

**BUREAU D'AUDIENCES PUBLIQUES  
SUR L'ENVIRONNEMENT**

ÉTAIENT PRÉSENTS:            M. QUSSAÏ SAMAK, président  
   M. MICHEL GERMAIN, commissaire

**AUDIENCE PUBLIQUE  
SUR LE PROJET DE MINE DE FER AU LAC BLOOM  
PAR CONSOLIDATED THOMPSON IRON MINES LIMITED**

**DEUXIÈME PARTIE**

VOLUME 2

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Hôtel-motel Royal  
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Schefferville

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## MOT DU PRÉSIDENT

### LE PRÉSIDENT:

5 On va commencer. Je vous invite à prendre place. On va commencer en français et les éléments importants, je vais tâcher à le dire aussi en anglais.

10 Before we start, I would like to know if Mr. Jimmy James, the Chief of the Naskapi Kawawachikamach Nation would like to say something before we start by way of initiating the proceedings.

### Mr. JIMMY JAMES EINISH :

15 I would like to welcome you tonight for this presentation for Bloom Lake Iron Mine, environment impact statement, comments of the Naskapi Nation of Kawawachikamach.

### THE CHAIRMAN :

20 Thank you very much.

25 Alors, comme je vous ai dit, les éléments importants, je vais les reprendre en anglais. Alors, mon nom est Qussaï Samak. J'ai la charge de présider la commission qui a le mandat d'examiner le projet de mine de fer du lac Bloom. J'ai le plaisir de partager le travail de cette commission avec mon collègue, monsieur Michel Germain, à ma gauche.

30 And the Commission, myself, and Mr. Germain, we are here with you for the second part of the hearing regarding this project, the first part having taken place in Fermont on the 28th of August.

35 The mandate for this commission was sent to BAPE, transmitted to BAPE by Madame Minister Beauchamp, Minister of Sustainable Development, Environment and Parks.

40 The mandate started on the 20th of August. We held the first part of the hearing in Fermont on the 28th. And the second part of the hearing, this is the second session of the second part, the first having been held yesterday evening in Sept-Îles.

Ça, c'est la deuxième séance de la deuxième partie de l'audience et, demain, on terminera la deuxième partie de l'audience avec la séance qui aura lieu à Fermont.

45 Nous avons avec nous une équipe. Nous avons avec nous madame Boutin en arrière, coordonnatrice des travaux de la commission, et vous l'avez rencontrée sans doute.

45 Et nous avons également monsieur Grenier qui nous aide, du Centre des services partagés de Québec, qui assure le soutien logistique des travaux de la commission et l'enregistrement sonore, et caetera, et madame Lise Maisonneuve qui consigne tout ce qu'on dit durant la séance dans des transcriptions.

And these transcripts will be available in the next few days, within one week maximum.

50 As you know, we have exceptionally provided for the possibility of asking questions regarding the project in the second part of the hearing, meaning this session.

55 Si des citoyens, des membres de la communauté ont encore des questions à propos du projet, on a permis exceptionnellement aux gens de poser des questions ou de nous envoyer des questions sachant que la première partie de l'audience a eu lieu seulement à la ville de Fermont.

60 On a tout fait pour pouvoir transmettre l'information à vous, particulièrement à la communauté innue de Sept-Îles. On s'est organisés pour transmettre la séance à travers les ondes de la radio locale.

65 Mais comme on a dit qu'il va y avoir toujours la possibilité de poser des questions concernant le projet, on a donné un délai supplémentaire aux citoyens et aux membres des communautés à Sept-Îles et à Schefferville de pouvoir transmettre à la commission des mémoires dans un délai d'une semaine suivant la séance.

70 Donc, vous avez ici une semaine, à partir d'aujourd'hui, pour pouvoir transmettre des mémoires ou vos opinions à propos du projet, étant donné qu'on a donné le même délai aux membres de la communauté concernée par le projet à Sept-Îles.

75 So, as we allowed, given the fact that the first part of the hearing, which is dedicated completely to acquiring information about the project, as we have held one session only in Fermont, the Commission has exceptionally provided for the possibility of community members in Sept-Îles and Schefferville to ask questions, if they have any other questions they need answered regarding the project, that we allowed for the possibility of receiving these questions in the second part of the hearing.

80 So, I would advise you, if any of you present have any questions regarding the project, to simply inform Madame Boutin in the back of their intention to ask questions regarding the project. And we will get to these questions once we finish the presentations of the briefs that are registered with us this evening.

Is there anything else? Je ne crois pas. As far as the proceedings this evening, I will call

the representatives of the organizations that have registered with us to submit their briefs. And the Commission will discuss with them the content of their briefs.

85

Je vais appeler les gens, qui sont inscrits à présenter des mémoires ce soir, à nous faire partager leurs mémoires avec vous et avec nous. Et, par la suite, on aura une discussion.

90

Je n'ai pas besoin de vous rappeler les règles générales, que les échanges doivent se tenir dans le calme, et caetera, et caetera. Je n'ai aucune raison de croire que ça serait autrement.

95

Et il y a également un élément que j'aimerais souligner ce soir. Toute personne présente, des représentants des ministères, des organismes ou du public en général, ils ont le droit d'apporter des rectifications à l'attention de la commission s'il y a des choses dites, selon eux, qui ne sont pas factuellement fondées.

100

Les gens qui aimeraient apporter des corrections, qui seront données à la fin de la séance, sont invités également à signaler leur intention d'apporter ces corrections à madame Boutin en arrière.

105

One particularity of this second part of the hearing is that the Commission provides for the possibility of correcting information that is factually erroneous according to any person present here, whether they be representatives of public ministries, or organizations, or members of the public.

110

So if, in the course of the proceedings, anything is mentioned that any of you might find for good reason factually erroneous and would like to correct it, I will invite them to signal their intention to do so with Madame Boutin in the back. And if there are any people registered who would like to exercise their right to correct factually erroneous statements, I will invite them at the end to come and do so.

115

Le droit de rectification étant bien couvert, je crois qu'il ne me reste que, finalement, d'inviter les participants à faire leur présentation.

120

Je vous rappelle également que les mémoires que nous recevons sont mis en ligne le lendemain de la présentation. Et ça, c'est la pratique en général. Donc, les mémoires, qu'on a entendus hier à Sept-Îles, sont mis en ligne et sont consultables, accessibles à travers le site Web du Bureau d'audiences publiques sur l'environnement. Et ça sera le cas pour les présentations d'aujourd'hui.

I am told that the order has been shifted. So, I will invite Mr. Edward Shecanapish – I hope I pronounce it well – and madame Denise Geoffroy, monsieur Marc Brouillette de la

125 Société de développement des Naskapis de venir présenter leur mémoire, s'il vous plaît. Monsieur Shecanapish?

**Mr. EDWARD SHECANAPISH :**

130 Good evening. Thank you for having me here.

**THE CHAIRMAN :**

Pleasure.

135 **Mr. EDWARD SHECANAPISH :**

I want to apologize for the majority, they speak French and I can't do my presentation in French.

140 **LE PRÉSIDENT :**

S'il y a des éléments saillants, je traduirai au besoin les éléments importants.

**Mr. EDWARD SHECANAPISH :**

145 My name is Edward Shecanapish. I am the Vice-President of Naskapi Development Corporation and President of Naskapi Management Service. I was asked to do the presentation on behalf of Naskapi Management Service and Naskapi Development Corporation.

150 I am going to start.

THE PARTICIPANT READS HIS BRIEF

**THE CHAIRMAN :**

155 Thank you Mr. Shecanapish, much appreciated.

Madame Geoffroy, avez-vous d'autre chose à ajouter?

160 **Mme DENISE GEOFFROY :**

Je suis ici si vous avez des questions et monsieur Shecanapish n'est pas à l'aise de répondre.

165 **LE PRÉSIDENT :**

Très bien. Monsieur Germain, any questions?

170 **Mr. MICHEL GERMAIN, Commissioner :**

My English is not as good as my colleague. Nevertheless, I will ask you a question. It's about at the end of your brief, you talk about initial contacts with Consolidated Thompson, I am right?

175 I understand that you have discussed with the proponent of the Bloom Lake project so far. That's right? You had a meeting with the proponent?

**Mrs. DENISE GEOFFROY :**

180 There was a very brief meeting unofficial. It was not reported to the board of directors. So, we just mention here that we had initial contacts but that's it.

**Mr. MICHEL GERMAIN, Commissioner :**

185 It is because the proponent was supposed to be here tonight, but his plane was not able to come here in Schefferville. I was told that the proponent is somewhere in Wabush, I think. So, we can't ask him questions tonight to try to know what he is intending to do with your brief about job creation, job training and things like that for the Naskapi people.

190 But what I would ask of you is, can you tell us more about your expectations about the project, about the Bloom Lake project in terms of job training contract? Do you have precise expectations that you can tell us tonight?

**Mrs. DENISE GEOFFROY :**

195 I think that it is too early to be very precise about anything. We want to make sure that the project takes into account the concerns of all the native groups, that the Naskapi concerns will be taken into account as well as those of the Innu.

200 And these concerns are for environment, for the development of the community, for jobs, for their economic development.

205 As Mr. Shecanapish said, the Naskapi have the experience with the Iron Ore. And for the Naskapi to have jobs with IOC, it was an upheld battle. And when IOC left, they were really left, left.

210 The non-natives who came here for IOC, they had compensations to leave Schefferville, but Schefferville was really on Naskapi lands and on Innu lands. And the Naskapi never got any compensations for that and the Innu either. They were never really participants to the wealth that was taken out of here, of their territory. And now, they are left with a disaster.

215 And when they see another mining development at the southern limit of their territory, of course they have concerns. Maybe they are happy that there might be a development but, at the same time, they do not want to see history repeat itself. If there is a development, they want to be part of it, but they want it to be done in the respect of their concerns.

**THE CHAIRMAN :**

220 I have a question, Mr. Shecanapish. You mentioned that the members of the community here are about 1,000. How many of the ... approximately, I am not asking for a very precise number, approximately how many members of the community you would consider employable or trainable to benefit from the job opportunities that the project represents, approximately?

225 **Mr. EDWARD SHECANAPISH :**

It is really hard to answer, because ...

**THE CHAIRMAN :**

230 Yes, of course.

**Mr. EDWARD SHECANAPISH :**

235 ... only the elders would have had experience working with IOC. But after IOC, they never worked again.

**THE CHAIRMAN :**

240 Okay.

**Mr. EDWARD SHECANAPISH :**

I do not know, I cannot say the number.

245 **THE CHAIRMAN :**

But members of employable potential of your community are interested and willing to receive the training, if need be, and there are members of your community who have some skills



250 that would make them employable right away in one way or another, in one potential or another regarding the project.

Madame Geoffroy?

255 **Mrs. DENISE GEOFFROY :**

There are a lot of the Naskapi young people who have received education outside. Some of them have trade skills. Some of them are for instance... if you come to Kawawa, you will see that it is a very nice community and it is built mainly by the Naskapi. So, they have a lot of construction skills. They have all the skills for the maintenance of the community, every aspect of the maintenance, the municipal systems, the houses, the roads, streets.

260 **THE CHAIRMAN :**

Thank you. Please continue.

265 **Mrs. DENISE GEOFFROY :**

And they have also skills as heavy equipment operators. Some of them have worked for the Naskapi Nation. Some of them worked for Naskapi Management Services where the Naskapi have had the road maintenance contract now for over fifteen years.

270 But when you ask for the precise skills for the construction phase of the mine and for also the operation of the mine, then you are talking about very precise skills. So, if you ask me tomorrow morning how many Naskapi can work in the mine ...

275 **THE CHAIRMAN :**

Of course, I would not expect ...

280 **Mrs. DENISE GEOFFROY :**

... it is probably zero.

285 **THE CHAIRMAN :**

Right, right.

**Mrs. DENISE GEOFFROY :**

290 Except maybe in the skills that they already have. If you want carpenters, we have

carpenters. If you want heavy equipment operators, we have them. If you want truck drivers, we have them. Not large quantities, but there are some. But it is possible to organize training.

**THE CHAIRMAN :**

295

Right.

**Mrs. DENISE GEOFFROY :**

300

And people can acquire those skills if we are given, you know, a lead time. Of course, you do not ask for tomorrow morning. You need a one-year lead time. For some skills, you need two years.

305

And this is good also for the young people because, right now, they see very few opportunities. But if they know that there are opportunities, maybe they will be motivated to take precise training for a job that is right ahead of them.

310

Right now, when there are jobs, people go and they are very good at taking training. They succeed and they keep their jobs.

**THE CHAIRMAN :**

315

And currently, are there employment possibilities currently, either industrial or mining... without the project we are talking about, as things stand today, what is the employment profile among the members of the community? Are there projects? Are there businesses, enterprises, beyond the service sector of the community itself?

**Mrs. DENISE GEOFFROY :**

320

Very few.

**THE CHAIRMAN :**

325

Very few.

**Mrs. DENISE GEOFFROY :**

330

There is the Naskapi Management Services which is a construction company. So, whenever they have contracts, they hire mainly Naskapi. And Naskapi Management Services tries to take contracts that take into account the skills that we have in the community. And we work in northern areas. We try to have contracts here in the Schefferville area and in the James Bay area.

**THE CHAIRMAN :**

335

One last question as far as I am concerned. Perhaps my colleague has other questions. As you know, yesterday, the members of the Innu Nation in Sept-Îles have shared with the Commission, with the panel their desire also to see the project become a purveyor of jobs, and training, and building of skills, and so on. And they are, in essence, concerned with the project in a more immediate way, because the project is on land that is historically theirs, on which they have always practiced their traditional ancestral rights.

340

Do you see any contradiction between the possibility of the project to accommodate the legitimate expectations of the Innu Nation as well as the expectations and wishes of the Naskapi Nation?

345

**Mrs. DENISE GEOFFROY :**

If you are talking about the Naskapi Nation, I think it would be better to ask the Deputy Chief Jimmy James Einish to respond in the name of the Naskapi Nation ...

350

**THE CHAIRMAN :**

We will do so.

355

**Mrs. DENISE GEOFFROY :**

... because they are the political organization.

360

**THE CHAIRMAN :**

Right, right.

365

**Mrs. DENISE GEOFFROY :**

The Naskapi Development Corporation has concerns with the future of the community, to maintain its culture, to maintain its traditions, its way of life and also its well-being and its economic development. We are not a political entity.

370

**THE CHAIRMAN :**

Understood and taken into account.

375

D'autres questions, Monsieur Germain? Non?

Thank you, sir. Thank you, Madame.

**Mme DENISE GEOFFROY :**

380

Merci beaucoup.

**THE CHAIRMAN :**

385

I now invite Mr. Jimmy James Einish, the Deputy Chief of the Naskapi Nation to come and present their brief.

Mr. James, I believe Mr. Wilkinson will join you? Mr. Wilkinson. Go ahead please.

390

**Mr. JIMMY JAMES EINISH :**

We are the Naskapi Nation representatives. We are representing for our nation for the community and Mr. Wilkinson will do a presentation.

395

**THE CHAIRMAN :**

Excellent.

**M. PAUL WILKINSON :**

400

Merci bien. Avec votre permission, je vais résumer le mémoire ...

**THE CHAIRMAN :**

405

Yes.

**M. PAUL WILKINSON :**

410

... de la Nation Naskapi en anglais. Je tiens toujours à souligner que le texte complet de notre mémoire est disponible ici dans la salle en anglais et en français. Donc, les personnes qui sont moins à l'aise en anglais pourront peut-être suivre.

I would like to make a couple of comments that are not part of our brief, that flow from your exchanges with the Naskapi Development Corporation.

415

The first is that, in a curious way, Consolidated Thompson offered to negotiate an impact and benefit agreement with the Nation. I say «in a curious way», because the message

was communicated to the Nation...

420 **THE CHAIRMAN :**

Which nation?

425 **Mr. PAUL WILKINSON :**

The Naskapi Nation.

**THE CHAIRMAN :**

430 The Naskapi Nation.

**Mr. PAUL WILKINSON :**

435 The message was communicated to the Naskapi Nation through a representative of the Labrador Innu who had been... the Labrador Innu, as I understand it, are negotiating or have been in negotiations with Consolidated Thompson.

440 The Council of the Naskapi Nation considered this offer at a recent meeting and it rejected it. It rejects it on the grounds that, as you yourself have pointed out, the Bloom Lake project, although it has the potential to affect Naskapi lands, Naskapi rights, Naskapi activities, physically it is located on lands that are traditionally Innu lands.

445 And I think it is undoubtedly the case that, for that reason, the Innu will be more affected by the project than the Naskapis are likely to be.

450 And it was a matter of principle for the Naskapis that companies be required or encouraged to negotiate impact and benefit agreements only with First Nations on whose lands projects are located or in exceptional situations if a project is located very, very close to an area of great importance for another First Nation, with First Nations that are likely to be very profoundly affected.

And the Council was quite explicit in the response that it sent, that in refusing this offer, it is also protecting its own interests.

455 As the Nation pointed out in the brief that it submitted to you in July, there are many projects at varying stages of exploration in and on Naskapi lands. And it seems highly probable that one or more of these projects might well at least undergo environmental impact assessment if not actually go into production.

460 And the Nation wanted to protect itself against creating a precedent whereby First Nations from distant places may come and say, «Well, you know, we want a part of this particular case.» And it is for that reason that it explains this in its letter of refusal, that it refused this offer.

465 Would you ask, might there be a contradiction or a conflict in satisfying the expectations of the Naskapis, as articulated by our colleagues of Naskapi Development Corporation, for a share of the employment, contracting, training and other benefits flowing from Bloom Lake and satisfying the demands of the two most concerned Innu communities, Uashat and Maliotenam and Matimekosh-Lac John? I suspect not.

470 I mean certainly the construction phases are based on the figures in the Genivar impact statement. There are several hundred jobs. There are what? Also, I think, maybe 250 or more at the operation stage.

475 So, I would think that it would be... there isn't an obvious labor force in the immediate vicinity of the project either. I mean the labor is going to have to come in large part from outside, except perhaps in the event that Wabush Mines closes down in the coming years and I think that is perhaps not impossible.

480 And just from the point of view of self interest of the company, it might be a lot easier and cheaper bringing people by rail from the Schefferville- Kawawachikamach area to work than flying them in from wherever it might be.

485 As Deputy Chief Jimmy James explained, the distinction between the Naskapi Nation and Naskapi Development Corporation is that the Nation is the government of the category 1A-N lands situated at about 15 kms from here, on which the Naskapis built the new village of Kawawachikamach, which was one of the benefits that they derived from the Northeastern Quebec Agreement that they signed in 1978.

490 The Nation is also the guardian of the treaty rights of the Naskapis, in the sense that the Northeastern Quebec Agreement and the portions of the James Bay Agreement, to which the Naskapi Nation is a party, cannot be amended without the consent of what we call the Naskapi Landholding Corporation, but the board of the Landholding Corporation has the same composition as the Council, the Nation. So, in fact, it comes then to the same thing.

495 The Nation, we wish to stress, does not have a position as far as the Bloom Lake project is concerned. We heard in Sept-Îles last night, there were some Innu who would very much like the project to go ahead. There are others who, for the reasons that they explained, are opposed to its going ahead, at least until an acceptable level of accommodations has been reached.

500 The Naskapis don't have a position on the project in the political sense. They are neither

for it nor against it.

505 On the other hand, as they pointed out in their brief in July, there are many exploration projects and some of them, many of them in the Naskapi area, and some of them are likely to go through beyond exploration into development.

510 And Bloom Lake has the good fortune or the misfortune to be the first in line. And what happens to Bloom Lake, in particular the standard of environmental impact assessment imposed on it by the various jurisdictions... and we realize that the project is subject, we would assume, to three assessment procedures: the Quebec procedure under the Environment Quality Act of which you are the guardians; the federal process under the Canadian Environmental Impact Assessment Act; and, we would assume, the Newfoundland legislation.

515 But in any case, what BAPE does in relation to Bloom Lake will, we believe, set a standard for all future mining projects in and adjacent to the Naskapi sector.

520 And the point that the Nation made in its first brief is that it wishes all of these projects to be subject to rigorous environmental impact assessment. And we should stress that this includes projects of which the Naskapi Nation is a part owner or in which it has other interests.

525 The Naskapi Nation, through a trust, is the 20% owner of a major potential iron ore project which would be located approximately 35 kms west of Schefferville in the Owl's River, but which is in Labrador, although much of its planned infrastructure would have been in Quebec, including a pelletizing plan and a deep-water dock near the western extremity of Sept-Îles bay.

530 For political reasons, that project is unlikely to go ahead. But a Quebec variant of the same project, known as the KeMag project, is currently undergoing pre-feasibility study. And the proponent of the KeMag project, new Millennium Capital Corp., has indicated its intention to negotiate impact and benefit agreements with all of the concerned First Nations.

535 And that process is expected to begin in the near future, and so it is likely that the Naskapi Nation will have an interest of some sort in this project. But the Nation has tried to be very clear that all projects, including its own, must be held to a high environmental standard.

540 In the brief submitted by the Nation in July, only one point was made. That was that, in the eyes of the Naskapis, when they talk about rigorous impact assessment, they mean impact assessment that includes the holding of public hearings. And the Nation, of course, was very satisfied when you decided that you would hold public hearings and, in particular, when you decided that one of those public hearings would be here in Schefferville.

What we try to do in the brief that we are submitting tonight is to explore a very limited

number of other aspects of what the Nation considers to be a minimum standard for rigorous environmental impact assessment.

545           The first one that we want to look at is to what extent the environmental impact statement, prepared by Genivar, includes data that were collected in the local study area defined in the EIS as opposed to relying on data from the literature or from other sources, because it is our belief that if impact predictions are to be reliable, they have to be based in large part on data that are collected in the area where the project will be built.

550           We are also of the view that the data must have adequate time depths. The essence of environmental impact assessment is not simply to describe what a given study area looks like in terms of its ecology, its societies, its economies. It is to also explain how the ecosystems, the societies and the economies function, in other words to describe their dynamics, and then to  
555           predict how these ecosystems and societies are likely to evolve, if a given project is authorized, compared with how they would evolve in the absence of that project.

          If you look at Table 1 in our brief, you will understand that it is our conclusion that the environmental impact statement reflects a serious lack of data collection in the local study area.

560           For example, we know that one of the preoccupations of the concerned populations is the dispersion of dust with its possible impacts on human health, vegetation and so on. And we find it disappointing and unacceptable that data on wind patterns and so on are not based on information taken from a modest weather station installed on the site.

565           And this is not an expensive or an onerous thing to do. You can purchase some adequate weather station certainly for \$15,000 to \$20,000 and its installation is relatively a simple matter.

          The data used in regard to climate came from weather stations in Fermont, which is  
570           reasonably close, but I mean we know that micro climates vary very much over very short distances, particularly in an area that has the kind of relief of the Bloom Lake site.

          Other data came from Wabush Lake airport which is again quite different in its topography from the site of the project. And some data came from Schefferville over 200 kms away. So, we  
575           feel that is a very fundamental shortcoming in a vital aspect of the environmental impact statement.

          Surprisingly to us, there was no fieldwork on herpetofauna, amphibians and reptiles, or on micromammals. But both of these are at the base of the food chain and if they are affected at the base, then those effects will potentially manifest themselves at higher levels of the food chain  
580           and possibly affecting species of commercial, cultural, nutritional, medicinal value.



And certainly in Quebec, it is increasingly state of the art to take into consideration amphibians, reptiles and micromammals. And we find this a surprising omission in Genivar's environmental impact statement.

585

The Innu have made it very clear that the exercise of their aboriginal rights in the vicinity of the project site is a major issue for them. And one would have expected a detailed treatment of this issue in the environmental impact statement. All we find is a reference to five Innu, the owners of the trap lines in the immediate vicinity of the site, having been interviewed.

590

We find no description of the research instruments or the protocols. And interviewing people about land and resource use is a very complex matter and there is a huge amount of expertise in it in Quebec, perhaps more than in many other parts of Canada, going back of course to the studies that were conducted by the Crees and the Inuit in preparation for their litigation against the James Bay project, including the studies that were a requirement of the James Bay and Northern Quebec Agreement, to establish the levels of harvesting by the Crees and the Inuit, and including huge amounts of work that have been done by the Innu themselves in preparation for the land claims agreements.

595

600

And the EIS actually tells us nothing about what the Innu do in that area. It just says five people were interviewed. That is all.

605

My background is in anthropology and biology. So, probably I take this very personally, but I mean I work as an environmental professional and I spend my life reading and writing environmental impact statements in many, many jurisdictions from Quebec through the Northwest Territories, and I think I have a reasonable sense of, you know, what it is fair to expect from a proponent of a project of this magnitude.

610

Another omission that personally and professionally I find surprising was that there appears to have been no archeological fieldwork. A study of the archeological potential of the area was conducted by Jean-Yves Pinal, a Quebec archeologist of considerable repute and ability. And I have looked at it and it was well-done.

615

In my view, the next step that should have been undertaken as part of the preparation of the environmental impact statement would... the potential study divides the study area into areas of high archeological potential, medium and low. And what would be normal in such a case is to inspect any areas of high potential within the study area and a sample of the areas of low potential. And this appears not to have been done as far as I can see.

620

Another aspect of the basic data collection that preoccupies me is – it is two things, there are two aspects – it is lack of time depth. Almost all of the fieldwork, particularly the biological

fieldwork, appears to have been done only in 2006. And most of it was done in a two-week period in 2006.

625           Now, normally when you are doing biological fieldwork, you have to time it such that you conduct it at key stages in the annual cycle of the species that you are studying. In many cases, it is the breeding season, or the molting season, or the migratory season.

630           But Genivar seems to have conducted a sort of all-purpose two-week campaign in a way that it even recognizes, makes it virtually certain that it overlooked key aspects of the knowledge of the biology of the area. They point out that they probably missed the breeding season of waterfowl. I would suggest that by trying to take a quick look at birds, fish, reptiles, amphibians and so on, in a short period, that they missed vast amounts.

635           And you know, one of the first thing that consultants will tell you when you ask them to do sampling, and so on, is they will say, «Look, I can do the sampling in such a way that I can either give you a very faithful portrait of what is there or I can make sure that you do not find anything that might be awkward for you to find.»

640           I am not suggesting anything of that sort happened, but I would suggest that the picture of the ecosystems in the local study area is very incomplete indeed.

645           I find the EIS to be very curious, in the sense that environmental impact statements normally predict impacts on a species basis. And in order to limit their length and to enhance their value, as is encouraged by the relevant documentation of the government of Quebec, they normally focus on what we call «valued ecosystem components».

650           In other words, instead of trying to study absolutely everything, they select various species that have differing kinds of values. They may select species that are valuable to Native people for subsistence or medicinal purposes. They might select species that are valuable to sport hunters or to outfitters.

655           But normally predictions are based on species. What Genivar did is they based their impact predictions on groups of species. They treated the ten species of fish found in the local study area as «fish» and they had a prediction for «fish». They treated the 51 species of birds as «birds» and they had a prediction for «birds».

660           But the way in which different organisms respond to the sources of impact generated by a project are very variable according to the biology, according to whether they are in a given area at a given time for migratory species, according to the sensitivity of their behavior.

So, it seems to me, I mean, just professionally unacceptable to proceed in this way. I think that the EIS should have been based on valued ecosystem components. And I find it

665 particularly surprising that that was not done, because in the treatment of cumulative impacts, they do use valued ecosystem components. So, clearly, I mean, Genivar is a highly reputable and very competent firm and they are very well-aware of these things. I am telling you things that you know better than I do.

670 The other aspect of impact prediction is that it has to take into account the value of a given species. So, if you lump all the fish or all the birds and make a single impact prediction, what you are saying about value, are you saying all these species have the same value? I would suggest that is quite simply not true.

675 Are you saying, «Well, somehow, we can come up with an average value for all of the species?» I would suggest that that is not possible. It is not something that one can do.

So, the Nation believes that a species specific, valued ecosystem component to predicting all of the impacts of the Bloom Lake project, not just its cumulative impacts, is essential.

680 As required by Quebec legislation, the EIS does address cumulative impacts. And it has a long list of projects, activities, decisions, and so on, that may contribute to the cumulative impact. It is a very good list. Actually, I was quite impressed with it, but it has some, to me, quite surprising omissions.

685 For example, it does not include the signing of Canada's first two modern treaties, the James Bay and Northern Quebec Agreement in 1975 and the Naskapi Agreement or the Northeastern Quebec Agreement in 1978. That completely changed the portrait. And this project is just adjacent to the territory covered by those two agreements and adjacent to areas where certainly Naskapis and Crees exercise constitutionally recognized treaty rights.

690 Similarly, it does not recognize, it does not include in its list several of the recent decisions – recent being less than twenty years – of the Supreme Court of Canada relating to aboriginal and treaty rights.

695 And to me, it is particularly surprising that the treaty rights of the Crees and the Naskapis and the aboriginal rights of the Innu were not selected as a valued ecosystem component for the purposes of the cumulative impact assessment. I think there is a strong potential for those rights to be protected and I think they should be addressed as such in the environmental impact statement.

700 Sustainability is a major issue in environmental impact assessment in Quebec as elsewhere. We find the treatment of sustainability in the impact statement to be seriously deficient.

I think it is helpful to identify four aspects of sustainability and to ask related questions. The first one is, how would a given project contribute to identifying the natural capital of a region? Because this is what projects do. They bring geologists and experts into a region. They identify resources, mineral resources that were not previously known to exist or they discover that known resources are actually much bigger or can be exploited more economically than had previously been anticipated.

One needs to ask how a project contributes to the financial capital of a region through its expenditures on goods, and services, and the payment of taxes of various kinds.

One needs to ask how does a project or how would a project contribute to the human capital of a region by providing training, employment, work experience, and so on.

And finally one has to ask how a project might contribute to the social capital of a region; in other words, how might it expand or strengthen the social structures and networks that assist the region in functioning.

As Naskapi Development Corporation mentioned in its brief a few moments ago, we are in a region here that is known to catastrophic situations arising from boom and bust in the last twenty-five years, a little more: Gagnonville which, I think, was about in 1978, that was just when I was starting with the Naskapis, and of course Development Corporation mentioned the closing of Schefferville in 1982.

So, it is not clear to me that Consolidated Thompson or its consultants really learned the lessons from these two events and that the environmental impact statement describes and commits to a series of measures that would avoid a reputation of that. And there is a lot of experience in this area.

Given all of this, we have a modest number of recommendations:

We would like you to direct the proponent to collect, where it is not already done so, cite specific data and to ensure in one way or another that that data has sufficient time depth to assist the proponent and those evaluating the project in understanding the dynamics of the area.

I mean I work a lot with mining companies and I realize that, you know, collecting basic data costs a lot of money, takes a lot of time for the market conditions which we are aware. Bloom Lake, like the other companies working in this area, they want to get into production as quickly as they can.

So, we are not suggesting that you send them off to do, you know, twenty-seven years of data collection in the local study area, but there is a lot more in the literature than the environmental impact statement reveals, particularly if you get into some of the grey literature,

745 you know, other impact studies that have been done, planning studies that have been done here,  
in Fermont, work that the Innu have done, work indeed that the Naskapis have done.

You know, it is possible quickly and at a modest cost to get a sense of the dynamics of the  
ecosystems and the societies concerned.

750

Secondly, the Nation would like you to direct the proponent to apply a species specific and  
preferably valued ecosystem component approach to predicting all impacts, not only the  
cumulative impacts of the project.

755

The Nation would like you to direct the proponent to include modern treaties and relevant  
Supreme Court judgments as potential sources of cumulative impacts, and to add the treaty rights  
of Naskapis and Crees and the aboriginal rights of the concerned Innu communities as a valued  
ecosystem component to be analyzed in the cumulative impact assessment.

760

Finally, we would like you to direct the proponent to a more comprehensive discussion of  
how and to what extent the Bloom Lake project would contribute to sustainability.

And we would like the proponent in its environmental impact statement to commit itself to a  
series of measures designed to ensure that, if authorized, the project will indeed contribute to  
sustainability.

765

So, with that, I thank you. I always take longer than I should and tonight is no exception.  
Thank you.

770

**THE CHAIRMAN :**

Not at all, it is a pleasure. And I would like to thank you for a thorough presentation of  
what was in the brief. And your verbal comments helped to clarify and put it in an even clearer  
perspective.

775

Before I pass on the question period to my colleague, I would like just for the record to set  
right a wrong impression that you obviously inadvertently did not mean, because you know that it  
is not really BAPE and the Commission that decided to hold the public hearings. It is the Minister  
who deemed it appropriate to do so, subject to receiving requests for hearings, and charged  
BAPE, and gave the mandate to BAPE, and we are complying with that mandate.

780

And since I am speaking about the ministry now, perhaps I will just start with one question.  
The critique you just made of the EIS, the environmental impact statement, is quite extensive,  
and thorough, and perfectly presentable.

785

Given the fact that, in the Quebec process, the Ministry of Sustainable Development,

790 Environment and Parks, when they issue a directive, and on that basis, that identifies the areas that should be covered in the EIS, once the EIS is prepared, the ministry examines it and consults with other concerned ministries and bodies, and ultimately issues what I would call a conformity statement – ce qu'on appelle en français un avis de recevabilité. And only after that conformity statement is positively issued would the EIS be given, if there is a request to BAPE, et caetera, et caetera.

795 So, I am suggesting to you that the extensive and thorough list of criticisms that you have regarding the EIS is in some way, at least indirectly, a criticism of the degree of conformity or at least the elements that are in the directive.

800 So, I am asking you this point blank, if the same statement has received a positive statement of conformity regarding the directive that was issued by the ministry, are you also saying that the elements in that directive or the conformity statement are flawed?

**Mr. PAUL WILKINSON :**

805 The directive is, of course, a generic directive that applies to all mining projects. Personally, I think actually it is a very good directive.

810 I am not a party to the conformity analysis that was conducted by the concerned departments of the government of Quebec, but I am surprised that the types of observations that we are making did not strike the reviewers of the government.

I will make just another example and that is that it is normal in environmental impact statements to describe the pathways through which the impacts that you predict in your opinion will manifest themselves. And that again is not done in this particular environmental impact statement.

815 And when I compare it to many other environmental impact statements prepared under Quebec legislation, I find that it falls short of what I think is a widely accepted standard in Quebec.

820 But, I mean, I would love nothing better than to sit down with the various reviewers of the concerned Quebec ministries to debate these things because, I mean, I am ... you know, I mean I have the highest opinion of these people. I mean they are very, very good professionals, and so on, and they take their duties very, very seriously.

825 And it disturbs me when I am not sort of generally in agreement with what they have done. I mean obviously one could always nitpick and find a detail here and a detail there.

**THE CHAIRMAN :**

Yes.

830

**Mr. PAUL WILKINSON :**

But we seem to be so far apart on this that it disturbs me. And, I mean, I certainly recognize the possibility ... perhaps I am being too severe or I don't know.

835

**THE CHAIRMAN :**

Incidentally, all the exchanges and comments, ministerial comments are part of the literature, part of the documents of the project, and are available for consultation.

840

Monsieur Germain.

**Mr. MICHEL GERMAIN, Commissioner :**

845

Thank you. It is important to state, like my colleague just said to you, that the BAPE has no power to ask the proponent to complete its assessment. That is a big point about the BAPE's goals when it is examining a project.

850

But it is sure that we can point out specific topics or issues that may be deficient in the impact statement. It is true that we look at your brief about what we can say to the Minister of the Environment on various topics.

855

We can also ask questions to the various Quebec ministries like the Natural Resources Ministry about what they think on specific topics, about the fauna or different species that are on the land. We will look at these various topics. We will see what we will do with that.

860

But it is sure that another problem that we see, even if we can tell the Minister that there are deficiencies or the need for more studies about the project, new studies will not be ... usually additional studies are not public. They are kept within the proponent hands or the Ministry of the Environment's hands. That is a problem that everybody else has to understand what is going on with the project after BAPE did the public part of the assessment.

865

So, this is another problem that we may face about what you are asking. Nevertheless, we will have a look about specific issues. And if you can point out more issues, it will be very appreciated.

Par exemple, je pourrais vous dire la question du caribou forestier. Là, nous n'avons pas d'information concernant le caribou forestier. Nous avons même posé des questions pour

870 avoir un peu plus d'information au ministère des Ressources naturelles et la réponse a été un peu  
surprenante, parce que ce qu'on a reçu comme réponse, c'est que la personne se dit : «Bien, il  
n'y a pas d'information et le promoteur aurait dû faire telle et telle choses», comme si la personne  
qui nous répondait n'avait pas vérifié l'étude d'impact.

875 Une réaction que nous avons eue, exemple, c'est: «Bien, l'avis de recevabilité a-t-il été  
fait concernant l'information sur le caribou forestier?» Alors, c'est certain qu'on a eu, jusqu'à  
maintenant, certaines informations troublantes. La commission va se pencher là-dessus, qu'est-  
ce qu'elle fait avec ça? Est-ce que le ministère l'a examiné l'enjeu du caribou forestier ou ne l'a  
pas examiné? Le ministère des Ressources naturelles.

880 Il pourrait y avoir d'autres espèces que vous jugez qui n'ont pas été examinées comme j'ai  
dit tout à l'heure. Alors, si vous jugez opportun, vous pourriez nous faire parvenir plus  
spécifiquement des éléments de déficience concernant différentes espèces et que vous  
considérez comme ayant une grande valeur, soit par leur rareté, dans la région. Ça serait  
apprécié.

885

**M. PAUL WILKINSON :**

Je vais faire ça. Une espèce qui me vient à l'esprit évidemment est le carcajou, parce que  
je crois qu'il y a eu des observations de carcajou dans la région générale de ce projet.

890

Et moi aussi, j'ai été un peu surpris par la réponse concernant le caribou forestier, parce  
que le site de la mine est plus ou moins à l'intersection du territoire du caribou migrateur de la  
toundra et le caribou forestier.

895

Mais je vais me pencher sur cette question et je vous reviendrai dans les jours à venir.

**M. MICHEL GERMAIN, commissaire :**

Ça sera apprécié, merci.

900

**LE PRÉSIDENT :**

Très apprécié. Et surtout qu'il s'agit d'un animal qui fait l'objet d'un plan de redressement  
de la part du gouvernement de Québec.

905

I note with considerable interest the fact that you underline... one aspect that you underline  
is that this project is the first of some others to come, and likely bigger ones to come, and that  
you express considerable interest in having it be the proper and ideal template in terms of the  
matrix of analysis, and so on and so forth, for the others. And that certainly is an idea that is quite  
worthy of attention and consideration and I would like to thank you for that.

910



915 But there is however something I find a little more difficult and I would like to explore that with you a bit more. You are suggesting, when you mention... you gave the definition of sustainability, the four dimensions that you mentioned. You also suggested that it is the responsibility of the proponent to take into account the previous two cases of industrial collapse that hit this area, and to somehow integrate ways of preventing that from happening in its own montage.

920 Is it really a legitimate and fair thing to expect the project to also assume as a responsibility and shoulder as a responsibility or is it rather an aspect that should really primarily be the responsibility of bodies, community bodies, government bodies at all levels, to ensure that the project fits into a framework that would make the consequences of such a collapse not as severe as before.

925 Is it really the responsibility of the proponent in that sense when you come right down to it.

**Mr. PAUL WILKINSON :**

930 I do not think for a moment that it is the responsibility of Consolidated Thompson to somehow correct the unfortunate consequences of the closing of Gagnonville or the closing of the mines in Schefferville.

935 But what I do suggest is that Consolidated Thompson should be sensitive to the lessons that we learned from those experiences. Both of them, of course, occurred at a time when the mining actors were different, when environmental impact assessment didn't exist at the time they were built. They occurred in a world that was not concerned with sustainability.

940 So, what I am suggesting Consolidated Thompson should do is essentially what is normal, what has become the norm over the last ten or fifteen years for mining projects pretty much on a worldwide scale. I mean I think of, you know, what is done in ...

**THE CHAIRMAN :**

945 Canadian companies elsewhere.

**Mr. PAUL WILKINSON :**

950 Canadian companies elsewhere. Jimmy James and I, when he was Chief three years ago, were in Australia taking part in a conference which was actually an inaugural conference of the first Australian aboriginal mining group. So, we have a sense of what goes on there.

955 I am very active in the Canadian Institute of Mining and Metallurgy, particularly organizing workshops on social, cultural and ethical issues at its annual meetings. I am quite familiar with a lot of what goes on in Africa. I am thinking, for example, I have just been in recent discussions with a Canadian company Anvil which is very active in the Democratic Republic of Congo and they have been doing, you know, wonderful stuff in terms of building schools, helping with water treatment, and so on.

960 So, I think all we are asking is that Consolidated Thompson do, you know, what is normal practice in this regard in Canada and, to a great extent, outside Canada for Canadian companies.

**THE CHAIRMAN :**

965 One last question. It is very coherent how you presented the case of the Naskapi Nation politically rejecting the offer they received in order not to create a precedent that might...

**Mr. PAUL WILKINSON :**

970 Uh-huh.

**THE CHAIRMAN :**

975 But you are also certain that the position of the Naskapi Development Corporation is not at variance with that concern politically, that it is possible to take their position into account and to accommodate their pursuit of jobs and training, et caetera, without diminishing or weakening eventually the political position of the Naskapi Nation against eventual either interests or incursions in the future regarding projects that are under their own governance.

**Mr. PAUL WILKINSON :**

980 I do not think there is any incompatibility.

**THE CHAIRMAN :**

985 Yes.

**Mr. PAUL WILKINSON :**

990 I think we are talking about degree and we are talking about the difference between a contractually, a legally enforceable contractual arrangement whereby a proponent commits itself to do things, on the pain of whatever if it does not do them, versus a situation in which a proponent makes a reasonable effort based in part on its own self-interest to recruit persons who

are available locally and are accessible to the proponent.

995 But that said, the Nation and Naskapi Development Corporation are distinct entities.

**THE CHAIRMAN :**

Right.

1000

**Mr. PAUL WILKINSON :**

1005 The Nation was created on the Federal self-government negotiation in 1984 in Canada's first self-governing legislation. As Edward Shecanapish pointed out, Development Corporation was created under a special act of the National Assembly. And, you know, whilst generally the two think the same way about most issues, there are going to be occasions, given the differences in their mandates, where they might not think identically. But I do not see any fundamental conflict here, no.

1010 **THE CHAIRMAN :**

Okay, good.

Monsieur Germain, ça va?

1015

**M. MICHEL GERMAIN, commissaire :**

Ça va.

1020 **THE CHAIRMAN :**

Mr. Wilkinson, Mr. James, thank you very much.

**Mr. PAUL WILKINSON :**

1025

Thank you.

**THE CHAIRMAN :**

1030 Thank you, sir.

Je viens aussi d'apprendre qu'il n'y a pas des droits de rectification qui ont été demandés, du temps de rectification. Donc, ça met fin effectivement à cette séance et ça met fin, par le fait même, à la deuxième partie de l'audience en ce qui concerne Schefferville.

1035

As you know, we are holding the third session of the second phase of the hearings tomorrow in Fermont. After that, the second part of the hearing will have been brought to an end.

1040

The Commission or the panel rather will continue its work, analysis, et caetera. And as you have seen, we are expecting more material to work with.

And we are expected to submit a report to Madame Minister of the Sustainable Development, Environment and Parks of Quebec by the 20th of December at the latest.

1045

As you know, this is one analysis that is ongoing regarding the project which is entrusted to BAPE. Simultaneously, there is another analysis that is going on, that is conducted by the technical team of the Environmental Assessment Service of the Ministry of Quebec.

1050

And these two analyses will land on the desk of Madame Minister and, on the basis of her conclusions regarding these two analyses, she will make her recommendations to Cabinet and Cabinet will ultimately decide whether the project should go ahead or not, and whether it should go ahead as presented or amended by certain conditions.

1055

Let me hear you, sir.

**M. DAVID ANDRÉ :**

On n'a pas de droit de parole?

1060

**LE PRÉSIDENT :**

Vous avez le droit de parole, absolument. Je vous ai demandé de vous inscrire. Mais si vous aimeriez prendre la parole, je vous invite à le faire tout de suite. Venez, on est là pour ça.

1065

**M. DAVID ANDRÉ :**

O.K.

1070

**LE PRÉSIDENT :**

Alors, identifiez-vous d'abord, et puis allez-y.

**M. DAVID ANDRÉ :**

1075

David André, Innu, Matimekosh-Lac John. Je voudrais savoir le processus de la

consultation. Est-ce que c'est démocratique?

**LE PRÉSIDENT :**

1080           Ça, c'est à vous de décider. C'est-à-dire, nous avons organisé des séances hier à Sept-Îles, on a entendu plusieurs mémoires. On a entendu les points de vue des organismes, de la Nation innue, deux ou trois présentations.

**M. DAVID ANDRÉ :**

1085

O.K.

**LE PRÉSIDENT :**

1090           On a été chez eux. On a entendu aussi d'autres positions. Et nous sommes avec vous aujourd'hui pour aussi entendre ce que vous pensez du projet. Alors, voilà.

**M. DAVID ANDRÉ :**

1095

Moi, je voudrais dire mon point de vue personnel.

**LE PRÉSIDENT :**

Oui.

1100

**M. DAVID ANDRÉ :**

1105           Moi, j'ai vécu à Shcefferville. Je suis Innu. Puis Schefferville, c'était une ville minière. Et aussi il est venu ici dans les années 50, puis il a exploité le minerai et exploité 250 millions de tonnes de minerai. Il est parti d'ici. Il a exploité le territoire. Il est venu ici comme un voleur, puis il est parti d'ici comme un voleur. C'est juste ça que je voulais dire.

1110           Puis au niveau des Autochtones, il n'y a pas eu redevance, même pas des avantages. C'est juste ça que je voulais dire.

**LE PRÉSIDENT :**

Oui.

1115

**M. DAVID ANDRÉ :**

Au niveau de Bloom Lake, il ne faut pas que ça recommence la même situation.

**LE PRÉSIDENT :**

1120

Et la même préoccupation a été mentionnée avec beaucoup de vigueur par monsieur James et monsieur Wilkinson tout à l'heure avant vous.

**M. DAVID ANDRÉ :**

1125

Oui.

**LE PRÉSIDENT :**

1130

Ça a été abordé hier à Sept-Îles. Et nous savons, c'est clair que le rapport va faire écho de vos soucis à propos de cette question-là.

Nous savons également qu'il y a des tractations, il y a des échanges entre le promoteur du projet et les Premières Nations, certainement des membres des Premières Nations ici et à Sept-Îles. Mais c'est une considération qui va certainement être reflétée dans notre rapport.

1135

**M. DAVID ANDRÉ :**

O.K.

1140

**LE PRÉSIDENT :**

C'est clair. Vous savez, la manière d'organiser des projets et des modes d'exploitation comme ça, les années 60, les années 70, était tout à fait différente d'aujourd'hui. Et comme l'a dit monsieur Wilkinson tout à l'heure, on parle maintenant de développement durable. On parle de ...

1145

**M. DAVID ANDRÉ :**

L'environnement, c'est ça que ...

1150

**LE PRÉSIDENT :**

L'environnement au sens large du terme. Environnement au sens physique, au sens social, communautaire, économique. Et ce n'est plus la manière de faire des années 70 et des années 60.

1155

**M. DAVID ANDRÉ :**

C'est ça que je voulais savoir.

1160

**LE PRÉSIDENT :**

Alors, c'est assez ...

1165

**M. DAVID ANDRÉ :**

Le message est fait?

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**LE PRÉSIDENT :**

Oui, tout à fait.

**M. DAVID ANDRÉ :**

1175

O.K., merci.

**LE PRÉSIDENT :**

1180

Je vous remercie, Monsieur.

D'autres interventions de votre part? Ça va?

1185

Alors, cela entendu, il me reste de vous remercier beaucoup d'être venus nous écouter et partager vos opinions avec nous.

Et je remercie également monsieur Grenier et madame Maisonneuve pour le travail qu'ils ont fait.

1190

Et je remercie la communauté Naskapi de nous avoir reçus ici. Et, évidemment, vous allez pouvoir consulter et lire le fruit de ces travaux, des travaux de la commission, une fois le rapport est rendu public.

1195

Et à propos de ça – as I mentioned, the Minister has 60 days to make the report public from the time it is received. So, by the end of February, or thereabouts, or earlier, obviously it could be rendered public earlier, but at the latest by the end of February, the BAPE's report of this panel should be made public and will be made public.

1200

Thank you very much, ladies and gentlemen. Merci beaucoup à tous les autres participants. Et je déclare close la séance. Merci.

\*\*\*\*\*

1205 Je, soussignée, **LISE MAISONNEUVE**, sténographe judiciaire, certifie sous mon serment  
d'office que les pages ci-dessus sont et contiennent la transcription exacte et fidèle des notes  
sténographiques prises par moi au moyen du sténomasque, le tout conformément à la Loi.

1210 ET J'AI SIGNÉ:

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**LISE MAISONNEUVE, s.o.**