

BLOOM LAKE IRON MINE
ENVIRONMENTAL IMPACT STATEMENT
COMMENTS OF THE NASKAPI NATION OF KAWAWACHIKAMACH

SUBMITTED TO:

BUREAU D'AUDIENCES PUBLIQUES SUR L'ENVIRONNEMENT

**PUBLIC HEARING IN SCHEFFERVILLE
ON 26 SEPTEMBER, 2007**

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1.0 INTRODUCTION

The Naskapi Nation of Kawawachikamach comprises some 965 registered Indians who are beneficiaries of the *Northeastern Quebec Agreement* of 1978, Canada's second modern treaty.

The Naskapi Sector, established by paragraph 24.1.34 of the *James Bay and Northern Quebec Agreement* (Figure 1), the area in which we enjoy hunting, fishing, trapping and outfitting rights, extends to within 50 km of the site of the proposed Bloom Lake Iron Mine.

The Naskapi Sector lies north of the limit of commercial forests. Most of it is close to the watershed division that separates the provinces of Québec and Newfoundland and Labrador. Consequently there is no important hydroelectric potential there. While there is undoubtedly an important potential for wind energy, it is unlikely to be economic, since the Schefferville area is not connected to Hydro-Québec's transmission grid, and there are so far no industrial consumers in the area.

Given the foregoing, the only hope for substantial job-creation in the area is mining. In the absence of projects that create large numbers of skilled and unskilled jobs, young Naskapis will increasingly leave the Kawawachikamach region in search of satisfying employment. The long-term outcome will be the disappearance of our society and culture. Sept-Îles and Labrador City, with their larger populations, both experienced such population out-migrations in response primarily to changes in the iron ore industry.

We have, therefore, little choice but to support mining projects. We shall not, however, support them at any price: they must be respectful of the environment and must provide us with important and long-term benefits; in other words, they must contribute to sustainability.

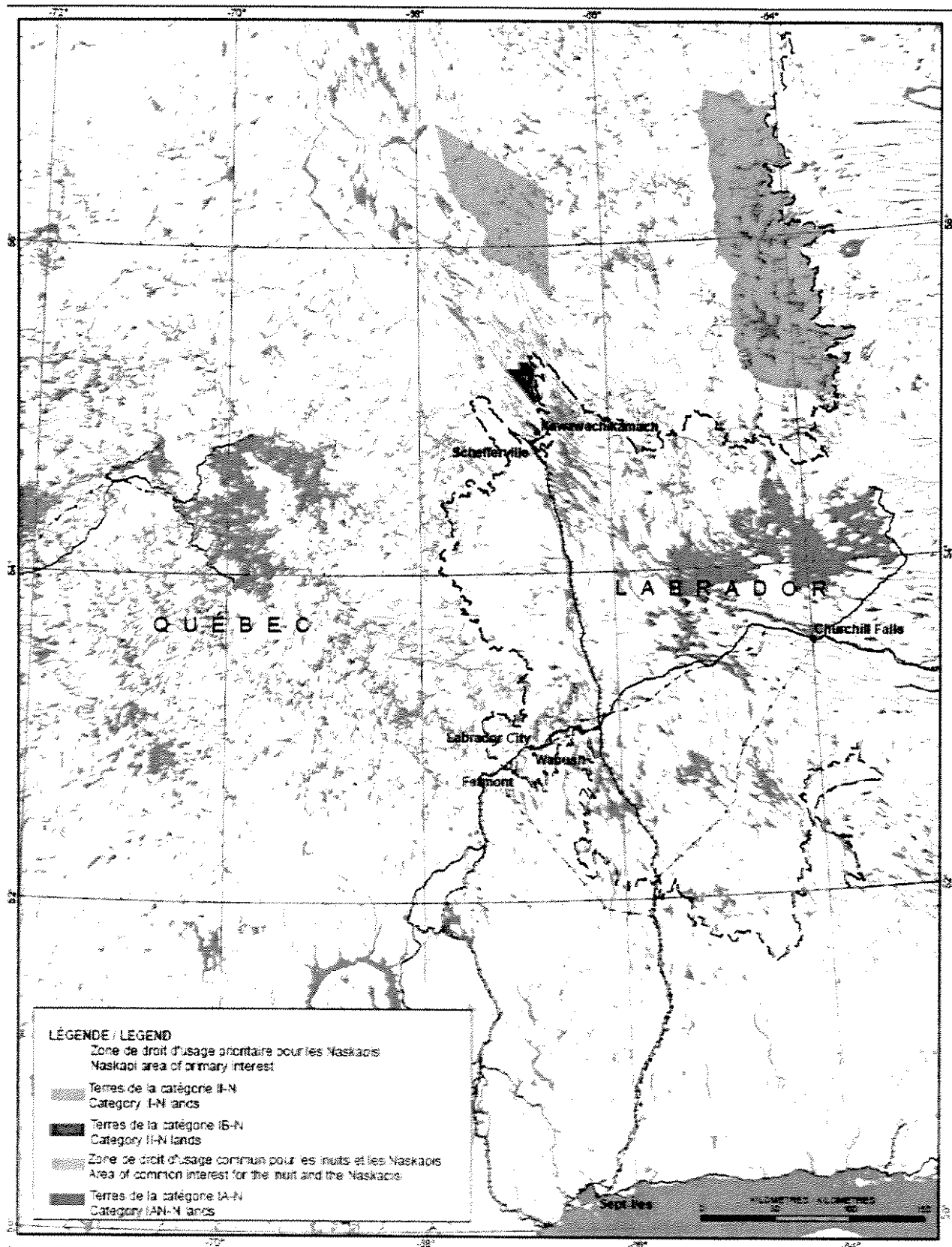
We are part-owners and royalty holders of the LabMag Iron Ore Project. We also have good relationships with other mining companies operating in the Schefferville-Kawawachikamach area, such as Adriana Resources Inc. and Labrador Iron Mines Ltd.

In the brief that we submitted in Fermont on 9 July, 2007, we argued that all mining and other developments in or potentially affecting the Naskapi Sector, including those in which we or any other Naskapi entities have an ownership or other interest, should be subjected to a rigorous assessment of their potential environmental impacts.

The thrust of that brief was that a "rigorous" assessment necessarily included public hearings. We are pleased that the Bureau d'audiences publiques sur l'environnement decided to hold public hearings.

In the present brief we explore certain other prerequisites of rigorous, state-of-the art environmental impact assessment, namely: the use of properly collected data from the site of the project that has sufficient time depth to reveal seasonal, inter-annual and, in some cases, cyclical variations; the grouping of species and human groups for purposes of predicting impacts; the approach to assessing cumulative impacts; and the issue of sustainability.

Figure 1: Naskapi Sector



2.0 SUBSTANTIVE ISSUES

2.1 Data Quality and Time Depth

Table 1 reveals that in many cases data were not collected within the Local Study Area (“LSA”) identified in Subsection 4.1.2 of the environmental impact statement (“EIS”) (Genivar Décembre 2006).

Given the public concern about the dispersion of dust from the project and its potential effects on human health, the absence of site-specific data on climate and air quality is particularly surprising.

Micromammals are at the base of the food chain, which makes the absence of site-specific data worrisome.

The hunting, fishing and trapping activities practised by the Innu represent the exercise of a constitutionally entrenched Aboriginal right. It is disturbing, therefore, that only five Innu were interviewed and that the report does not describe the protocols or instruments used or describe in modest detail the nature of the use of the LSA by the Innu.

Where the EIS gives information on the dates and duration of fieldwork, most of it appears to have been limited to Summer, 2006. In a few cases, such as the levels of mercury in the flesh of fish and hydrogeology, site-specific data collected by others in the late 1990s is cited either to compensate for missing data, to enlarge sample sizes for purposes of statistical analysis or to add time depth.

The essence of environmental impact assessment is to describe the dynamics of ecosystems and societies and to compare their likely evolution with and without the project in question.

The EIS provides few insights (based either on fieldwork or a review of the literature) into the dynamics of the ecosystems and societies in question. Consequently, its predictions of impacts fail to convey any sense of how the approval or rejection of the mine will shape the social, physical and biological environments.

Some of the fieldwork that was conducted appears to have been multi-purpose. For example, data on all types of birds were collected during a single survey in June, 2006, and data on beavers, herpetofauna and micromammals appear to have been collected at the same time.

All of the field surveys of birds were conducted between 17 and 22 June, 2006 (Table 1). Leaving aside the fact that a single season of data may not be enough, the EIS does not justify the choice of those dates for all groups of birds.

Data on different groups must be collected at specific seasons that coincide with key aspects of their life cycle. Genivar (Décembre 2006: 4-114) itself recognizes that the survey was probably conducted too late to provide accurate information on the numbers of breeding pairs of certain species of wildlife. No late-winter surveys of breeding owls were conducted.

Table 1: Bloom Lake Environmental Impact Statement - Overview of Data-Collection

Topic	Fieldwork	Comments
Climate	No	Data from weather stations at Fermont, Wabush Lake Airport and Schefferville used.
Air quality	No	Analysis based on meteorological maps and orthophotographs.
Geomorphology	Yes	
Hydrology	Limited	Much reliance on hydrological station on rivière aux Pékans 200 km from Bloom Lake. Map 4.5 shows two sites for measuring levels and flows and four sites for measuring flows. Tables 4.16 and 4.17 record only five days of flow measurement, all in Summer, 2006.
Hydrogeology	Limited	Two water quality campaigns (August & November, 2006). No new drilling. Table 4.25 suggests only three useable samples. Water beneath till sampled at five sites.
Sediment quality	Yes	
Vegetation	Yes	
Aquatic fauna	Yes	Mercury analysis uses Roche 1998 data. No data for many water bodies in LSA.
Benthic invertebrates	Limited	Only three stations sampled.
Herpetofauna	No	Casual observations during bird surveys, the timing of which was not optimal for observing herpetofauna.
Birds	Limited	Waterfowl - aerial survey 17-18/06/06; birds of prey - aerial survey 18/06/06; shorebirds and wading birds and other aquatic birds - foot surveys 18-22/06/06; song birds - single foot inventory 20-22/06/06
Caribou	No	Opportunistic data collected during other inventories.
Moose	No	Opportunistic data collected during other inventories.
Black bear	No	Opportunistic data collected during other inventories.
Small fauna	Limited	Beavers surveyed during aerial waterfowl survey. Only "sporadic observations" of other species.
Micromammals	No	Analysis based on three published studies, only one of which was for an area reasonably close to the LSA.
Chalets/secondary residences	Yes	
Hunting, fishing, trapping	Limited	Interviewed only holders of land-occupation rights.
Innu	Limited	Interviewed only five holders of traplines. Interview protocols/instruments and results not presented.
Snowmobile and quad users	No	
Archaeology	No	Only study of potential conducted. No field validation of results.

In our opinion the data base is in many respects inadequate to permit accurate impact predictions.

2.2 Impact Predictions by Taxon

With respect to the biological environment, Chapter 6 predicts impacts by taxon rather than by species (or even groups of species). For example, the 10 species of fish identified in the LSA and the 51 species of birds observed there were grouped for purposes of impact prediction and evaluation, and one evaluation was made for each group.

The preceding approach assumes that all of the species of a given taxon will react identically to the sources of impact generated at each stage of the project.

That is most unlikely to be the case. If the proponent believes that such is the case for the Bloom Lake Iron Mine, it is incumbent upon it to document its view.

Assessing the significance of predicted impacts involves judgments about such matters as the “value” of ecosystem components (Environnement Québec. Avril 1997). The approach adopted in the EIS also seems to reflect the view that each species of fish or bird, for example, has an equal value, or that their values can somehow be averaged. Neither appears to us to be plausible.

The approach adopted results in the land- and resource-use of the Innu being lumped in with such activities as cottaging and the use of recreational vehicles. That is unfair to the Innu, since they are exercising constitutionally recognized and entrenched rights, which is not the case for the non-Natives.

The approach adopted is particularly surprising, since the discussion of cumulative impacts follows the now-standard practice of species-specific impact assessments based on valued ecosystem components (“VECs”).

We believe that a species-specific, VEC approach to predicting and assessing impacts should be requested.

2.3 Cumulative Impacts

The list of past projects, actions and events that have had an influence on the VECs selected for Chapter 6 is comprehensive, but it is surprising that it does not include the signing of Canada’s first two modern treaties (the *James Bay and Northern Quebec Agreement* of 1975 and the *Northeastern Quebec Agreement* of 1978) and several decisions of the Supreme Court of Canada relating to Aboriginal and treaty rights.

It is also disappointing that the treaty rights of the Crees and Naskapis and the Aboriginal rights of the Innu were not selected as VECs for purposes of the assessment of the cumulative effects of the project.

2.4 Sustainability

Sustainability has several dimensions:

- how a project contributes to identifying the natural capital of a region, for example by identifying new, commercially exploitable natural resources;
- how a project contributes to the financial capital of a region by injecting money in the form of wages, expenditures on goods and services and taxes;
- how a project contributes to the human capital of a region by providing training and employment opportunities and encouraging business development;
- how a project contributes to the social capital of a region by contributing to the structures and networks that facilitate individual or collective contributions to sustainable development.

In a region that has experienced the catastrophic consequences of the boom-and-bust economy for single-industry towns twice in the last 25 years (Gagnonville and Schefferville), the EIS should present concrete and realistic measures to ensure that it will not leave a legacy of unemployment, bankruptcies and disappointment. The EIS does not succeed on that count.

3.0 RECOMMENDATIONS

In the light of the foregoing, we respectfully recommend to the Commissioners that they proceed as follows:

- that they direct the proponent to collect the site-specific data of appropriate time depth that are a prerequisite for accurately predicting the likely impacts of the project;
- that they direct the proponent to apply a VEC approach to predicting impacts and to make specific impact predictions for each VEC;
- that they direct the proponent to include modern treaties and selected Supreme Court judgments as potential sources of cumulative impacts and to add the treaty rights of the Naskapis and the Crees and the Aboriginal rights of the Innu to the list of VECs for that analysis;
- that they insist that the proponent adequately address sustainability, preferably by committing to a binding and realistic set of measures to protect and enhance the natural, social, financial and human capital of the region in which it is located and the larger region in which its effects will be felt.

4.0 REFERENCES CITED

Environnement Québec. Avril 1997 (Mise à jour automne 2003). *Directive pour la réalisation d'une étude d'impact sur l'environnement d'un projet minier.*

Genivar. Décembre 2006. *Projet de mine de fer du lac Bloom. Étude d'impact sur l'environnement.*

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BLOOM LAKE IRON MINE**ENVIRONMENTAL IMPACT STATEMENT****COMMENTS OF THE
NASKAPI NATION OF KAWAWACHIKAMACH**

SUBMITTED TO:

BUREAU D'AUDIENCES PUBLIQUES SUR L'ENVIRONNEMENT

PUBLIC HEARING IN SCHEFFERVILLE
ON 26 SEPTEMBER, 2007**THE NASKAPIS****IDENTIFICATION**

- 965 REGISTERED INDIANS
- MAJORITY LIVE AT KAWAWACHIKAMACH
- SIGNED NORTHEASTERN QUEBEC AGREEMENT IN 1978
- UNDER *CREE-NASKAPI (OF QUEBEC) ACT* OF 1984, CANADA'S FIRST SELF-GOVERNING NATION
- NASKAPI SECTOR EXTENDS TO WITHIN 50 KM OF BLOOM LAKE SITE

THE NASKAPIS

POSITION ON MINING

- THE NASKAPIS SUPPORT MINING PROJECTS THAT ARE SENSITIVE TO ENVIRONMENTAL AND SOCIAL CONCERNS
- THE NASKAPIS ARE A 20% OWNER AND A ROYALTY HOLDER IN THE LABMAG IRON ORE PROJECT

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MINING AND ENVIRONMENTAL IMPACT ASSESSMENT

- THE NASKAPIS BELIEVE THAT ALL MINING PROJECTS IN OR AFFECTING THE NASKAPI SECTOR SHOULD BE SUBJECT TO RIGOROUS ENVIRONMENTAL IMPACT ASSESSMENT
- THAT INCLUDES THE PROJECTS OF WHICH THEY ARE OWNERS OR IN WHICH THEY HAVE OTHER INTERESTS

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BRIEF OF 9 JULY, 2007

- “RIGOROUS” IMPACT ASSESSMENT OF MINING PROJECTS MUST INCLUDE PUBLIC HEARINGS
- PLEASED WITH BAPE’S DECISION TO HOLD PUBLIC HEARINGS AND TO INCLUDE THE SCHEFFERVILLE/ KAWAWACHIKAMACH AREA

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RIGOROUS IMPACT ASSESSMENT

FURTHER ATTRIBUTES

- DATA QUALITY
- DATA WITH SUFFICIENT TIME DEPTH
- UNITS FOR IMPACT ASSESSMENT
- CUMULATIVE IMPACTS
- SUSTAINABILITY

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DATA QUALITY

- DATA MUST INCLUDE SITE-SPECIFIC AS WELL AS REGIONAL DATA TAKEN FROM LITERATURE
- BLOOM LAKE EIS REVEALS SERIOUS GAPS IN SITE-SPECIFIC DATA:
 - CLIMATE
 - AIR QUALITY
 - HERPETOFAUNA
 - MICROMAMMALS
 - ARCHAEOLOGY

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Topic	Framework	Comments
Climate	No	Two therm weather stations at Fayston, Walnut Lake Airport and Schaffsville used.
Air quality	No	Analysis based on meteorological maps and meteorological data.
Hydrobiology	Yes	
Hydrology	Limited	Much reliance on hydrological station information from Phase 250 km from Bloom Lake. Table 4.1 shows two sites for monitoring flows and flow data for monitoring flows. Tables 4.16 and 4.17 record only five days of flow measurements, all in 2 summer, 2006.
Hydrogeology	Limited	Very sparse quality coverage (August 8, November, 2006). No new drilling. Table 4.21 suggests only three usable samples. Water samples all collected at flow gaug.
Endangered species	Yes	
Vegetation	Yes	
Aquatic plants	Yes	Mercury analysis from Rucke 1998 data. No data for other water bodies in U.S.A.
Reptiles and amphibians	Limited	Only three regional surveys.
Herpetofauna	No	Ground observations during land surveys, the timing of which was not optimal for observing herpetofauna.
Birds	Limited	Wintered - aerial survey 17-18/06/06; birds of prey - aerial survey 18/06/06; shorebirds and wading birds and other aquatic birds - foot surveys 18-22/06/06; song birds - single foot survey 20-22/06/06.
Caribou	No	Opportunistic data collected during other investigations.
Moose	No	Opportunistic data collected during other investigations.
Black bear	No	Opportunistic data collected during other investigations.
Ferret signs	Limited	Signs observed during aerial wetland survey. Only "opportunistic observations" of other species.
Micro-mammals	No	Analysis based on three published studies, only one of which was for an area reasonably close to the U.S.A.
Chlorine respiratory reactions	Yes	
Fishing, hunting, trapping	Limited	Interviewed only holders of land-occupation permits.
Soils	Limited	Interviewed only five holders of permits. Interviewed persons/instruments and results not presented.
Terrestrial and soil invertebrates	No	
Archaeology	No	Only study of potential conducted. No field collection of fossils.

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TIME DEPTH OF DATA

- IMPACT ASSESSMENT COMPARES THE EVOLUTION OF ECOSYSTEMS AND SOCIETIES WITH AND WITHOUT A PROJECT
- DATA MUST HAVE TIME DEPTH NEEDED TO REVEAL TRENDS
- MOST BLOOM LAKE DATA BASED ON A SINGLE SEASON OF DATA
- TIMING OF FIELD STUDIES NOT ADAPTED TO LIFE CYCLES OF SPECIES STUDIED

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UNITS FOR IMPACT ASSESSMENT

- SPECIES/POPULATIONS ARE APPROPRIATE UNITS FOR IMPACT ASSESSMENT
- IMPACT ASSESSMENT NORMALLY FOCUSES ON VALUED ECOSYSTEM COMPONENTS
- BLOOM LAKE EIS USES ENTIRE TAXA (E.G., FISH, BIRDS) AS UNITS FOR IMPACT ASSESSMENT
- TRIVIALIZES CREE + NASKAPI TREATY RIGHTS AND INNU CONSTITUTIONALLY PROTECTED ABORIGINAL RIGHTS BY LUMPING THEM WITH COTTAGING, SKIDOOING AND SPORT HUNTING/ FISHING
- BUT CUMULATIVE IMPACT ASSESSMENT USES SPECIES/VECS

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CUMULATIVE IMPACT ASSESSMENT

- BLOOM LAKE EIS OMITTS IMPORTANT SOURCES OF IMPACTS:
 - 1975 AND 1978 TREATIES
 - SUPREME COURT JUDGMENTS
- BLOOM LAKE EIS FAILS TO CONSIDER TREATY RIGHTS OF NASKAPIS AND CREES AND ABORIGINAL RIGHTS OF INNU AS VECs

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SUSTAINABILITY

- BLOOM LAKE EIS DEALS INADEQUATELY WITH SUSTAINABILITY:
 - IMPACTS ON NATURAL CAPITAL, FINANCIAL CAPITAL, HUMAN CAPITAL AND SOCIAL CAPITAL OF REGION

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RECOMMENDATIONS

WE ASK THE BAPE TO DIRECT THE PROPONENT:

- TO COLLECT SITE-SPECIFIC AND PUBLISHED DATA OF APPROPRIATE TIME DEPTH TO REVEAL SOCIAL AND ECOSYSTEM TRENDS AND CYCLES
- TO APPLY A SPECIES-BASED, VEC APPROACH TO IMPACT PREDICTION AND ASSESSMENT
- TO INCLUDE TREATY RIGHTS AND SUPREME COURT DECISIONS AS POTENTIAL SOURCES OF CUMULATIVE IMPACTS
- TO ADD TREATY RIGHTS (NASKAPIS, CREES) AND ABORIGINAL RIGHTS (INNU) TO LIST OF VECs FOR CUMULATIVE IMPACTS
- TO CONSIDER THE IMPACTS OF THE PROJECT ON SUSTAINABILITY AND COMMIT TO BINDING MEASURES TO PROTECT AND ENHANCE THE NATURAL, SOCIAL, FINANCIAL AND HUMAN CAPITAL OF THE REGION, THEREBY REDUCING THE CHANCES OF "BOOM AND BUST" AS AT GAGNONVILLE AND SCHEFFERVILLE

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THANK YOU

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