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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

## MINUTES OF THE 156<sup>TH</sup> MEETING OF THE KEAC (ADOPTED)

**DATES:** June 14 and 15, 2018

**LOCATION:** Le Monastère des Augustines, Quebec City

### **PRESENT:**

#### **Appointed by the Kativik Regional Government (KRG)**

Michael Barrett

#### **Appointed by the Government of Canada**

Alexandre-Guy Côté, Chairperson

Jean-Yves Savaria

Catherine Lapeyrie

#### **Appointed by the Gouvernement du Québec**

Paule Halley

Sylvie Létourneau

Julie Samson

#### **Executive Secretary**

Benjamin Patenaude

#### **Environmental Analyst**

Nancy Dea

### **ABSENT:**

Mary Pilurtoot, member appointed by the KRG

Laina Grey, member appointed by the KRG

### **GUESTS:**

Valérie Lephart, Residual Materials Branch, MDDELCC

Luc Bond, Residual Materials Branch, MDDELCC

Ève Harbour-Marsan, Aboriginal Affairs Advisor, MERN

Claude Leblanc, Social Acceptability Advisor, MERN

Jean-Pierre Laniel, Director, Biodiversity Expertise Branch, MDDELCC

Julie Fortin, Ph.D. candidate in Public Communications, Université Laval

Benjamin Shaer, Policy Analyst, ECCC

Nicole Côté, Program Manager, ECCC

## **1. Call to order and adoption of the agenda**

The 156<sup>th</sup> meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on June 14, 2018, at the Monastère des Augustines in Quebec City. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 156<sup>th</sup> meeting took place in accordance with the agenda below:

### **1. Call to order and adoption of the agenda**

### **2. Adoption of the minutes of the 153<sup>rd</sup>, 154<sup>th</sup> and 155<sup>th</sup> meetings**

### **3. Administration**

- a) Budget
- b) Secretariat
- c) KEAC priorities
- d) Annual report, 2017–2018
- e) Website
- f) Naskapi Nation of Kawawachikamach – Update following the 155<sup>th</sup> meeting

### **4. Social impacts**

- a) Fostering social acceptability – MERN
- b) Public consultation regarding the creation of monitoring committees – MERN
- c) Aupaluk – A case study on social issues relating to mining development
- d) Update from the KEAC sub-committee – social impacts

### **5. Environmental assessment in Nunavik**

- a) New federal impact assessment system and related regulations (*Canadian Environmental Assessment Act, 2012*)

### **6. Fisheries Act**

### **7. Draft regulations arising from the *Environment Quality Act***

### **8. *Act respecting the Conservation of Wetlands and Bodies of Water***

### **9. Mining activity**

- a) Aboriginal community consultation policy – MERN
- b) Hopes Advance iron mining project – Oceanic Iron Ore Corporation
- c) 2018 Nunavik Mining Workshop

### **10. Residual materials management**

- a) Nunavik residual materials management working group
- b) Aluminium can collection and recycling
- c) Single-use plastic bags
- d) Federal funding for residual materials management in Nunavik
- e) Mid-Canada line radar sites

- f) Compensation regime for the selective collection of residual materials
- g) Extended producer responsibility
- h) Clean-up of hazardous materials storage sites funding program – Québec government
- i) Federal Contaminated Sites Action Plan

#### **11. Land use planning and occupancy**

- a) Sustainable mobility plan for the Nord-du-Québec region
- b) Plan Nord

#### **12. Parks and protected areas**

- a) Draft government policy on the national parks of Québec

#### **13. Climate change**

#### **14. Miscellaneous**

- a) Green Corner Article, *Makivik Magazine*
- b) Letter to Indigenous affairs authorities
- c) Hydro-Québec's proposal to open the Duplanter spillway

#### **15. Dates and location of the next meetings**

### **2. Adoption of the minutes of the 153<sup>rd</sup>, 154<sup>th</sup> and 155<sup>th</sup> meetings**

The minutes of the 154<sup>th</sup> meeting were adopted following modifications. The adoption of the minutes of the 153<sup>rd</sup> and 155<sup>th</sup> meetings was postponed to a later date.

### **3. Administration**

#### **a) Budget**

The members discussed the status of the KEAC budget application for 2018–2019 and, yet again, the delay in receiving its annual grant. A draft follow-up letter addressed to the provincial administrator was reviewed. Given the KEAC's current precarious financial situation, it was decided that a request for an advance should be included in the letter to preclude the temporary closing of the secretariat.

The expense report for February to April 2018 was also presented.

#### **b) Secretariat**

The executive secretary presented the new secure online filing system for confidential KEAC documents.

As well, the members continued their discussion on the evaluation process for KEAC employees.

#### **c) KEAC priorities**

The members reviewed a table showing the status and prioritization of KEAC files since the last meeting.

d) Annual report, 2017–2018

The members approved changes to the format of the 2017–2018 annual report. It was agreed the contents of the report would be reviewed and approved at a later date.

e) Website

The members reviewed the website and asked that some updates be performed to better reflect recent KEAC commitments.

f) Naskapi Nation of Kawawachikamach – Update following the 155<sup>th</sup> meeting

On April 30, the KEAC received a letter from Ron Hallman, the federal administrator of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA), in response to its letter dated March 26, 2018, concerning the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach. The members briefly discussed the response. The KEAC is still awaiting a response to its letter transmitted to the provincial administrator on the same topic.

#### **4. Social impacts**

a) Fostering social acceptability – MERN

Ève Harbour-Marsan and Claude Leblanc of the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) gave a presentation on the policy fostering the social acceptability of projects in particular related to the mining sector in Québec. Ms. Harbour-Marsan provided an overview of the presentation and then a description of the Québec government's approach and responsibilities. She explained that the MERN always offers support to project proponents to foster the social acceptability of their projects, but that the MERN cannot serve as an intermediary between the parties. She in particular emphasized that it is the responsibility of the project proponent to take the necessary steps to ensure dialogue, trust and openness with the concerned community. Ms. Harbour-Marsan and Ms. Leblanc concluded the presentation by presenting a fictional case regarding the social acceptability of a project subject to environmental assessment and public consultation.

b) Public consultation regarding the creation of monitoring committees – MERN

The members discussed the possibility of participating in the MERN public consultation regarding the creation of monitoring committees for mining projects. It was decided the KEAC would participate in the consultation.

c) Aupaluk – A case study on social issues relating to mining development

Julie Fortin a Ph.D. candidate in Public Communications from Université Laval, gave a presentation on her research into the points of view of Aupaluk residents regarding mining development near their community. Ms. Fortin opened her presentation with a description of the research methodology and context. She explained that mineral exploration has a long history around Aupaluk and that Oceanic Iron Ore Corporation and Nickel North currently own properties in the area. She explained that fieldwork by these

companies, especially Oceanic, has created a general feeling of uncertainty about the future among community residents. She also stressed that contradictory information about the Oceanic project issued by the government, regional bodies and the mining company itself have exacerbated feelings of powerlessness among community residents to consent to the project or not. Ms. Fortin concluded her presentation by summarizing the results and recommendations of her work.

d) Update from the KEAC subcommittee – social impacts

The members of the subcommittee presented proposed objectives and orientations for project on social impact assessment under the environmental assessment procedures applicable in Nunavik. It was agreed that a consultant could be contracted to perform the first phase of analysis of existing social impact assessment regimes in Nunavik.

## **5. Environmental assessment in Nunavik**

a) New federal impact assessment system and related regulations (*Canadian Environmental Assessment Act, 2012*)

On April 23, 2018, a letter was sent to the Honourable Catherine McKenna, Minister of Environment and Climate Change, concerning KEAC feedback on the new federal impact assessment system and related regulations under Bill C-69, *Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*. In its letter, the KEAC recognized the federal government's efforts to incorporate Indigenous concerns and traditional knowledge into the current modernization process, but expressed its disappointment at not having been more closely involved in the exercise. The KEAC also reiterated its concerns regarding the increasing number of federal environmental assessment procedures still applicable in Nunavik. Copies of the KEAC briefs submitted to the federal government at the time of previous amendments to federal environment assessment procedures, i.e. in 2002 and 2011, were enclosed with the letter.

## **6. Fisheries Act**

The members were updated on the current review of the *Fisheries Act* and provided with a description of the elements the federal government intends to include in the review.

## **7. Draft regulations arising from the *Environment Quality Act***

On May 14, 2018, a letter was sent to the deputy minister of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (sustainable development, the environment and the fight against climate change, MDDELCC) concerning KEAC feedback on recently published draft regulations arising from the adoption of the *Act to amend the Environment Quality Act*. In its letter, the KEAC presented its observations on the draft regulation concerning quarries and sand pits as well as the draft regulation concerning ministerial authorizations and declarations of environmental conformity. The members were informed that the MDDELCC is reviewing the feedback received and, due to the volume of feedback, the timetable for the adoption of these draft regulations will be extended.

## **8. Act respecting Compensation for Adverse Effects on Wetlands and Bodies of Water**

Jean-Pierre Laniel, director of the Biodiversity Expertise Branch of the MDDELCC, gave a presentation on the draft regulation concerning compensation for adverse effects on wetlands and bodies of water that was recently tabled further to the adoption of the *Act respecting the Conservation of Wetlands and Bodies of Water* in June 2017. Mr. Laniel provided an overview of the timetable for the implementation of the regulation, its requirements and the compensation measures that will be included in certificates of authorization for adverse effects on wetlands and bodies of water. Mr. Laniel explained that the draft regulation does not apply to Nunavik for the moment; however the MDDELCC intends to examine the possibility of developing a compensation regime specifically for the region.

It was decided that a letter would be drafted to thank Mr. Laniel for his presentation and to encourage collaboration with regional bodies on the development of a compensation regime for Nunavik.

## **9. Mining activity**

### **a) Aboriginal community consultation policy – MERN**

On April 4, 2018, the KEAC sent a letter to Francois Dupuis, director of the Aboriginal Affairs Branch of the MERN concerning the MERN's Aboriginal community consultation policy. In its letter, the KEAC expressed support for the government's initiative to improve the consultation process with Aboriginal communities, but questioned how the policy would be applied in Nunavik and how it would take into account the procedures prescribed under the JBNQA. It was decided that follow-up would be conducted with the MERN since the KEAC is still awaiting a response to its letter.

### **b) Hopes Advance iron mining project – Oceanic Iron Ore Corporation**

On May 30, 2018, the KEAC sent a letter to the mayor of Aupaluk explaining the current status of the Hopes Advance iron mining project. Correspondence dated March 5, 2018, that the KEAC had received from Oceanic Iron Ore Corporation regarding the project was enclosed with the letter.

### **c) 2018 Nunavik Mining Workshop**

The Executive Secretary provided a summary of the 2018 Nunavik Mining Workshop organized by the Nunavik Mineral Exploration Fund in Kuujuaq from April 23 to 25, 2018. The purpose of the workshop was to bring together representatives of government, the mining sector and regional organizations to encourage open dialogue on mining development in Nunavik. Workshop participants had an opportunity to learn more about the current state of mining development in the region and the applicable legal framework. They also took part in discussions regarding social acceptability in the context of mining development in Nunavik and used the event to network on local business opportunities.

## 10. Residual materials management

### a) Nunavik residual materials management working group

The Environmental Analyst provided a summary of the second meeting of the Nunavik residual materials management working group which was held on April 16, 2018. It was decided that the members would review the working group's mandate and send a letter with their recommendations to the deputy minister of the MDDELCC. The working group's next meeting is scheduled for September 2018.

### b) Aluminium can collection and recycling

The members were informed that copies of the aluminium can collection and recycling information poster were sent to municipal offices, schools and retailers in Nunavik on April 20, 2018.

### c) Single-use plastic bags

On May 2, 2018, the KEAC sent a letter to Nunavik community mayors encouraging them to adopt a bylaw banning the distribution of single-use plastic bags, similar to the bylaw adopted by the municipality of Kuujuaq in 2008.

### d) Federal funding for residual materials management in Nunavik

On March 23, 2018, the KEAC sent a letter to the federal ministers of Environment and Climate Change, Indigenous Services, as well as Crown-Indigenous Relations and Northern Affairs concerning the exclusion of Nunavik communities from federal environmental funding programs for Indigenous and northern communities and organizations. In its letter, the KEAC expressed concerns regarding the difficulty experienced by regional and municipal bodies in Nunavik obtaining the necessary financial resources to initiate projects related to residual materials management and contaminated site restoration.

### e) Mid-Canada line radar sites

The Executive Secretary provided a summary of the conference call held on April 10, 2018, with representatives of the MDDELCC, the Cree Nation Government and the Naskapi Nation of Kawawachikamach to discuss the results of the 2017 site characterization study and future direction of the clean-up project for Mid-Canada line sites.

### f) Compensation regime for the selective collection of residual materials

The members met with Valérie Lephât and Luc Bond of the MDDELCC Residual Materials Branch to discuss the compensation regime for the selective collection of residual materials. The goal of the *Regulation respecting Compensation for Municipal Services provided to recover and Reclaim Residual Materials* is to prevent and reduce the impact of residual materials on the environment. It also designates the materials and classes of materials to which the compensation regime applies and determines the calculation method and the performance and efficiency criteria to be used to determine annual compensation. The materials eligible for compensation include all flexible and rigid materials (ex., paper, cardboard, plastic, glass or metal and any combination of these materials). Ms. Lephât explained that the

new regulation on the compensation regime was recently published in the *Gazette officielle du Québec*. The regime recognizes a series of material categories for municipalities that do not have direct access to recycling facilities and covers a portion of their collection and transportation costs for their selective collection programs. With regards to Nunavik where residual materials are mostly transported by ship, the regime would cover a portion of these costs. The issue of including a regional composting program for cardboard, paper and organic waste was also discussed.

g) Extended producer responsibility

On May 16, 2018, the KEAC contacted Nicolas Juneau, director of the MDDELCC Residual Materials Branch, to follow up on its letter dated September 7, 2017, concerning amendments to be made to the *Regulation respecting the Recovery and Reclamation of Products by Enterprises*. As the KEAC is still awaiting a response, it was decided that follow-up on the status of the regulation should be carried out with Valérie Lephat.

h) Clean-up of hazardous materials storage sites funding program – Québec government

The members were informed that the Québec government has announced a budget of \$3 million through the Société du Plan Nord for the clean-up of hazardous materials storage sites within the boundaries of Nunavik communities over the next four years. The funding will permit the removal of hazardous materials (such as barrels of oil and fuel), but not the removal of contaminated soil.

i) Federal Contaminated Sites Action Plan

Nicole Côté and Benjamin Shaer of Environment and Climate Change Canada (ECCC) gave a presentation on the Federal Contaminated Sites Action Plan (FCSAP). Ms. Côté opened the presentation with a description of the contaminated sites under federal responsibility (ex., abandoned mines on federal public lands, airports and military bases) and the federal action plan. She described how the federal government assesses contaminated sites, the steps it takes to close these sites and, if required, to perform remediation. The action plan is in its final phase and is scheduled to end in 2020 even though a substantial number of sites still require assessment and remediation. Ms. Côté concluded the presentation by stating that ECCC is currently examining different options to continue its work after 2020.

The members were informed that a workshop and consultation on the FCSAP for representatives of Québec Indigenous communities and organizations is scheduled for July 4 and 5, 2018, in Montreal. It was decided that the Environmental Analyst would attend the workshop for the KEAC.

## **11. Land use planning and occupancy**

a) Sustainable mobility plan for the Nord-du-Québec region

On March 28, 2018, the KEAC sent a letter to Philippe Lemire, director general of the Northern Québec Coordination Office of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports (transportation, sustainable mobility and transport electrification, MTMDET) with its feedback on the draft sustainable mobility policy for the Nord-du-Québec region. In its letter, the KEAC expressed concerns with regards to MTMDET consultation of regional bodies, the inclusion of Nunavik in the sectoral



plan for the Nord-du-Québec region, and the taking into account of regional realities regarding transportation infrastructure development.

A summary of the recently released MTMDDET 2018–2023 Sustainable Mobility Policy and Action Plan was presented.

b) Plan Nord

On May 18, 2018, a letter was sent to Robert Sauvé, president and chief executive officer of the Société du Plan Nord (SPN), to follow-up on his meeting with the KEAC on December 5, 2017. In its letter, the KEAC recognized SPN initiatives with regards to funding research into residual materials management. The KEAC also expressed concerns with the SPN greenhouse project in Kuujuaq and asked to be consulted on this file.

A response was received from Mr. Sauvé on June 12, 2018, in which he recognized the merits of KEAC concerns regarding residual materials management in Nunavik, specifically the need to reduce open air burning, and confirmed his awareness of the objectives set out in the *Nunavik Residual Materials Management Plan*. In this context, Mr. Sauvé believes it is important for the SPN to maintain the greenhouse project in Kuujuaq as part of its waste-to-energy program for which a working group was recently established. Mr. Sauvé concluded his letter by inviting the KEAC to join the working group.

## **12. Parks and protected areas**

a) Draft government policy on the national parks of Québec

In April 2018, the KEAC received from Manon Carignan of the National Parks Branch of the Ministère des Forêts, de la Faune et des Parcs (forests, wildlife and parks, MFFP) the draft national parks policy. On May 28, 2018, the KEAC sent a letter to Ms. Carignan expressing concerns regarding the application of certain elements of the policy in Nunavik, the contributions of Aboriginal communities to the parks network, as well as the restoration of abandoned outfitting and mineral exploration camps covered under the policy. The KEAC also asked to be kept informed of developments in this file.

## **13. Climate change**

On April 19, 2018, the MFFP held a workshop in Kuujuaq on the vulnerabilities of Québec's arctic territory in the context of climate change. The topics presented at the workshop included recent studies on changes in vegetation, surface mineral deposits, permafrost, access to country foods, climate forecasts, ice monitoring, fish populations and related environmental hazards in Nunavik.

## **14. Miscellaneous**

a) Green Corner Article, *Makivik Magazine*

The next article for the Green Corner in *Makivik Magazine* will address the issue of lead fishing tackle and its negative effects on wildlife.

b) Letter to Indigenous affairs authorities

Two draft letters were reviewed by the members. The first was addressed to Geoffrey Kelley of the Secrétariat aux affaires autochtones (Aboriginal affairs) and the second to the Minister of Crown-Indigenous Relations and Northern Affairs to express KEAC concerns about being omitted from some consultation processes organized by government bodies, or not being informed well enough in advance.

It was also decided that letters would be sent to the provincial and federal administrators to invite them to a future meeting to discuss this matter and other matters related to KEAC operations and its mandate.

c) Hydro-Québec's proposal to open the Duplanter spillway

During the conference call held on April 13, 2018, it was decided that a meeting with Hydro-Québec representatives should be organized to discuss the government agency's proposal to open the Duplanter spillway in order to evacuate excess water from the Caniapiscou drainage basin. An invitation to this effect was sent on May 10, 2018. After a series of follow-up communications with a Hydro-Québec representative, the KEAC has still not received a definitive response. As this matter lies directly under the KEAC's mandate and is of concern to the residents of Kuujuaq, it was decided that the Hydro-Québec representative would be contacted again to make known the inconveniences caused to the KEAC due to its not having been consulted on this file in a timely manner.

**15. Dates and location of the next meetings**

It was decided that the 157<sup>th</sup> meeting would be held from September 18 to 20, 2018, in Kangiqsualujuaq and that the 158<sup>th</sup> meeting would be held in December in Quebec City.



Benjamin Patenaude  
Executive Secretary  
December 5, 2018