a former employee of MEF's Service de la gestion des résidus solides, and before that, of the Ministère des Ressources naturelles, where he worked with the groundwater study and development programs.

Kativik Regional Government-appointed members

Neil Greig : For the past 25 years, Neil Greig has worked for several organizations involved in the development of the Northern Canada fishery and fishery resources. Armed with a degree in business administration, he has created an extensive network of international contacts in the fishery market. He is currently a consultant to the Makivik Corporation in Kuujjuaq.

Claude Grenier : Mr. Grenier boasts 25 years of experience in northern affairs, having worked consecutively for the Québec government, the Makivik Corporation, the Société immobilière du Québec and the KRG, of which he was manager from 1989-1994. He is currently doing his master's degree in urban studies and management at the Université de Montréal.

David Okpik : Formerly mayor of Quaqtaq, David Okpik is a respected hunter and fisherman who was active on both the local and regional political scene for several years running. He is a past and current member of numerous bodies dedicated to northern affairs.

Outgoing member in 1996-1997

Bernard Arcand : Professor of Anthropology at Université Laval, Bernard Arcand has headed numerous research projects and penned several articles and books, mainly on the Quiva Indians of South America.

Meetings

The Commission held four meetings between April 1, 1996 and March 31, 1997, on the dates and at the locations indicated below :

102nd meeting : June 12, 1996, Québec City

103rd meeting : September 4, 1996, Montréal

104th meeting : February 19-20, 1997, Kuujjuaq (regular meeting and joint meeting with the Kativik Environmental Advisory Committee)

105th meeting : March 10, 1997, Montréal

In addition the above meetings, the Commission also held a conference call on September 24, 1996.

Commission operations

Secretariat

The Commission's head office is located in Kuujjuaq. As of April 1, 1995, MEF makes the material and financial resources necessary to its operations directly available to the Commission. The terms of resource allocation and use are set by an administrative agreement between the two parties.

The secretary, who divides his time equally between the Commission and the Kativik Environmental Advisory Committee (KEAC), manages the public record of all Commission decisions and official documents, drafts the minutes of Commission meetings and official correspondence, and acts as intermediary between the members of the Commission and between the Commission and the various regional and provincial stakeholders. Finally, he provides technical assistance during project assessment and review and assists the chairman and members in carrying out their mandates.

Jacques Lacroix, who has a master's degree in geography, held the position of secretary from February 1994 to January 1997. He has been temporarily replaced by Hervé Chatagnier, secretary of the Evaluating Committee and the Review Committee (James Bay).

Shortly after Mr. Lacroix's resignation, MEF, the Commission, the KEAC and the KRG entered into discussions regarding the status of the secretariat and its base in Kuujjuaq. Seeking to cut the cost of maintaining and operating the secretariat, MEF wants to move it to a southern location. The parties are seeking an alternative that will ensure adequate secretarial services.

At the joint meeting held on February 19-20, 1997, the Commission and the KEAC passed a unanimous resolution affirming the members' desire to see the secretariat remain in Kuujjuaq and stressing the importance of respecting the intent of the JBNQA as regards securing the presence of regional interests in Nunavik and developing a critical masse of environmental organizations and specialists, particularly in Kuujjuaq. Finally, the resolution proposed viable alternatives for keeping the secretariat in Kuujjuaq.

Rules of internal management

The changes to the rules of internal management proposed during 1995-1996 were submitted to the administrator for his approval. The administrator proposed a number of improvements, which were deemed acceptable by the Commission. A final version will be prepared and submitted for final approval and subsequent publication in the *Gazette officielle du Québec*.

Public consultation and information policy

In 1996-1997, the Commission drafted a clear, flexible public consultation and information policy that was transmitted to the KEAC for consultation and comments in June 1996. The KEAC proposed a number of changes, which will be incorporated into the original version.

Commission activities in 1996-1997

Commercial caribou harvesting

Background

Since 1994, the Commission has regularly been asked to assess commercial caribou harvesting projects. Between 1992 and 1994, Nunavik Arctic Foods set up meat processing units in the communities of Quaqtaq, Kangiqsujuaq, Kangiqsualujjuaq and Umiujaq to prepare caribou and ringed seal meat for marketing in and outside of Nunavik. The animals are killed in the field and then transported to the processing unit. In 1994 and 1995, the Commission recommended that this project be exempt from impact assessment and review.

In 1995, the Naskapi Band Council and Ipushin Intercontinental Trading submitted their own commercial harvesting projects for caribou. The Naskapi Band Council's project involves the novel use of mobile slaughterhouses, while that of Ipushin Intercontinental Trading consists in keeping caribou in a corral. Both projects were exempted from impact assessment and review.

These projects were exempted from the assessment and review procedure for the current year in order to give the proponents time to better define the issues at stake and identify the potential impacts. The Commission hopes to obtain information based on concrete results, particularly concerning the management of animal waste and potential conflicts between the various user groups. The Commission will not render a decision as to the need for an impact statement until it has enough information to determine the exact impacts these projects are likely to have.

Applications for exemption for the 1996-1997 hunting season

Despite the Commission's request that proponents submit monitoring reports for the 1996-1997 hunting season, they were unable to do so due to insufficient harvesting levels. In fact, only Nunavik Arctic Foods succeeded in harvesting caribou last year, and at levels well below the company's expectations: 1400 individuals in all, 750 of which were for Kangiqsualujjuaq alone, representing only 20 % of its quota. The Naskapi Band Council and Ipushin Intercontinental Trading were unable to carry out their projects either because of a lack of caribou or logistics problems.

Nevertheless, the results of Nunavik Arctic Foods' project in Kangiqsualujjuaq were sufficient to identify the difficulties involved in managing animal waste. This waste was simply eliminated in the local disposal site, which contravenes Québec regulations. The Kangiqsualujjuaq Municipal Corporation asked the proponent to find another management method which respects the environment and does not endanger human health.

The Hunting, Fishing and Trapping Coordinating Committee (HFTCC) recommended the following quotas for the 1996-1997 hunting season: 1800 head per community (total of 7200 head) for Nunavik Arctic Foods; 3000 head for the Naskapi Band Council; and 5000 head for Ipushin Intercontinental Trading. The HFTCC also recommended restricting the length of the hunting season and the sex of caribou that can be killed.

Acting on these recommendations and considering that these projects are still in the experimental phase, the Commission decided to exempt them from the assessment and review procedure for the 1996-1997 hunting season, under the same conditions as for the 1995-1996 hunting season, i.e. the proponents must produce monitoring reports documenting all project impacts, the proposed solutions and mitigative measures for managing solid and liquid waste, and potential conflict between the various resource user groups.

Aware of the municipal corporations' immediate concerns regarding animal waste and the problems in applying the disposal methods prescribed by Québec regulations, the Commission asked that each proponent, under agreement with the municipal corporation in question, submit a proposal to MEF for an acceptable disposal method.

The decisions for the above projects were transmitted to the administrator on September 9, 1996.

Raglan mining project

Background

This project, whose proponent is the Société minière Raglan du Québec (SMRQ), targets an annual output of 800 000 to 1 000 000 tons of copper and nickel concentrate, to be extracted from the Katinniq and Donaldson deposits located at the northern extreme of the Ungava Peninsula. It involves the construction of a vast complex of mining and mining-related facilities concentrated in Katinniq but extending from Donaldson to Deception Bay.¹ During peak production, the mining complex will employ over 300 people. The SMRQ hopes at least 20 % of its workers will be Inuit.

In April 1995, the Commission recommended that the project be authorized. The certificate of authorization issued by MEF contains over forty conditions related primarily to the monitoring of mine drainage and the surrounding environment, communication of public information to the regional communities, monitoring and emergency response measures, and site rehabilitation and reclamation.²

¹ For a detailed description of this project, see the 1995-1996 Annual Report.

² The decision is contained in the 1995-1996 Annual Report and is also available for consultation at the office of the Commission secretariat.

The proponent was asked to clarify certain aspects of the monitoring programs for the Povungnituk and Vachon river watersheds and Crater Lake and then resubmit the programs for approval by the Commission. Taking into account the inherent monitoring limits, the Commission approved the programs for the Povungnituk and Vachon river watersheds in April 1996. The program for Crater Lake was not approved, as the Commission was not satisfied with the proponent's plans to install a monitoring station at the outlet of Lake Laflamme, some 5 km away from Crater Lake. The Commission asked that the proponent submit another monitoring program that ensures greater detection of lake contamination.

The new monitoring program had still not been received at year-end.

Modifications to retaining structures at Katinniq

The proponent has applied to have the certificate of authorization amended so it can build a second dam on Deception River in order to solve problems with permeability detected beneath the initial dam during filling, which coincided with spring flooding in June 1996. The first dam, including the dikes and spillway, create a 0.5-km² reservoir with a maximum capacity of 2 750 000 m³ (spot height 522 m). This reservoir is essential in order to meet industrial and drinking water needs given that the drainage pattern of regional watercourses does not enable a steady water supply.

The Commission received the report entitled "Réaménagement d'une digue pour le maintien d'un réservoir d'eau à Katinniq" in February 1997. The proponent hopes to solve the seemingly unsolvable leakage problems by building a second, rockfilled dam 54 metres downstream of the first and of approximately the same size. The information contained in the above report was studied at the Commission's 105th meeting.

The Commission decided to authorize the modifications, recommending that the conditions of the certificate of authorization issued for the first dam on May 5, 1995 also apply to the new dam. The Commission particularly stressed the importance of condition # 33 (monitoring of dam performance) and condition # 44 (plans for dam operation, maintenance and dismantling following mine closure). In addition, the Commission asked that the proponent use borrow pits which have already been authorized by MEF and produce a report describing the various construction stages for the second dam and the resulting impacts.

This decision was transmitted to the administrator on March 17, 1997.

Sewage treatment and discharge in Kangiqsujuaq

Like most communities in Nunavik, Kangiqsujuaq disposes of untreated household sewage (grey water) in a site designated specifically for this purpose. The present site is located near the community in a drainage basin that runs directly into Wakeham Bay opposite the village.

In order to remedy this situation, the Kangiqsujaq Northern Village Corporation, with technical assistance from the KRG, plans to establish a sewage system by converting a natural lake into a non-aerated lagoon. While this is an advantageous treatment method for Northern Québec, there is very little information on the few existing cases. The waters of the natural lake, located some 5 km away from the village, filter through a number of peat bogs before flowing into Joy Bay to the east. The project would require the construction of a 3.5-km road section as well as the development of a discharge area on the lakeshore.

At its 103rd meeting, the Commission studied the preliminary information submitted by the proponent. Given the scope of this project and the numerous questions it raises, particularly with regard to the lagoon's predicted efficiency and the impact on the peat bogs located downstream of the lake, the Commission recommended that the project undergo impact assessment and review.

Although the basic information contained in the preliminary report was deemed sufficient, the Commission asked that the proponent round it out and provide clarifications by answering a number of questions dealing with the above-mentioned and following aspects :

- location of the discharge area;
- risk of the lake's flooding during winter;
- dilution of sewage during spring thaw;
- maintenance of the access road during winter and establishment of an emergency reservoir in the event of extended road closure;
- protection of lakes alongside the access road.

The Commission further asked that the proponent submit a monitoring program for the treatment system and state its intentions as to the rehabilitation of the current discharge site.

After studying this additional information at its 105th meeting, the Commission decided to authorize the project under two conditions, i.e. that the current discharge site be cleaned up immediately and no longer be used, even in an emergency situation, and that the proponent submit an environmental monitoring program for the purpose of verifying the treatment system's efficacy. This decision was transmitted to the administrator on March 17, 1997.

Ivujivik and Quaqtac drinking water supply systems

Many Nunavik communities are equipped with a drinking water supply system that includes a permanent intake, a pumping station, a reservoir and a distribution station. The water is carried by an insulated feed pipe to a reservoir, where it is chlorinated and then delivered from door to door by a tank truck.

The preliminary information for drinking water supply projects in Ivujivik and Quaqtac was tabled at the 102nd meeting. The Commission is convinced that such systems ensure a steady supply of quality drinking water.

While there were questions about certain aspects of these projects, the Commission decided to exempt them from impact assessment and review. The main questions pertained to Quaqtaq. First, it was noted that the estimated water needs failed to take the potential needs of the meat processing unit into account. Second, there is a concern that the alignment of the feed pipe could hinder the circulation of ATVs and snowmobiles. Third, the members were concerned about water quality given that the supply point is located near the airport road.

The Commission addressed these issues in the decision sent to the administrator on July 2, 1996, stating the importance of having qualified workers in charge of system operation and maintenance.

Utilization of petroleum product waste from the Kuujjuarapik-Whapmagoostui diesel generating station for energy purposes

This project, for which the proponent is Hydro-Québec, consists in utilizing petroleum product waste from the Kuujjuarapik-Whapmagoostui diesel generating station to fuel a specially designed furnace for heating the Hydro-Québec offices situated next to the generating station.

During a conference call on October 24, 1996, the members agreed that this project would reduce costs as well as the risks associated with transporting this waste to southern Québec.

It was therefore decided to exempt the project from impact assessment and review. However, in its letter of October 25, 1996 transmitting its decision to the administrator, the Commission stressed the following points: only waste from Kuujjuarapik-Whapmagoostui should be used; the proponent could consider other supply sources within the community; the proponent should submit an annual monitoring report to MEF evaluating the performance of the equipment installed.

Addition of new camps for the Tuktu Hunting and Fishing Club outfitting operation

In December 1995, the Tuktu Hunting and Fishing Club submitted a project for setting up new outfitting camps on 12 existing sites, bringing the accommodation capacity to 18 persons. The camps comply in full with MEF's sewage treatment and waste disposal standards.

The preliminary information for this project was studied at the 103rd meeting. Although the members were concerned about the proliferation of mobile outfitting camps, the volume of waste left behind and the lack of environmental monitoring, it was decided to exempt the project from the assessment and review procedure. In its September 9, 1996 letter transmitting this decision to the administrator, the Commission pointed out the lack of information provided by the proponent regarding the closure and rehabilitation of sites abandoned by outfitters.

**Operating statement of Kativik Environmental Quality Commission
for the fiscal year ending March 31st, 1997**

1) Secretariat

<u>REVENUE</u>		(\$)	
Surplus or deficit from preceding fiscal year		(-143)	
Ministère de l'Environnement et de la Faune grant		55 206	
Interests on long term deposit		85	
Total revenue			55 148
<u>EXPENDITURES</u>			
Staffing expenditures			
Honorariums		21 750	
Housing		4 618	
Sub-total		26 368	
Operations			
Travel expenses		5 448	
Translation		3 418	
Sub-total		8 866	
Administration			
Office equipment and supplies		3 705	
Banking costs		72	
Petty cash		100	
Other costs (Chairman's office)		370	
Sub-total		4 247	
Total expenditures			39 481
SURPLUS			15 667

2) Inuit members' participation

<u>REVENUE</u>		(\$)	
Surplus from preceding fiscal year		30 802	
Ministère de l'Environnement et de la Faune grant		0	
Interests on short term deposit		0	
Revenue			30 802
<u>EXPENDITURES</u>			
Staffing expenditures			
Honorariums		7 700	
Sub-total		7 700	
Operations			
Travel expenses		6 090	
Sub-total		6 090	
Total expenditures			13 790
SURPLUS			17 012

June 23rd, 1997