

Review of the Federal Environmental Assessment Process:

Presentation to the Expert Panel
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What is Makivik Corporation?

- Birthright organization representing over 10,000 Inuit living in 15 villages on the coasts of Ungava Bay, Hudson Bay and Hudson Strait
- Mandated to protect the rights, interests and financial compensation provided by the 1975 *James Bay and Northern Quebec Agreement* (JBNQA) and the *Nunavik Inuit Land Claim Agreement* (NILCA), signed in 2006



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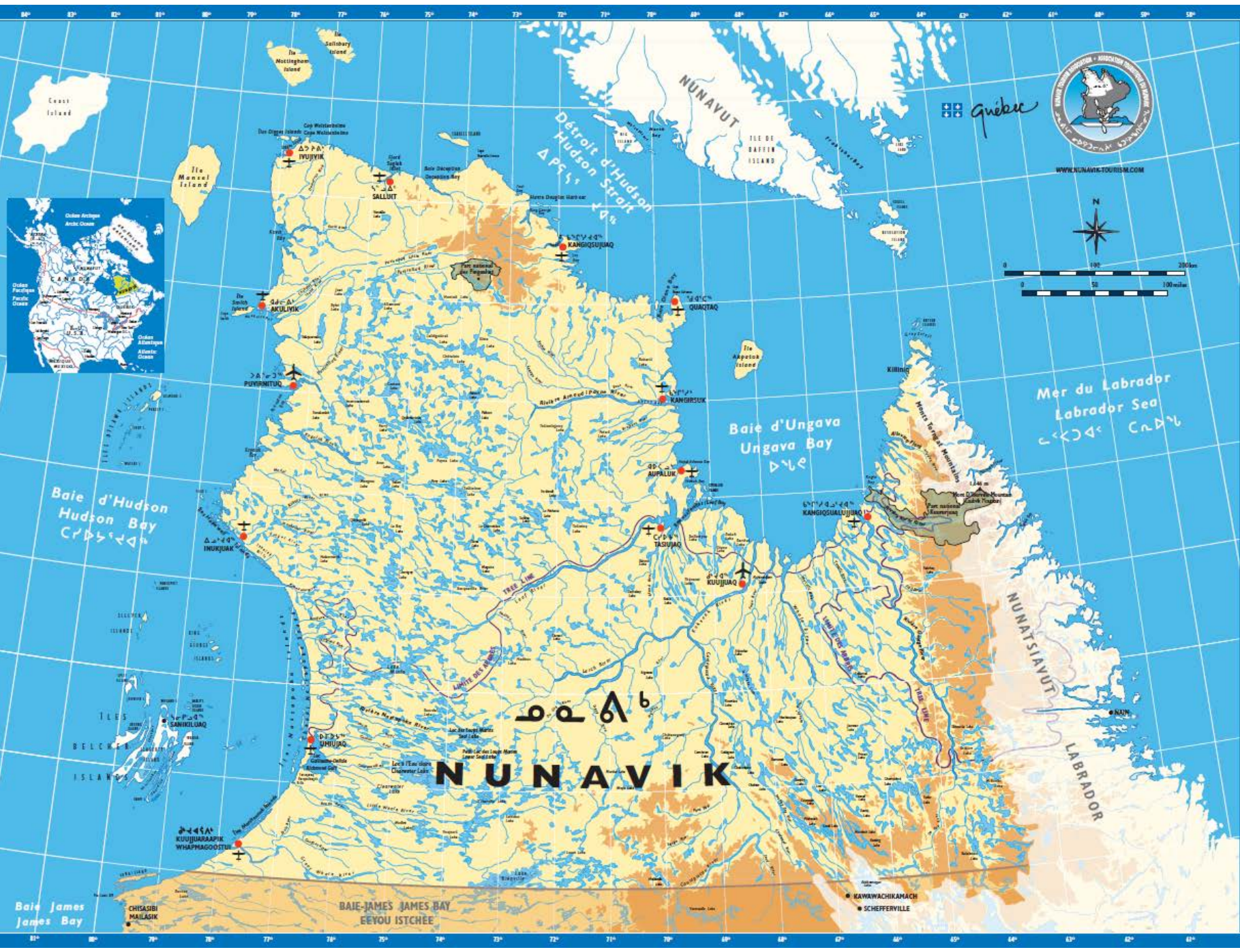


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Environmental Assessment in Nunavik

- Nunavik is a jurisdictionally complex region
- Consequently, so is the conduct of environmental assessment
- The JBNQA (Chapter 23) and NILCA (Article 7) both include provisions for Environmental Assessment and establish structures to this effect



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JBNQA - Section 23: Environment and Future Development North of the 55th Parallel

Matters of Provincial jurisdiction (s.23.3): The Kativik Environmental Quality Commission (KEQC) is responsible for environmental and social impact assessment with respect to matters of provincial jurisdiction.

Matters of Federal jurisdiction (s.24.4): The Environmental and Social Impact Review Panel (COFEX-North) is the body responsible to screen/review all developments subject to federal jurisdiction.



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NILCA - Article 7: Development Impact

- In the offshore, The Nunavik Marine Region Impact Review Board (NMRIRB) is responsible for project screening and may be charged with conducting reviews.
- s.7.4.7 (a): under certain circumstances, review may be conducted by a federal assessment panel in lieu of the NMRIRB, but must include socio-economic and ecosystemic impacts.



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Canadian Environmental Assessment Act (CEAA) 2012

- Despite the comprehensive review processes defined under the JBNQA and NILCA, CEAA also applies within Nunavik and the Nunavik Marine Region.
- While CEAA, in theory, included a substitution clause, it was never applied in practice resulting in multiple processes occurring concurrently (e.g. Canadian Royalties - Deception Bay).
- CEAA regime is based on rules of application, purposes, and institutions that are different from those in JBNQA and NILCA and diminishes the role of Inuit and the rights guaranteed under their Land Claims Agreements.
- CEAA must be amended to clearly recognize paramountcy of NILCA and JBNQA.



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What We Heard

Makivik recently hosted a 1-day workshop on the CEAA review with Nunavik representatives (RNUK, KEQC, NLHCA, KEAC, NMRWB, NMRIRB, NMRPC, ECCC, COFEX-North) to hear their views. Key points can be grouped as follows:

1. Harmonization
2. Regional representation during decision-making
3. Community-engagement
4. Inclusion of Inuit knowledge



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Harmonization

- The impact review process should be simple and multiplication of processes should be avoided by harmonization to the highest standard
- Must be without prejudice to the processes negotiated under Land Claims Agreements, including timelines (or absence thereof)
- Encourage more transparency in the process, particularly for referral of projects for Federal review under NILCA (what is criteria?)



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Regional representation during decision-making

- Land Claims structures guarantee that a portion of review panel members will be appointed regionally.
- Instances where Federal review panels have included members with little or no knowledge of Nunavik or of Inuit culture/society: this is unacceptable.



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Community-Engagement

- Multiple review processes will result in loss of public engagement.
- Communities are ill-informed about the EA process in general: more outreach and education is needed.
- Public consultation mechanisms that are effective in the South may be inappropriate in the North where communities often lack the technical experts to adequately assess socio-economic and environmental impacts and where communication is limited: more in-person engagement necessary by proponent and governments (e.g. Q&A sessions with promoter + critics).
- Important to communicate outcome of the processes to communities.



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Inclusion of Traditional Knowledge

- Decision-makers from outside the region cannot fully grasp the value and richness of Traditional Knowledge (TK).
- TK must be considered equivalent to science, not as a means of supporting science. Should not be shrugged off simply because scientists are of an opposite view.
- Must be considerate of intellectual property rights. Many Inuit are hesitant to share their views in the EA process because of past experiences with cultural appropriation.



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Thank You.