



MINUTES OF THE 158TH MEETING OF THE KEAC (ADOPTED)

DATES: December 5 and 6, 2018

LOCATION: Domaine Catarauqui, Quebec City

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett

Mary Pilurтуut

Laina Grey

Appointed by the Government of Canada

Alexandre-Guy Côté, Chairperson

Catherine Lapeyrie

Jean-Yves Savaria

Appointed by the Gouvernement du Québec

Paule Halley

Sylvie Létourneau

Julie Samson

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

GUESTS:

Terry Hubbard, Vice-President of Operations, CEAA

Anne-Marie Gaudet, Regional Director, CEAA

Patrick Beauchesne, Deputy Minister, MELCC

Claude Bernard, Mining Rights Management Service, MERN

Benjamin St-Pierre, Mining Rights Management Service, MERN

Karine Dallaire, Mining Site Restoration Branch, MERN

Hélène Iraca, Director, Environmental Control Centre, MELCC

Myriam Blais, Coordinator, Strategic Infrastructure Branch, SPN

Georges Gangbazo, Environmental and Strategic Assessment Branch, MELCC

OBSERVERS:

Sara Marmen, Biologist, MELCC (December 5)

1. Call to order and adoption of the agenda

The 158th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on December 5, 2018, at the Domaine Catarauqui in Quebec City. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 158th 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 156th and 157th meetings**
- 3. Administration**
 - a) Budget
 - b) Secretariat
 - c) Members
 - d) KEAC priorities
 - e) Annual report, 2018–2019
 - f) Archives
 - g) Naskapi Nation of Kawawachikamach – update
- 4. Meeting with the federal and provincial administrators**
- 5. Environmental assessment in Nunavik**
 - a) Presentation on strategic environmental assessments under the *Environment Quality Act*
 - b) Indigenous Advisory Committee, CEAA
 - c) Social impacts
 - d) Environmental and social impact assessment guide
- 6. Mining activities**
 - a) Aboriginal community consultation policies – MERN
 - b) Meeting with the MERN and the MELCC
- 7. Residual and hazardous materials management**
 - a) Nunavik residual materials management working group
 - b) Aluminium beverage can collection and recycling
 - c) Federal Contaminated Sites Action Plan
 - d) First Nations of Québec Waste Management Symposium
 - e) Mid-Canada line radar sites
 - f) Meeting with the SPN
 - g) Federal funding programs related to the environment
 - h) Guide to heating oil tanks

8. Miscellaneous

- a) Green Corner Article, *Makivik Magazine*
- b) Letter to Indigenous affairs ministers
- c) North American Caribou Workshop, 2018
- d) Public land use plan – MERN
- e) East Hudson Bay/James Bay Regional Roundtable, 2019
- f) BAPE press conference
- g) Federal Sustainable Development Strategy

9. Dates and locations of the next meetings

2. Adoption of the minutes of the 156th and 157th meetings

The minutes of the 156th meeting were adopted following modifications. The adoption of the minutes of the 157th meeting was postponed to a later date.

3. Administration

a) Budget

The members discussed expected expenses for the remainder of the current fiscal year. They then discussed the budget forecast for 2019–2020. The expense report for the period from August to October 2018 was also reviewed.

b) Secretariat

The members resumed their discussion regarding the new KEAC environmental analyst position, employee evaluations and employee participation at environmental-related symposiums and workshops.

c) Members

The KEAC was informed of the resignation of Jean-Yves Savaria from his position as a Government of Canada appointee. Mr. Savaria's contributions to the KEAC were underscored.

d) KEAC priorities

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

e) Annual report, 2018–2019

The members discussed production of the 2018–2019 annual report.

f) Archives

The members resumed their discussion regarding the possibility of hiring an archivist to deal with KEAC files at the office of its secretariat.

g) Naskapi Nation of Kawawachikamach – update

On October 30, 2018, the KEAC received a letter from Patrick Beauchesne, provincial 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. In his letter, Mr. Beauchesne summarized the latest developments in this file and responded to KEAC questions. The members were also informed that the Naskapi have submitted a revised application for judicial review. The KEAC has not yet formally received the revised version. The members discussed these different pieces of information and decided to hold a conference call to discuss the matter further.

4. Meeting with the federal and provincial administrators

The members met with Terry Hubbard, Vice-President of Operations at the Canadian Environmental Assessment Agency (CEAA), and Anne-Marie Gaudet, Director of the CEAA Québec Office, acting on behalf of the federal administrator of Section 23 of the JBNQA. The meeting opened with discussion on how to improve communications between the Government of Canada and the KEAC and members' concerns regarding the exclusion of Nunavik bodies from federal environmental funding programs. Mr. Hubbard explained that Crown-Indigenous Affairs and Northern Relations Canada (CIRNAC) is aware of this issue and is exploring solutions. Next, discussion focused on the revision of the *Canadian Environmental Assessment Act* (2012), specific elements of Bill C-69, issues related to the substitution process and the multiplication of environmental assessment procedures in Nunavik, as well as the development of more effective communications with communities in the region. The members also expressed their concerns regarding the payment of KEAC annual funding. The meeting wrapped up with discussion on the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach.

The members also met with Patrick Beauchesne, provincial administrator of Section 23 of the JBNQA. The meeting opened with discussion on the Québec government's obligation to consult the KEAC on all matters related to the environmental and social protection regime in Nunavik. Mr. Beauchesne committed to relaying the members' concerns to the different concerned government departments. Discussion also took place on the compensation regime under the *Act respecting the Conservation of Wetlands and Bodies of Water*. Mr. Beauchesne confirmed that the Ministère de l'Environnement et de la Lutte contre les changements climatiques (environment and the fight against climate change, MELCC) is open to KEAC input on this matter. Next, discussion focused on draft regulations and the registry created further to the recent revision of the *Environment Quality Act*, the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach, and the current state of abandoned mineral exploration camps in Nunavik. The increased operating budget and the recurring problem of administrative delays affecting payment of KEAC operating funds were raised with Mr. Beauchesne, who acknowledged the operating budget increase and provided explanations for the administrative delays. Mr. Beauchesne also addressed the members' comments regarding residual materials management in Nunavik and the current state of the Asbestos Hill mine site. The meeting concluded with discussion on increased KEAC involvement in the Plan Nord.

5. Environmental assessment in Nunavik

a) Presentation on strategic environmental assessments under the *Environment Quality Act*

Georges Gangbazo of the Environmental and Strategic Assessment Branch at the MELCC presented elements of a possible future regulation respecting strategic environmental assessment under the *Environment Quality Act*. Mr. Gangbazo first provided a description of the definitions that will be used and the Québec government's intentions. He explained that the proposed strategic environmental assessment regime seeks to mitigate the negative effects of the current assessment procedures and emphasizes a proactive approach and prevention measures. It also considers the scale and duration of both positive and negative impacts. Mr. Gangbazo described the different stages under the proposed strategic environmental assessment regime, potential benefits, the legal framework, and the criteria for projects subject to or exempt from assessment. He indicated that a strategic environmental assessment advisory committee would be created with members appointed from civil society that could include the KEAC, as well as a proposed registry administered by the MELCC. The members pointed out that it will be important to ensure the findings of strategic environmental assessments are used under the environmental and social impact assessment and review procedure applicable in Nunavik.

b) Indigenous Advisory Committee, CEAA

The members were updated on the creation of the CEAA Indigenous Advisory Committee.

c) Social impacts

The members were informed that the CEAA is ready to provide partial financial assistance for the KEAC study on social impacts and that the Secrétariat international francophone pour l'évaluation environnementale (international francophone environmental assessment secretariat) is available to lead the work. It was proposed that the study initially focus on analysis of the impacts assessment and review procedures under the JBNQA. It was decided that a service contract and budget for this project would be presented at the next meeting.

d) Environmental and social impact assessment guide

The members reviewed the environmental and social impact assessment guide to ensure it adequately represents all Nunavik residents.

6. Mining activities

a) Aboriginal community consultation policies – MERN

The members were informed that the KEAC has not received a response to its letter concerning the Aboriginal community consultation policies specifically for the mining sector as well as for the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN). Although a response to its follow-up letter was received on September 14, 2018, it was decided that additional follow-up be conducted with the MERN.

b) Meeting with the MERN and the MELCC

The members met with Claude Bernard and Benjamin St. Pierre of the Mining Rights Management Service and Karine Dallaire of the Mining Site Restoration Branch at the MERN to discuss the current state of abandoned mineral exploration camps in Nunavik and the Asbestos Hill mine site. H  l  ne Iraca, Director of the Environmental Control Centre of the regional MELCC office, was also present. The meeting began with discussion on section 216 of the *Mining Act* which stipulates that, within 30 days after the expiry of a claim, mineral exploration companies must remove all their property from the parcel of land that was subject to the right. The MERN representatives explained that, although regular follow-up with mineral exploration companies and site surveys are conducted, it is difficult work given the number of claims and the size of the region. They also explained that, if a mineral exploration company goes bankrupt, the property is classified as a liability and falls within the domain of the state. At this point, the MERN becomes responsible for site restoration.

Next, the current state of the Asbestos Hill mine site was discussed. The MERN representatives presented an overview of the restoration work conducted at the site. The members expressed their concerns regarding mine tailings and residual materials that have been exposed by erosion. The property is still owned by Asbestos Corporation Ltd. and the level of restoration work that can be carried out is limited by the company's inadequate financial resources. The MERN and the MELCC are currently studying the issue of site ownership from a legal perspective and are preparing for an inspection at the site in 2019 to assess the level of risk associated with the exposed materials. The MERN representatives explained that both government departments intend to transmit the results of the inspection to the KRG. The meeting concluded with an update on the preparation of the MERN's proposed action plan for the restoration of abandoned asbestos mines in Qu  bec.

7. Residual and hazardous materials management

a) Nunavik residual materials management working group

The environmental analyst presented a summary of the meeting of the Nunavik residual materials management working group held on October 24, 2018, in particular with MELCC representatives.

b) Aluminium beverage can collection and recycling

On November 27, 2018, the KEAC was contacted by the Northwest Company in response to correspondence regarding its legal obligation to accept the return of aluminium beverage cans and to refund the deposit at their stores in Qu  bec. It was proposed to organize a meeting with representatives of the Northwest Company, the Federation of Cooperatives of Northern Qu  bec and RECYC-QU  BEC, in collaboration with the KRG environmental specialist. It was also decided that the aluminium beverage can recycling information posters produced by the KEAC in April 2018 would be re-sent to the Northwest Company.

c) Federal Contaminated Sites Action Plan

Following up on a workshop held in July 2018 concerning the renewal of the Federal Contaminated Sites Action Plan, the members were updated on federal sites of particular interest to Nunavik communities, including Killiniq, Kuujjuaq and Akpatok Island.

d) First Nations of Québec Waste Management Symposium

The environmental analyst presented a summary of the First Nations of Québec Waste Management Symposium held on October 29, 30 and 31, 2018, in St. Eustache.

e) Mid-Canada line radar sites

The members were informed that the MELCC has postponed a meeting to present the results of the characterization study conducted in 2018 on Mid-Canada Line radar sites.

f) Meeting with the SPN

Myriam Blais, Coordinator of the Strategic Infrastructure Branch at the Société du Plan Nord (SPN), gave a presentation on the waste-to-energy pilot project proposed in Kuujjuaq. She explained that the project would be implemented in two phases, specifically a hydroponic facility powered by a used-oil furnace and a greenhouse powered by an incinerator. According to a feasibility study, the volume of waste generated by the community of Kuujjuaq is sufficient to power the incinerator year-round. It might also be possible to direct excess heat towards meeting some of the community's heating needs. Ms. Blais mentioned the results of a similar project run by a Danish consulting firm in Greenland and identified possible locations for the project facilities in Kuujjuaq. She concluded by describing the potential challenges and benefits of the project and the proposed timeline.

g) Federal funding programs related to the environment

The members were informed that CIRNAC is currently examining solutions to overcome the problem of Québec Inuit's ineligibility under federal environmental funding programs, as described in the KEAC letter dated February 23, 2018.

h) Guide to heating oil tanks

On November 9, 2018, the KRG environmental specialist contacted the KEAC to request technical support to develop a guide for managing and preventing spills from heating oil tanks. The guide is intended for homeowners as well as public and private sector bodies in Nunavik. It was decided that the KEAC would provide assistance to the KRG to develop the guide.

8. Miscellaneous

a) Green Corner Article, *Makivik Magazine*

The article for the Green Corner in the 116th edition of *Makivik Magazine* will address the issue of aluminium beverage can recycling and announce a contest to encourage this practice among Nunavik residents. The prize has still not yet been claimed. It was decided that the contest announcement would be repeated in the next issue.

b) Letter to Indigenous affairs ministers

On August 24, 2018, the KEAC sent a letter to the federal and provincial ministers for Indigenous affairs to express KEAC concerns about the recurring issue faced with different government bodies that do not include the KEAC in consultations on policies, strategies, laws and regulations covered under its mandate. On October 11, 2018, the KEAC received a response from Ross Pattee of the implementation sector at CIRNAC. Mr. Pattee explained that the Government of Canada has taken steps to ensure the consultation of Nunavik residents in accordance with the JBNQA and expressed openness to continued collaboration with the KEAC on environmental issues affecting the region. On November 27, 2018, the KEAC transmitted follow-up to the Secrétariat aux affaires autochtones (Aboriginal affairs) as it had still not received any response to its letter.

c) North American Caribou Workshop, 2018

The executive secretary presented a summary of the 2018 North American Caribou Workshop held from October 29 to November 1, 2018, in Ottawa. At the workshop, the state of caribou populations across North America was discussed, along with the key challenges of conservation, management and population recovery. The event brought together representatives of research institutions, Indigenous organizations and communities, governments, industry, consultants and non-governmental organizations. The KEAC decided to request a presentation at a future meeting from the Canadian Wildlife Service of Environment and Climate Change Canada on the current state of caribou populations in the country.

d) Public land use plan – MERN

On November 20, 2018, the KEAC sent a letter to Mario Gosselin, the Associate Deputy Minister for Lands at the MERN, concerning the public land use plan. In its letter, the KEAC recognized MERN initiatives regarding the management and sustainable development of public lands and related collaboration with the KRG in the past. The KEAC asked to be kept informed of the timeline for development of the land use plan. The KEAC also emphasized that any land use plan for Nunavik must take into account the traditional activities of residents and requested that regional bodies be informed upstream of the plan's development.

e) East Hudson Bay / James Bay Regional Roundtable, 2019

The members were informed that the 2019 East Hudson Bay/James Bay Regional Roundtable is scheduled to be held on January 30 and 31, 2019. It was decided the environmental analyst would attend and present a summary at the next meeting.

f) BAPE press conference

The executive secretary presented a summary of the press conference organized by the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee, BAPE) to announce its 40th anniversary and planned future initiatives. The members were informed that the BAPE also intends to establish a roundtable with different Indigenous organizations and has encouraged the KEAC to take part.

g) Federal Sustainable Development Strategy

The members were informed that the Federal Sustainable Development Strategy will soon be updated and that consultations are underway. The Strategy sets out the federal government's sustainable development priorities, goals and targets, as well as the actions to achieve them.

9. Dates and locations of next meetings

It was decided that the 159th meeting would be held on March 13, 14 and 15, 2019 in a Nunavik community.



Benjamin Patenaude
Executive Secretary
June 18, 2019