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# **Standing Committee on Aboriginal Affairs and Northern Development**

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**EVIDENCE**

**Thursday, January 31, 2013**

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**Chair**

**Mr. Chris Warkentin**



# Standing Committee on Aboriginal Affairs and Northern Development

Thursday, January 31, 2013

• (0950)

[English]

**The Chair (Mr. Chris Warkentin (Peace River, CPC)):**  
Colleagues, we're going to call this meeting to order.

This is the 57th meeting of the Standing Committee on Aboriginal Affairs and Northern Development. Today we are continuing our review of Bill C-47.

We are pleased to have with us representatives from the Qikiqtani Inuit Association. We have Ms. Eegeesiak and Mr. MacIsaac. Thanks so much for being here.

We'll turn it over to you for an opening statement, and then we'll have questions from the respective parties.

Thanks again for being here.

**Ms. Josie Okalik Eegeesiak (President, Qikiqtani Inuit Association):** [*Witness speaks in Inuktitut*]

On behalf of the Qikiqtani Inuit Association, thank you for the invitation to speak to you today.

I'm here with Bernie MacIsaac, our director of lands at QIA, and our executive assistant, Hannah Uniuqsaraq.

QIA is one of the three regional Inuit associations that along with the leadership of Nunavut Tunngavik make up the board of directors of NTI. NTI is accountable to all Inuit of Nunavut. QIA represents over 14,000 Inuit in 13 communities. We're the largest region in Nunavut. Our region includes Canada's most northern community of Grise Fiord, located on the south end of Ellesmere Island, and extends to Nunavut's southernmost community of Sanikiluaq in Hudson Bay.

One of our main responsibilities is to protect and promote the rights of Inuit established under the Inuit Land Claims Agreement. We are celebrating the 20th anniversary of the land claims this year. You're welcome to come and celebrate with us on July 9, anywhere in Nunavut.

The Nunavut Land Claims Agreement was established to provide certainty and clarity of rights to ownership and use of lands and resources, and clarity of rights for Inuit to participate in decision-making considering the use, management, and conservation of land, water, and resources, including the offshore. The NLCA was also established to provide Inuit with wildlife harvesting rights and rights to participate in decision-making concerning wildlife. It was established to provide Inuit with financial compensation as a means

of participating in economic opportunities, and also to encourage self-reliance in the cultural and social well-being of Inuit.

QIA, our organization, alone holds private title to over 150,000 square kilometres of land, with special rights to the water that is located on or flows through these lands. Through implementation of the NLCA, we are responsible for the management of these lands, waters, and resources. All Inuit of our region rely on these lands as well as the marine environment for food. Our very well-being, and indeed the future existence of Inuit, relies on the responsible and sustainable use of all land, water, wildlife, and resources.

The bill before you today arises directly from the new land claims agreement, and as such sets forth the powers and functions of the resource management bodies created under the agreement. In this case it is the Inuit Planning Commission and the Nunavut Impact Review Board. The development of the Nunavut Lands Claims Agreement was guided by the spirit of consensus. Consensus is a core principle of any culture. The spirit of consensus also guided the creation of the Nunavut Planning and Project Assessment Act.

Inuit, as represented by NTI, worked alongside the Department of Aboriginal Affairs and Northern Development and the Government of Nunavut to develop this bill. Both the Nunavut Planning Commission and the Nunavut Impact Review Board were included as technical advisors on the working group that formulated this bill. The strength of this legislation is a result of that collaboration.

A great deal of time has passed since the working group last met to discuss the draft legislation. During this time, careful consideration was given to the draft to ensure that it closely reflects the rights and benefits that are constitutionally protected under the Nunavut Land Claims Agreement. As such, NTI has put forward a submission proposing enhancements to this committee, which, in our view, will bring clarity to the bill and will strengthen it by ensuring that it is properly aligned with the agreement. We encourage the committee to consider these improvements in the same spirit and goodwill that guided its development.

The Nunavut settlement area covers 1.9 million square kilometres of land, fresh water, and marine areas. This accounts for 20% of Canada.

The Nunavut Planning Commission is currently developing the Nunavut land use plan. This single land use plan will guide and direct resource use and development for the entire area. Never before, anywhere in the world, has a land use plan been developed for such a vast area rich in culture and renewable and non-renewable resources. This plan, along with the new legislation, will greatly enhance the regulatory process.

The level of development activity in Nunavut is increasing, putting pressure on the already limited financial resources of these agencies. New responsibilities have been assigned to both the NPC and NIRB.

Funding allocated to these public agencies under the Nunavut Land Claims Agreement did not envision these additional responsibilities, new responsibilities that are being added to a mandate that already requires these institutions of public government to protect and promote the existing and future well-being of the residents and communities of the Nunavut settlement area while taking into account the interests of all Canadians.

An underfunded regulatory process will be slow, unresponsive, and as a result will discourage investment. It is important to Inuit and all Canadians that certainty exists in the rules that govern land use planning and environmental assessment, with the highest expectations met and the highest standards used.

We believe that the Nunavut Planning and Project Assessment Act provides this opportunity, an opportunity that should not be missed.

Thank you very much for this opportunity.

Bernie is acting as my technical advisor, should you have any technical questions for QIA.

*Quyanainni.*

• (0955)

**The Chair:** Thank you so much.

We'll begin our first round of questioning with Mr. Bevington for seven minutes.

**Mr. Dennis Bevington (Western Arctic, NDP):** Thank you, Mr. Chair.

It's interesting how this bill was presented to us in the beginning as something for which there wasn't really a requirement for much amendment. Now we've had NTI, NIRB, the NWT and Nunavut Chamber of Mines, and you speaking to quite a number of amendments that need to take place with the bill.

One of the interesting amendments that was proposed by NIRB was of course to establish a participant fund for those communities that would be controlled by NIRB, to allow proper consultation and proper development of community positions to take place on these issues. I think it is a very important amendment because it really speaks to the ability of a variety of communities to actually interact with these development proceedings.

What are your feelings on this type of amendment, which would provide that level of support to participants in environmental assessments?

**Ms. Josie Okalik Egeesiak:** Can we make it retroactive?

As you know, QIA has been participating in the environmental assessment of the Mary River Project for about five years now. Using our own limited resources, we established community committees to consult and ensure that Inuit participated in the assessment. We spent hundreds of thousands of dollars making sure that Inuit felt their views were being heard. Our participant fund would just add to the consultation that's required in development.

• (1000)

**Mr. Dennis Bevington:** So you would support that type of amendment?

**Ms. Josie Okalik Egeesiak:** Absolutely.

**Mr. Dennis Bevington:** Okay. You're supporting NTI's position on amendments. Is that correct—on all the amendments they've put forward?

**Ms. Josie Okalik Egeesiak:** Yes.

**Mr. Dennis Bevington:** It's interesting that the Mary River Project was approved, what, a month ago?

**Ms. Josie Okalik Egeesiak:** Yes, in December.

**Mr. Dennis Bevington:** They've come forward now with quite large changes to that project. Do you see that the NTI amendments on significant alterations to projects are important if you take this example of the Mary River development? Would that assist the communities in assuring them that when there's a significant change to a major resource project, their voice is going to be heard on those changes?

**Ms. Josie Okalik Egeesiak:** We've been assured by NIRB as well that there will be another assessment of the proposed changes Baffinland has put forward.

I don't know if you want to add anything, Bernie.

**Mr. Bernie MacIsaac (Director, Land Administration, Qikiqtani Inuit Association):** Yes. On that project the proposed change was somewhat assessed. That particular alignment they used, or plan on using, was used in a previous bit of work that happened on that particular project.

I think your larger question is in regard to a project as a whole, if there are significant changes. It's very important that a project is fully assessed, and when it comes to the communities—and I think this goes to your participant funding question as well—there's a larger picture at play in our region, in that we really don't have the experience with development that, say, the other regions or other territories in the north would have. It seems that a lot of the very fundamental questions that communities have to consider when they consider even something as basic as whether they want development in their area are happening when a project is on the table. This adds a lot of pressure to that discussion within a community. I think it's human nature that people don't really like to make those decisions when that kind of pressure is upon them.

One of the agencies that is part of this bill is the Nunavut Planning Commission, and a lot of these very fundamental questions, hopefully, will be answered in the land use plan that the planning commission is undertaking now across the territory. They've actually commenced their consultations in the community just recently.

This is new stuff for a lot of people in these communities, and there has to be a way that they can actually participate. They actually have to feel some ownership of what's going on here in terms of this particular project, or any project, and they also have a lot of information and a lot of insight into what's going on around their community. People have to take that into account.

**Mr. Dennis Bevington:** You say the other territories have a lot of experience. Our experience is that significant alterations that take place after projects have been approved are actually very difficult to deal with. I can point you to the Ekati Mine assessment or the Diavik Mine assessment, where changes were made after the project was approved, and really the opportunity.... Of course, the determination of "significant" is what part of the project is being altered. When you alter one part, does that fall back on other parts, for instance the socio-economic benefits that might come from the project, the husbandry of the resource, those types of things?

I'm very curious to see who will decide the nature of the significant changes that come with an alteration like Mary River, after what you'll be looking at to assess. That's why a question to you is, do you support the idea that NTI has outlined for significant alterations, which gives more scope to various agencies to comment on significant alterations?

• (1005)

**The Chair:** Mr. Bevington, you've taken a minute and a half past your time, but we'll give some time for the witnesses to respond.

**Ms. Josie Okalik Egeesiak:** I don't quite know how to reply to that. I think it would have been a little bit more disturbing if Baffinland had gone from 3 million tonnes to 18 million tonnes, as previously proposed. Now they are going from 18 million tonnes to 3 million tonnes. That is kind of good news for Inuit. It's a phased approach that slows down the project a bit, so we'll have more time to ensure that Inuit are employed and trained and have the time to look at how the project is impacting the community and the environment. It would have been disturbing had they gone from 3 million to 18 million, as opposed to 18 million to 3 million, as a significant change.

**The Chair:** Thank you very much.

We'll turn now to Mr. Wilks for seven minutes.

**Mr. David Wilks (Kootenay—Columbia, CPC):** Thank you, Mr. Chair.

Thanks for coming here today.

With regard to Bill C-47, we had heard from the government in Nunavut that they support the bill in its current form and they consider that it offers improvements to the land use planning and impact assessment process.

Would you agree with this? If so, why? If not, why not?

**Ms. Josie Okalik Egeesiak:** As I said, QIA is part of the overall Inuit community with NTI, and we support the work of NTI that has gone into this bill.

I can't speak for the Government of Nunavut, which represents the residents of Nunavut.

Do you have any background on the GN's position?

**Mr. Bernie MacIsaac:** Not specifically. However, from a fundamental perspective, the amendments that were suggested by NTI were to better align this bill with the Nunavut Land Claims Agreement. As our president has mentioned, we live and breathe the Nunavut Land Claims Agreement, but generally, yes, we support the bill, and we feel that these amendments aren't necessarily deal breakers in terms of passing it.

**Mr. David Wilks:** This bill establishes Inuit as a signatory to the land use plan, which is not a specific requirement of the Nunavut Land Claims Agreement. Can you explain to the committee the significance of this?

**Ms. Josie Okalik Egeesiak:** The overall objective and mandate of the Nunavut Land Claims Agreement is that Inuit participate in anything that happens in our territory or that affects our territory. It just adds to the agreement, that Inuit have to be consulted and participate and be included in policy development.

**Mr. David Wilks:** You're comfortable with that.

**Ms. Josie Okalik Egeesiak:** Yes.

**Mr. David Wilks:** In your view, can you explain the importance of the land use plans in helping to ensure environmental protections? I noted in your comments that you said well-being relies on sustainable use. Working from that, obviously ensuring environmental protection is of utmost importance to your group. Do you see any of those issues within Bill C-47? For the most part, do you concur with all of the environmental uses that are moving forward with Bill C-47?

• (1010)

**Ms. Josie Okalik Egeesiak:** I will defer to Bernie, who has been involved in some of the community consultations with the land use plan.

Bernie.

**Mr. Bernie MacIsaac:** Thank you.

As I was mentioning earlier, a lot of this activity that's taking place in the region is new to a lot of the communities. Over \$500 million is being spent on exploration activities across the territory this year, of which over \$100 million is being spent in our region, in proximity to just about every community.

The land use plan will provide some certainty to the communities and provide some certainty to proponents or people who wish to use the land with regard to what's allowed and what's not allowed. An important part of the land use planning process is actually the consultation, going into the community and getting the information from them on what is important, where it's important, why it's important, and when it's important. That type of information then will breed ownership by the communities in the use of the land. It will also help the projects in the long run.

So, yes, land use planning is an important part of this exercise, and as our president has mentioned, we have to be part of that.

**Mr. David Wilks:** Thank you.

I have one more question.

One of the main objectives of this bill is to protect the ecosystem in Nunavut. Do you and your association think this bill will contribute to the environmental protection of the territory?

**Ms. Josie Okalik Egeesiak:** Absolutely, yes, I think it will, especially with the requirement that Inuit have to be consulted and participate.

**Mr. David Wilks:** Thanks, Chair. I have nothing further to ask.

**The Chair:** Thank you very much.

We'll turn now to Ms. Bennett for seven minutes.

**Hon. Carolyn Bennett (St. Paul's, Lib.):** Thank you.

Thank you for coming. We're still dealing with duelling amendments. When we heard from NIRB, they agreed with some of the NTI amendments, but they really don't want the amendment on scoping and the amendment on reviewing traditional knowledge provided to NIRB or a federal panel.

As a committee, we are supposed to make up our mind on this, and I don't know quite how we do that. Could you give a pitch for why those two amendments should be included?

**Ms. Josie Okalik Egeesiak:** I'm sorry, which amendments?

**Hon. Carolyn Bennett:** The amendments in the NIRB's submission—"Part B, 3" and "Part B, 5"—that the NIRB felt very strongly should not be included.

**The Chair:** We have a copy of those amendments and we'll pass them to the witnesses, if that's helpful.

**Hon. Carolyn Bennett:** Okay. Mine's a bit scribbled up.

**The Chair:** Sure. We'll get those up there. That may be helpful.

**Hon. Carolyn Bennett:** While they're doing that, maybe you want to talk to me about.... They also felt very strongly—certainly it's what the president was saying—that the resources necessary to prepare for implementation and to carry on the increased requirements of this bill need to be in place prior to the coming into force of this statute. Have you been reassured that the money will be there when this bill passes?

**Mr. Bernie MacIsaac:** To give you an example, NIRB up until now has basically had to deal with one and maybe one and a half major projects. It was through an environmental review, and there is a lot of other stuff it does, screenings, etc.

These reviews are what really take up time and resources, because they require that you have to go into a community to do consultations; you have to hire consultants or have the technical staff to be able to review very complicated and serious documents for a particular project. I assure you that the documents that were submitted on behalf of the Baffinland project, which is in the northern part of our region, would probably line up all across this desk. They've basically been dealing with one or one and a half since almost the territory has been created.

If you look at their agenda right now, I believe there are four, so there has been a tremendous increase in activity in the number of major projects and the effort that's going to be required from NIRB to be able to deal with those. They do have to have some certainty, as you can imagine, from HR planning and budget planning, etc., in

terms of what their funding envelope is going to look like in the future.

**Hon. Carolyn Bennett:** What happens if this bill passes and you don't get the resources to actually be able to do it?

**Mr. Bernie MacIsaac:** Well, for the most part, these projects are funded on a project by project basis by NIRB. Still, Nunavut is a very difficult place to work and to attract staff to, so you do have to have some serious HR planning and you do have to have some serious budget planning.

• (1015)

**Hon. Carolyn Bennett:** NIRB is afraid it doesn't have the money to do this.

**Mr. Bernie MacIsaac:** It takes money to work these projects. We can't speak for NIRB in terms of how they feel about their funding envelope. I know it's been a concern for all the institutions of public government all along in a general sense. I'm not sure exactly how this bill will change things.

There is a lot of pressure on NIRB to perform, and I think the intent of this bill is to make the regulatory process and these types of projects more efficient and more smooth.

**Hon. Carolyn Bennett:** Just explain again how you're funded in order to do your job for those communities that are so far-flung, in making sure that Inuit really understand what the choices are. How are you funded?

**Ms. Josie Okalik Egeesiak:** We're funded by the Nunavut Land Claims Agreement through NTI and the compensation we got through signing the agreement. So we do get our funding from NTI.

Along the same lines of your question and his response about institutes of public government and the need for their resources to meet the demands of resource development, QIA has been saying for a couple of years now that with the federal government wanting to fast-track development, you also need to fast-track the basic infrastructure we need in our communities so that we are better able to handle what's coming at us. So, yes, financial resources are a critical component to all this.

With regard to the scoping and the traditional knowledge, I'm not quite sure how to reply to that right now.

**Hon. Carolyn Bennett:** I think next week we're supposed to decide, so if there's any advice you have between now and then, let us know.

**Mr. Bernie MacIsaac:** I'll just speak to some of that, and I'll give you an example about traditional knowledge. There are a number of different terms for it—traditional knowledge, northern knowledge. It's the knowledge that Inuit have about the land and what happens on the land, and they have a lot of it. It goes back to this consultation we were talking about earlier, about people actually listening to what the community has to say. The community has a lot to say, and it's very important stuff.

It's getting better, but there's almost a kind of silo approach, where you have contemporary science on one hand and traditional knowledge on the other, and there's none of this.... One of the main things we're trying to do as an organization is to blur that line between the two types of knowledge.

Inuit culture is an oral passing down from one generation to another. Where are the good hunting grounds? Where are the caribou? Where are the migration routes? All that stuff is important for proponents who are going to be doing, say, exploration activity. You don't want to be flying your helicopter over those caribou herds when they're migrating, because it scares them. So it is valuable knowledge. If you ignore it and you are flying that helicopter over those caribou and you are scaring those caribou, the hunters aren't going to be too happy about that. Then when you go back into the community looking for support for your particular project, the community is going to remember that you really didn't listen to them when they told you that you don't go there in July because that's when the caribou are....

To give you maybe a more concrete example, there's a little community up on Ellesmere Island called Grise Fiord.

**Hon. Carolyn Bennett:** I've been there, and to Sanikiluaq.

**Mr. Bernie MacIsaac:** Have you? It's a nice little place.

There wasn't a lot of scientific knowledge or contemporary science on what the narwhals were doing around Grise Fiord. However, there were the people who lived there, and they knew what was going on with the narwhals. In the last little while there has been a collaboration between the Inuit and DFO to help establish what the traditional narwhal population looks like and where it is, and that's going to be a kind of baseline to help establish what some of the quotas might be.

So there's some of this, and we would certainly like to see more of it.

• (1020)

**The Chair:** Thank you very much.

We'll go now to Ms. Ambler for seven minutes.

**Mrs. Stella Ambler (Mississauga South, CPC):** Thank you, Mr. Chair.

And thank you very much to both of you for being here today. I especially enjoyed listening to you, Josie, talk about the spirit of consensus, and just now to you, Bernie, with the respect for traditional knowledge, culture, and history. I like knowing that this is respected.

I'm wondering about the bill itself. As a general question, do you think the bill reflects that spirit of consensus and that respect for the history and traditional knowledge that's so rich in Inuit culture?

Would you say there's a respect in the bill for that?

**Ms. Josie Okalik Egeesiak:** Especially if you take into consideration the amendments that have been proposed, I guess.

**Mrs. Stella Ambler:** Okay, fair enough.

Let me get down to more specifics then. With regard to the Mary River Project and its recent approval—I think it was early December

—I was wondering if you could explain your participation in the review process. You did touch on community committees and how you established those. I want to thank you for mentioning that today and ask you how that worked, and if that was the only way you participated or if there was another way your organization participated in that review process.

**Ms. Josie Okalik Egeesiak:** We've been involved in the review process for about five years. Two years ago, QIA decided that we needed to get community input into the project if we were going to get community support. QIA as a board could not just decide for the communities that were supporting the project. So we created community committees in the seven more impacted communities: Pond Inlet, Igloolik, Hall Beach, Clyde River, Arctic Bay, Cape Dorset, and Kimmirut.

The committees consist of six members of the community—six Inuit members of the community—and with our technicians and our consultants they are working very hard to ensure that Inuit are given a chance to review what is in the project plans: the ten volumes of the assessment, or the stuff that Baffinland had. We did this with our own money, or lack thereof. It's been a long process, and we hope we can still fund these committees as the project goes along, so that if changes need to be made, the communities will be updated on a regular basis and can monitor the project.

I don't know if that answers your question.

**Mrs. Stella Ambler:** I think so.

I'm also wondering if there's anything in the new legislation that would change that participation, or how in the future your participation would change when reviewing projects and doing assessments.

**Ms. Josie Okalik Egeesiak:** Bernie.

**Mr. Bernie MacIsaac:** Both the Impact Review Board and the Nunavut Planning Commission are public bodies and they rely on a public process to analyze these changes. By strengthening both of these groups...I talked earlier about land use planning and environmental assessment. It's a public process, and things like participant funding will ensure that there's better public participation in these processes, especially from the communities' perspective.

**Mrs. Stella Ambler:** You mentioned streamlining the assessment process, so let me ask you about efficiency. Since the bill clarifies and strengthens, as you said, the roles and responsibilities for the Impact Review Board as well as the Nunavut Planning Commission and creates better ability for greater cooperation between them, do you feel that this will allow the board and the commission to become more efficient?

**Mr. Bernie MacIsaac:** In a nutshell, yes.

**Mrs. Stella Ambler:** Okay.

**Mr. Bernie MacIsaac:** Another important part of this bill is that it actually creates some timelines and some accountabilities in terms of time for decisions to be made.

• (1025)

**Mrs. Stella Ambler:** Certainty for all the stakeholders.

**Mr. Bernie MacIsaac:** Yes. As you can imagine, considering where we live and considering the weather up there and the timeframes when you can actually do work, timing is very important. A delay that brings you past, for example, a decision point where you might have to book....

**Mrs. Stella Ambler:** Wait another season.

**Mr. Bernie MacIsaac:** Then you've lost a lot of time, and in a lot of these projects, time is money. It could even be more severe than that. It might actually mean the difference between—

**Mrs. Stella Ambler:** Stopping the project entirely.

Do you feel that the Nunavut Planning and Project Assessment Act provides a streamlined process for environmental assessment that is fair to all stakeholders—community, industry, inhabitants?

**Mr. Bernie MacIsaac:** This act is a direct result of obligations within the Nunavut Land Claims Agreement. I think it's the last piece of the puzzle in terms of legislation that has to be created because of the land claims agreement. It is a public process. Both of them are actually public processes—the Nunavut land use plan and these environmental assessments.

**Mrs. Stella Ambler:** You think it does ensure fairness?

**Mr. Bernie MacIsaac:** Yes.

**Mrs. Stella Ambler:** Great. Thank you.

**The Chair:** Thank you, Ms. Ambler.

We're going to turn now to Mr. Genest-Jourdain for five minutes. He'll be splitting his time with Ms. Duncan.

[Translation]

**Mr. Jonathan Genest-Jourdain (Manicouagan, NDP):** Thank you, Mr. Chair.

I want to welcome our witnesses.

I have a few fairly quick questions about the commission.

What are the commission's actual powers? Having read the bill, I see that a final report must be produced. Can the commission use its report to express reluctance and even opposition to a project or a situation, either as a whole or regarding some of its aspects?

[English]

**Ms. Josie Okalik Egeesiak:** I think so. If not, they stipulate conditions to any project.

That's a short answer.

**Mr. Bernie MacIsaac:** I'll just add to that. The review board actually has, by statute, certain decisions it has to make, or certain recommendations it has to make, I should say, so that a project can proceed. More information might be required from the proponent; that's another option. The third option is that a project should not proceed.

[Translation]

**Mr. Jonathan Genest-Jourdain:** Thank you.

I will share my time with my colleague.

[English]

**Mr. Bernie MacIsaac:** But those are recommendations.

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Thank you very much. I, too, look forward one day to visiting you.

My questions will focus on intervenor costs. I have a background as an environmental lawyer, and I have represented and worked with a lot of indigenous people and other Canadians intervening in these projects, and particularly with the energy review projects in Alberta. I have to admit that I am pretty stunned looking at the legislation, in that I can't find a single provision where either any board or the minister is required to give consideration to public concerns. That actually is required under Alberta law.

I understand some of the interventions before the committee have raised concerns with the lack of specific attention to intervenor interventions and costs. I'm just wondering what your opinion on that is.

Second, under Alberta law, which would be on par with Nunavut, they actually require that the board publicly issue their criteria for when they are issuing intervenor costs. People can participate—anyone—but only specified intervenors can receive costs. In their wisdom back and forth, they have often said it's only those directly affected, and that means you have to own the land, which has caused problems in northern Alberta because essentially nobody lives there, but they are first nations traditional lands. So it's a fight over costs.

I'm particularly interested in whether you have taken a close look at clauses 93, 99, 102, 103, and 190. I don't see any requirement in any of the factors that says “can consider other things”.

Do you think it would be useful to require all of those authorities to actually specifically consider public concerns as raised during the hearing?

Third, in Alberta, it's the proponent who has to pay those costs as opposed to the government.

I would just like your comments on the Alberta approach, if you think it would be useful.

• (1030)

**Ms. Josie Okalik Egeesiak:** Getting views from interested parties and intervenors, we believe as Inuit, is very important because it helps to bring out questions or issues that we may not have thought of. Inuit are always open to different people asking questions on anything, especially things that have an impact on the socio-economic community.

**Ms. Linda Duncan:** Do you think there would be any value in having a provision similar to Alberta's, where it is actually the project proponent that the board can require pay those intervenor costs?

**Ms. Josie Okalik Egeesiak:** Up front, yes.

**Mr. Bernie MacIsaac:** One of the most important things in these processes—and they are public processes, so maybe they are a little bit different from what happens in Alberta, where I think intervenor funding...and I think there are other Canadian laws too, for example, CEAA, and I believe the laws that govern the National Energy Board and maybe the Canadian Nuclear Safety Commission do have provisions for intervenor funding. I believe some of them are paid for by proponents, or there might be some kind of a cost-recovery mechanism within those processes.



These institutions of public government do run public processes, so anybody can intervene within them, and they actually make a point of going into the communities and soliciting information from that particular community, and from other interveners across the country, for that matter.

An important consideration, though, is these famous 10 volumes of information. There's a lot of scientific information in there, and a lot of jargon and language and everything else that might make it difficult, not just for people within the community, but for any person who doesn't really have that kind of background, to understand what's being asked of them. So maybe provisions that simplify or ask for simplified submissions or whatever...anything that allows people to understand. In a lot of cases, really it means that you have to hire your own consultant, from a community's perspective, to translate a lot of these documents, to put it into....

So, yes, there is a need.

**The Chair:** Thank you very much.

We'll go now to Mr. Boughen for five minutes.

**Mr. Ray Boughen (Palliser, CPC):** Thank you, Chair.

Let me add my voice in welcoming you here this morning and thanking you for taking time out of your busy day to share some of your expertise with us.

I have a number of questions I'd like to ask you folks this morning.

Do you feel that the Inuit were closely consulted, as is required under the agreement, during the development of this bill?

**Ms. Josie Okalik Egeesiak:** Yes. Through NTI we participated in the development of the bill. Now we're proposing improvements to it.

**Mr. Ray Boughen:** Good. Okay.

Do you feel that the Nunavut planning and project assessment extends or grants greater control over decision-making processes for the people of Nunavut?

**Ms. Josie Okalik Egeesiak:** Inuit have to participate in the approval process, so yes.

**Mr. Ray Boughen:** Good.

Would you agree that none of the stakeholders involved in the development of the Nunavut Planning and Project Assessment Act got everything they wanted in the bill? Were there a few things left out?

**Ms. Josie Okalik Egeesiak:** My presentation includes the fact that we are suggesting amendments so that it's more aligned with the new land claims agreement, as required.

Do you want to add anything, Bernie?

**Mr. Bernie MacIsaac:** It was a long process developing this bill, from what I understand, and I saw part of it. A lot of collaboration and consensus were required in order to do it, and there was a lot of compromise on the part of a lot of different agencies to come up with what you see before you today.

Maybe it's a good sign that nobody got everything they wanted, but for the most part, everybody was happy with the end result.

• (1035)

**Mr. Ray Boughen:** The process was well accepted—the consultation. Everyone had a chance to say what they thought?

**Mr. Bernie MacIsaac:** There are always possibilities for more consultation. I remember some of the consultations were whirlwind trips through the north, going to communities and talking about it, and there was a lot of discussion, as you said, with various subject-matter experts at the discussion table when the bill was being drafted. Yes, there was a lot of consultation; there could have been more.

**Mr. Ray Boughen:** How do you think this bill will assist Inuit, as well as Nunavut as a whole, by fostering economic development?

**Ms. Josie Okalik Egeesiak:** It will help with the land use plan and resource development out there; that is to do some legwork before they come up, I guess. And it does provide more certainty.

**Mr. Ray Boughen:** Okay.

Chair?

**The Vice-Chair (Hon. Carolyn Bennett):** You have two minutes.

**Mr. Ray Boughen:** Oh, two minutes left.

Could you share with us your thoughts on how this process may be revamped or changed, or is it good the way it is? Sometimes we change for the sake of change and then we wake up and say, "That wasn't a very good move." What are your thoughts on that?

**Ms. Josie Okalik Egeesiak:** I always say build on what works in the communities. Just because the government changes doesn't mean all the programs or all the processes have to change. Build on what has worked in the past and build on community capacity, too.

**Mr. Ray Boughen:** Bernie, what do you say? Was the process good?

**Mr. Bernie MacIsaac:** Yes, the process certainly was good. It was good that all the major players, the signatories, actually, to the Nunavut Land Claims Agreement were part of the creation of this and the building of this. That's almost a fundamental tenet of the land claim agreement and Inuit culture, where consensus and working together are very important.

It's a very small territory; capacity is low. If you look at the population of the territory, it's basically half a Blue Jay's game.... So you have to work together to make things happen. There are a little over 30,000 people in that territory right now. It's the fourth busiest place in all the 13 jurisdictions in Canada in terms of exploration activity and mineral development and various other types of activity. So yes, you do have to work together.

If you take the fundamental principle of this process as working together in consensus, then yes, it's good. Obviously it can always improve, but moving forward, people still have to work that way. It's the only way it's going to work up there.

**Mr. Ray Boughen:** Thank you.

Thanks, Chair.

**The Vice-Chair (Hon. Carolyn Bennett):** Mr. Bevington.

**Mr. Dennis Bevington:** Thank you, Madam Chair.

Just briefly getting back to Mary River, our experience is that even with the reduction, when you reduce the mine output by so much... they may have to look for the highest grades of ore to start with. That may affect longer-term planning for that resource if you high-grade early on.

I don't know if that actually fits with that situation, but I'll leave that with you.

My question is more about cumulative impact assessment. You've talked about \$500 million worth of exploration going on there. You've talked about a number of opportunities for mine development. Cumulative impact assessment is really an experience in the Northwest Territories with the diamond industry, where we've added three or four diamond mines in one area. We've seen a cumulative impact on caribou. There is no question about it; it changes....

That's not readily apparent on the first environmental assessment. Do you have a process in place to track cumulative impact assessment?

In dealing with cumulative impact assessment, will you be able to do the analysis of that within the timeframes that are set out within this bill? You have a 24-month period to determine if a project is compatible with the environment, because of course that is your job and the job of this act of Parliament.

What is your process in Nunavut for cumulative impact assessment?

• (1040)

**Ms. Josie Okalik Egeesiak:** For QIA we have no process. Mary River is our first mine, and we're learning as we're going along.

One of the things that we are negotiating under our IBA is to have community committees monitor the project and the impacts that will likely happen.

Cumulative impacts....

**Mr. Bernie MacIsaac:** Both agencies that are the subject of this legislation do have a role in assessing cumulative impacts. The planning commission, which is kind of a "before the fact" discussion, if you like, on what might be acceptable, what might not be acceptable, how many.... There are provisions in that to kind of monitor development or activity as time goes on, and then possibly change the land use plan, or even having provisions within the land use plan, to be able to deal with that.

The NIRB, the Impact Review Board, would also consider cumulative impacts as part of their assessment of that particular project. It's a public process.

I don't think there's a formal set of guidelines in terms of what would be considered unacceptable cumulative impacts, but there's a process to examine what these impacts might be and whether or not they might be acceptable through that process.

**Mr. Dennis Bevington:** In the Canadian environmental assessment law you are able to judge future development with present development. That's not the case under NWT law.

What is the case with Nunavut law?

**Mr. Bernie MacIsaac:** There's no formal law, that I'm aware of anyway, that deals with cumulative impacts, but there's a process that deals with cumulative impacts.

**Mr. Dennis Bevington:** Are you able to induce development, or are you simply...? There is quite a difference between CEAA law, the Canadian environmental assessment law, and what has been passed for the Northwest Territories, which is much downgraded actually from the national law.

I'm curious if that's the same thing that's carried out in Nunavut and if there has been any discussion within Nunavut about the appropriateness of that legislation.

**Mr. Bernie MacIsaac:** There has been lots of discussion in terms of cumulative impacts. I guess we feel our impact review process is on par with or better than the Canadian environmental assessment process. We had an amendment to our land claim that actually recognizes that the Nunavut Impact Review Board and their process would replace the CEAA process.

It's kind of a moving target as we move forward, and cumulative impact...even though we're young in the development history of the territory, it is a consideration and will play into how the Nunavut land use plan is developed. It's very much in its infancy now, as well as the impact review process of the Impact Review Board.

**The Chair:** Thank you very much.

It seems we're out of questioners. If anybody does have any follow-up questions, we probably have a few minutes to entertain them.

Mrs. Hughes.

• (1045)

**Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskaing, NDP):** You made a comment, Ms. Egeesiak, that the amendments wouldn't be a deal breaker.

The only thing I would ask of you is if the amendments aren't made, how will that hinder your ability to be able to move forward in certain areas? What are the challenges this would bring?

**Ms. Josie Okalik Egeesiak:** Bernie.

**Mrs. Carol Hughes:** If Mr. MacIsaac answers the question, that's fine. It's just that it was a comment you had made, so I was wondering what the challenges would be.

**Ms. Josie Okalik Egeesiak:** Misunderstandings. I guess that is one answer.

**Mr. Bernie MacIsaac:** It's basically a matter of interpretation of the land use agreement. A lot of goodwill has gone into the creation of this act. A lot of goodwill has gone into everybody working together, and it'll be difficult if misunderstandings or different interpretations of particular clauses or activities hinder that. I guess that would be our fundamental....

**Mrs. Carol Hughes:** Does that mean that that could jeopardize some of the work that's been done or some of the projects?

That's my last question. Thanks.

**Mr. Bernie MacIsaac:** I don't think it would jeopardize projects in the large sense, in terms of a project being cancelled or whatever, but it might create argument, if you like, within some of these processes, for example, the NIRB process or the land use planning process, or whatever. A lot of extra time could be spent arguing about a particular method or way of doing things, or whatever, when maybe that's time that could have been saved if they were dealt with in the beginning, if you know what I mean.

**The Chair:** We want to thank Ms. Eegeesiak, as well as Mr. MacIsaac, for being here and for bringing comprehensive testimony to this.

Did you have a question, Ms. Eegeesiak?

**Ms. Josie Okalik Eegeesiak:** Yes, just with regard to some of the questions about funding or a proponent paying for things or resources.

That's one of the arguments that we have had in issues with Baffinland. Nunavut does not have baseline data required for a lot of the work that's going on. I'd like to use the example of where Fisheries and Oceans used 1985 beluga data from the Northwest Territories because we don't have beluga data in Nunavut. That is one of the things that we have come across with regard to baseline data that we need in Nunavut. And there are some questions around basic infrastructure—do proponents have to build a dock—or stuff like that that the federal government should be responsible for, is responsible for.

That's one of the things that we have talked about: the need for basic infrastructure that the federal government should be investing in so that more investment can come in.

Thank you very much.

**The Chair:** Thank you very much.

Colleagues, I just want to make you aware that as we proceed towards clause-by-clause in the coming week, if you want those proposed amendments to be included in the clause-by-clause documents that will be distributed, we'll need them early this coming week. After the weekend would be very helpful. Of course, it doesn't prohibit people from moving amendments during clause-by-clause, but it is a lot easier, just for housekeeping, if we can have folks see those before.

Ms. Bennett.

• (1050)

**Hon. Carolyn Bennett:** Are we going to be able to have a look at the government amendments so that we're not duplicating?

**The Chair:** I'm putting this out to encourage both the government as well as opposition members. Maybe you can discuss that, but I think that would be helpful, obviously, in charting the course forward.

Again, thanks so much to our witnesses. We'll now adjourn this meeting.

Colleagues, you'll remember—

**Mrs. Carol Hughes:** I think Greg wanted to comment.

**The Chair:** Oh, pardon me.

Mr. Rickford.

**Mr. Greg Rickford (Kenora, CPC):** Carolyn, thank you for the question.

We are in the process of looking at a couple of submissions for proposed amendments. The department hasn't worked through all of them. We were waiting for the last few witnesses, particularly with the new part, to take a look at those in their aggregate. We're close, but it will probably be the end of the week or early next week. We'll certainly pitch those to you as quickly as possible.

**Hon. Carolyn Bennett:** Thanks very much.

**The Chair:** Thank you.

This meeting is adjourned, but recall that we do have the informal meeting with our friends from the Northwest Territories here shortly.

Thanks to our witnesses. You're free to go.

I think there's a question here from Mr. Bevington.

**Mr. Dennis Bevington:** Just in terms of witnesses, I've had requests from some of the NWT groups, specifically the grand chief of the Dehcho. He's going to be here, actually, for this meeting today, but he'd be willing to participate as a witness, through a teleconference, if possible, next week.

**The Chair:** Submit that information to the clerk, as we asked.

**Mr. Dennis Bevington:** I am doing it right now. The clerk is sitting here, so....

**The Chair:** No, no. Get some information to the clerk and we'll proceed with that.

**Mr. Dennis Bevington:** Yes, well, the clerk can actually speak to the grand chief. My understanding is that he's on the list of people to be here.

**The Chair:** Sure. We can do that, Dennis. I'm just saying that this maybe isn't the time that we need to discuss that.

Thank you, colleagues—

**Mr. Dennis Bevington:** Well, it's germane to the conduct of our business on this....

Mr. Chair, I'm curious. You're not willing to discuss this when we just talked about the timetable for the conduct of this particular bill. Why wouldn't you want to hear this now?

**The Chair:** We haven't moved into committee business, Dennis. You know the process. I appreciate it.

**Mr. Dennis Bevington:** And you're—

**The Chair:** The meeting is adjourned.





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