
Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik



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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

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The Kativik Environmental Advisory Committee (KEAC) was created pursuant to Section 23 of the *James Bay and Northern Québec Agreement (JBNQA)*, signed in 1975 by Inuit and Cree, the Government of Québec, the Government of Canada, the James Bay Energy Corporation, the James Bay Development Corporation and Hydro-Québec. Section 23 pertains to the environment and future development north of the 55th parallel.

Governed by the *Environment Quality Act (CQLR, c. Q-2)* and the *James Bay and Northern Québec Native Claims Settlement Act (S.C. 1976-1979, c. 32)*, the KEAC is a consultative body to responsible governments in matters relating to environmental and social protection in Nunavik. It is the preferential and official forum for the governments of Canada and Québec, the Kativik Regional Government (KRG) and the northern villages, as well as the Naskapi Nation of Kawawachikamach when applicable.

The KEAC is a tripartite body composed of nine members appointed in equal parts by the KRG and the governments of Canada and Québec.



MANDATE

- Act as a consultative body to responsible governments for legislation and regulations relating to the environmental and social protection regime, and the administration and management of the regime.
- Make recommendations concerning legislation, regulations and other measures related to environmental and social protection.
- Study environmental and social impact assessment and review mechanisms and procedures.
- Study major issues relating to the implementation of the environmental and social protection regime as well as the land use regime.
- Serve as a link to concerned communities and provide support to local and regional authorities through the preparation of briefs and the delivery of technical assistance.

This guide has been produced by the Kativik Environmental Advisory Committee in order to clarify, simplify and differentiate between the four environmental and social impact assessment procedures that can be applied to development projects in Nunavik and with particular focus on public participation. For each procedure, you will find a short description, a flowchart and a detailed step-by-step chart, as well as contact information for each review body.

For further information, contact:

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WHAT IS ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT IN NUNAVIK?

It is a procedure that:

- identifies and documents in detail the environmental and social impacts of development projects;
- ensures environmental and social impacts are taken into account during the planning of projects, prior to their authorization.

Environmental and social impact assessment in Nunavik identifies the needs, interests, aspirations and apprehensions of concerned individuals, communities and organizations so that project proponents¹ and decision-makers can take them into consideration.

Four separate environmental and social impact assessment procedures can be applied in Nunavik. According to the type of project, the procedure may be provincial, federal or territorial. The websites of the different responsible review bodies provide further details regarding the procedures.



HOW CAN CONCERNED INDIVIDUALS, COMMUNITIES & ORGANIZATIONS PARTICIPATE IN ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT?

- **Responsible review bodies**

Pursuant to the JBNQA, members appointed by the KRG sit on the review bodies responsible for environmental and social impact assessment, i.e. the Kativik Environmental Quality Commission (KEQC)², the Environmental and Social Impact Review Panel (COFEX-North)³ and the Screening Committee⁴. Pursuant to the *Nunavik Inuit Land Claims Agreement* (NILCA)⁵, members are appointed by the Makivik Corporation to the Nunavik Marine Region Impact Review Board (NMRIRB)⁶. All these members participate in deliberations and have decision-making powers.

- **Public consultations**

Public consultations may be organized in concerned communities by the project proponent or an official body reviewing a project as part of an environmental and social impact assessment. Individuals, communities and organizations play an essential role during public consultations as their opinions and concerns regarding projects ensure better protection of the local environment and population.

The promoter may also ask concerned individuals, communities and organizations to participate in the production of impact assessment studies.

Different terms are used in this reference guide to designate the environmental and social studies produced by project proponents. Synonyms include:

- environmental and social impact statement;
- environmental impact study;
- environmental and socio-economic impact statement.

See page 12 for a list of some terms used in this reference guide and definitions.

1

Provincial Environmental and Social Impact Assessment Procedure (James Bay and Northern Québec Agreement, Section 23)

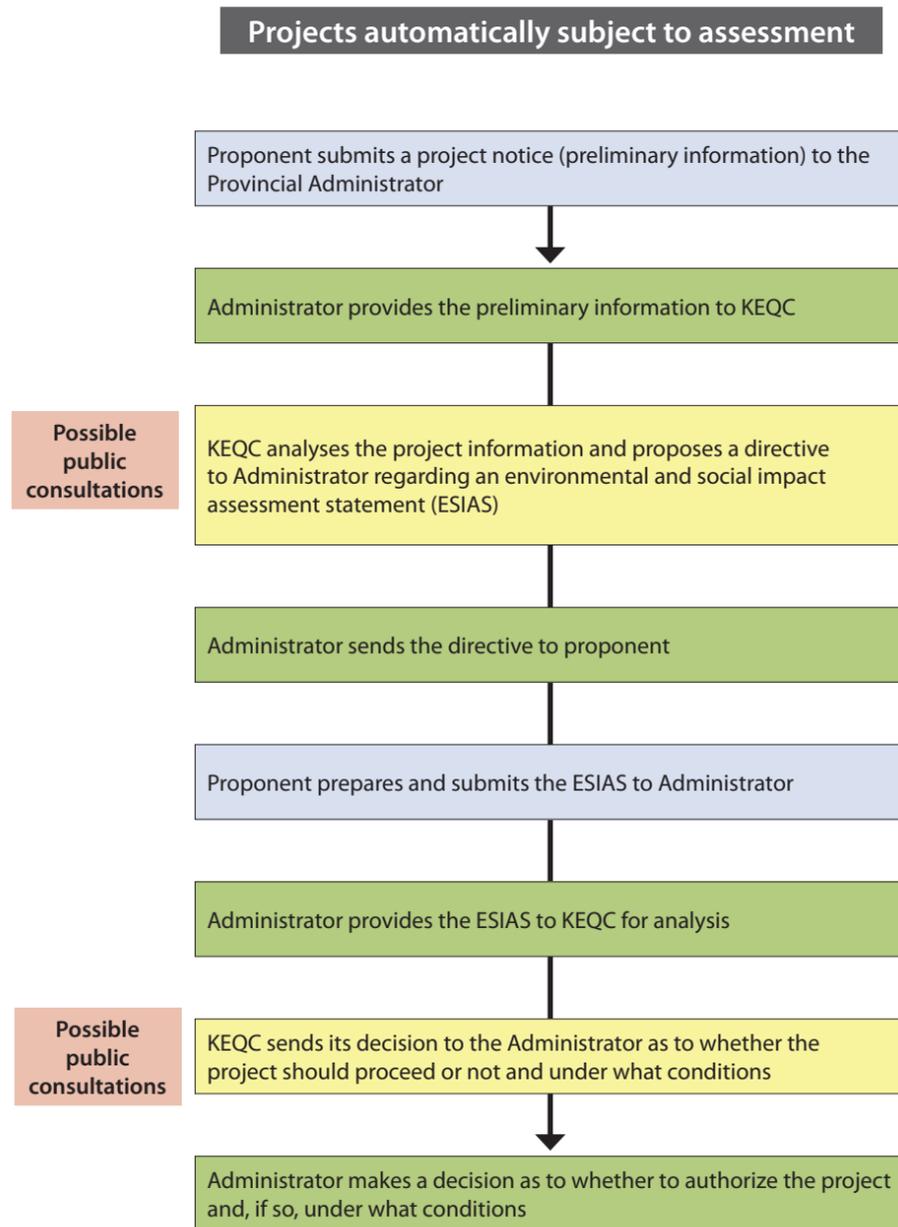
Public Participation in the Provincial Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)				
STAGE 1 Project Notice	STAGE 2 Directive	STAGE 3 Impact assessment	STAGE 4 Review	STAGE 5 Decision
<ul style="list-style-type: none"> – The project proponent transmits a project notice (preliminary information) to the responsible Provincial Administrator⁷. This information is transmitted to the KEQC for review. 	<ul style="list-style-type: none"> – The Administrator transmits a directive⁹ to the project proponent after consulting the KEQC. 	<ul style="list-style-type: none"> – The project proponent prepares an environmental and social impact statement on the project and transmits it to the Administrator. 	<ul style="list-style-type: none"> – The Administrator transmits the statement to the KEQC for analysis, which in turn ensures the statement complies with the directive and returns its recommendations as to whether the project should be allowed to proceed and, if so, under what conditions. – The KEQC may organize consultations in the concerned communities. 	<ul style="list-style-type: none"> – The Administrator makes a final decision based on the determination of the KEQC (including conditions).
P A R T I C I P A T I O N				
<ul style="list-style-type: none"> – Under the procedure, the responsible Administrator informs regional organizations and transmits documentation concerning the project. – At the outset of the project, the proponent should communicate with regional organizations⁸ and the concerned communities to inform them of the project. 	<ul style="list-style-type: none"> – The members named by the KRG to the KEQC ensure the directive is responsive to the region's concerns. – The KEQC may organize consultations in the concerned communities. 	<ul style="list-style-type: none"> – The project proponent must take regional concerns into account in its environmental and social impact statement. – The project proponent may involve members of the concerned communities in the production of its environmental and social impact statement. 	<ul style="list-style-type: none"> – The members named by the KRG to the KEQC participate in analysis of the project. Additional information may be requested. – Concerned individuals, communities and/or organizations may ask the KEQC to organize public consultations. 	<ul style="list-style-type: none"> – The Administrator informs the project proponent, the KEQC, and the KRG of his decision to authorize, or not, the project.

For more information, consult the Kativik Environmental Quality Commission's website at: <http://www.keqc-cqek.ca>

The JBNQA establishes an environmental and social protection regime for Nunavik. Section 23 of the JBNQA defines a provincial impact assessment procedure and a federal impact assessment procedure. For each procedure, there is an Administrator⁷ and a body responsible for conducting the environmental and social impact assessment (the KEQC or the COFEX-North). Schedules 1 and 2 of Section 23 set out the types of projects automatically subject to and exempt from environmental and social impact assessment. If a project does not appear in either list, the KEQC or

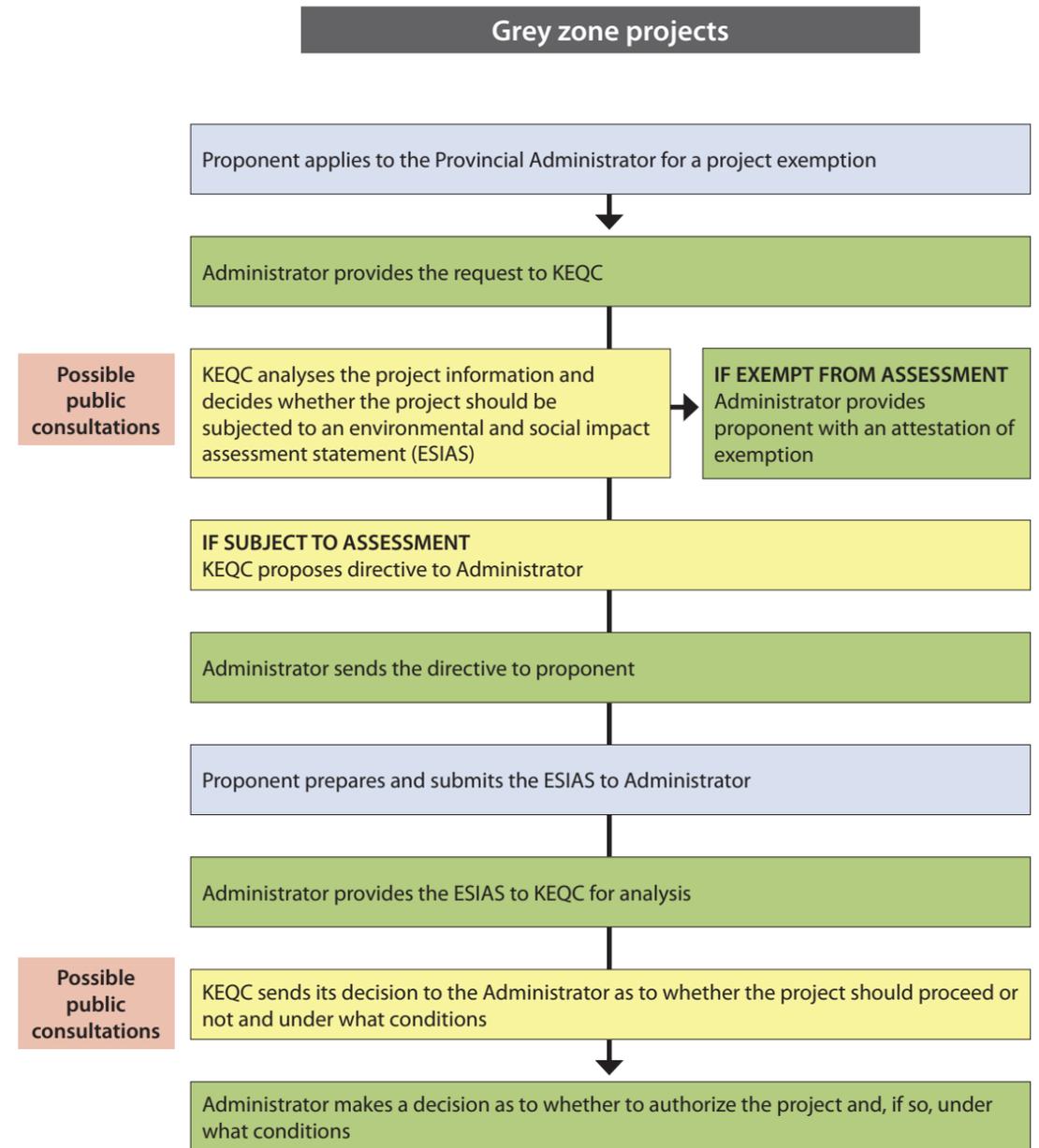
the COFEX-North must determine if the project is to be subject to or exempt from environmental and social impact assessment, and transmit its determination or recommendation to the responsible Administrator. For each project subject to environmental and social impact assessment and according to the type of project, the KEQC or the COFEX-North transmits on completion of the procedure its determination or recommendation to the responsible Administrator who then makes a final decision as to whether the project will be allowed to proceed and, if so, under what conditions.

Provincial Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)



Project proponent
Provincial Administrator
KEQC

Provincial Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)



Project proponent
Provincial Administrator
KEQC

2

Federal Environmental and Social Impact Assessment Procedure (James Bay and Northern Québec Agreement, Section 23)

Public Participation in the Federal Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)				
STAGE 1 Project Notice	STAGE 2 Directive	STAGE 3 Impact assessment	STAGE 4 Review	STAGE 5 Decision
<ul style="list-style-type: none"> – The project proponent transmits a project notice (preliminary information) to the responsible Federal Administrator. This information is transmitted to the COFEX-North for review. 	<ul style="list-style-type: none"> – The Administrator transmits a directive⁹ to the project proponent based on the recommendations of the COFEX-North. 	<ul style="list-style-type: none"> – The project proponent prepares an environmental and social impact statement on the project and transmits it to the Administrator. 	<ul style="list-style-type: none"> – The Administrator transmits the statement to the COFEX-North for analysis, which in turn ensures the statement complies with the directive and returns its recommendations as to whether the project should be allowed to proceed and, if so, under what conditions. – The COFEX-North may organize consultations in the concerned communities. 	<ul style="list-style-type: none"> – The Administrator makes a final decision based on the recommendations of the COFEX-North (including conditions).
P A R T I C I P A T I O N				
<ul style="list-style-type: none"> – Under the procedure, the responsible Administrator informs the KRG and transmits documentation concerning the project. – At the outset of the project, the proponent should communicate with regional organizations⁸ and the concerned communities to inform them of the project. 	<ul style="list-style-type: none"> – The members named by the KRG to the COFEX-North ensure the directive is responsive to regional concerns. – The COFEX-North may organize consultations in the concerned communities. 	<ul style="list-style-type: none"> – The project proponent must take regional concerns into account in its environmental and social impact statement. – The project proponent may involve representatives of the concerned communities in the production of its environmental and social impact statement. 	<ul style="list-style-type: none"> – The members named by the KRG to the COFEX-North participate in analysis of the project. Additional information may be requested. – Concerned individuals, communities and/or organizations may ask the COFEX-North to organize public consultations. 	<ul style="list-style-type: none"> – The Administrator informs the project proponent, the COFEX-North, and the KRG of his decision.

Additional information on the federal environmental and social impact assessment procedure is available on the KEAC's website at: www.keac-ccek.ca

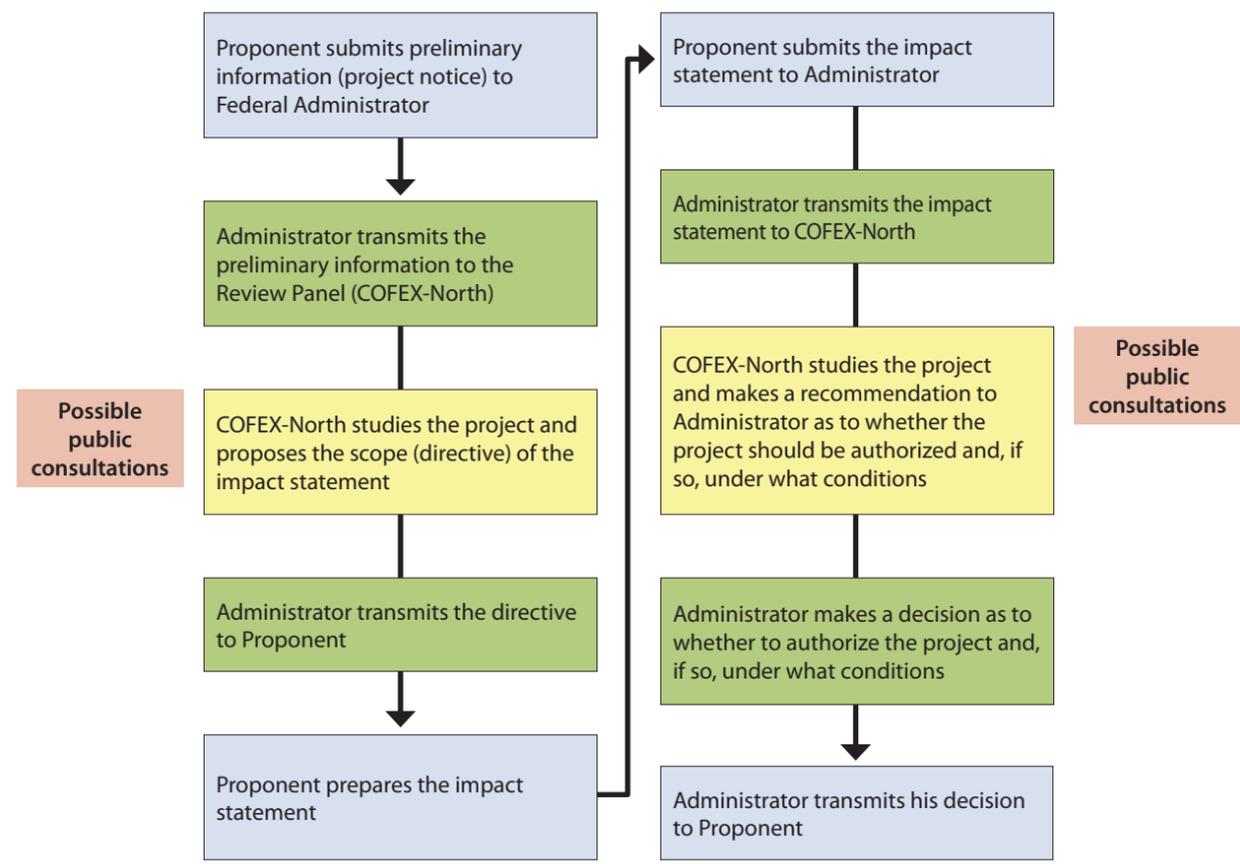
The JBNQA establishes an environmental and social protection regime for Nunavik. Section 23 of the JBNQA defines a provincial impact assessment procedure and a federal impact assessment procedure. For each procedure, there is an Administrator⁷ and a body responsible for conducting the environmental and social impact assessment (the KEQC or the COFEX-North). Schedules 1 and 2 of Section 23 set out the types of projects automatically subject to and exempt from environmental and social impact assessment. If a project does not appear in either list, the KEQC or

the COFEX-North must determine if the project is to be subject to or exempt from environmental and social impact assessment, and transmit its determination or recommendation to the responsible Administrator. For each project subject to environmental and social impact assessment and according to the type of project, the KEQC or the COFEX-North transmits on completion of the procedure its determination or recommendation to the responsible Administrator who then makes a final decision as to whether the project will be allowed to proceed and, if so, under what conditions.

Federal Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)

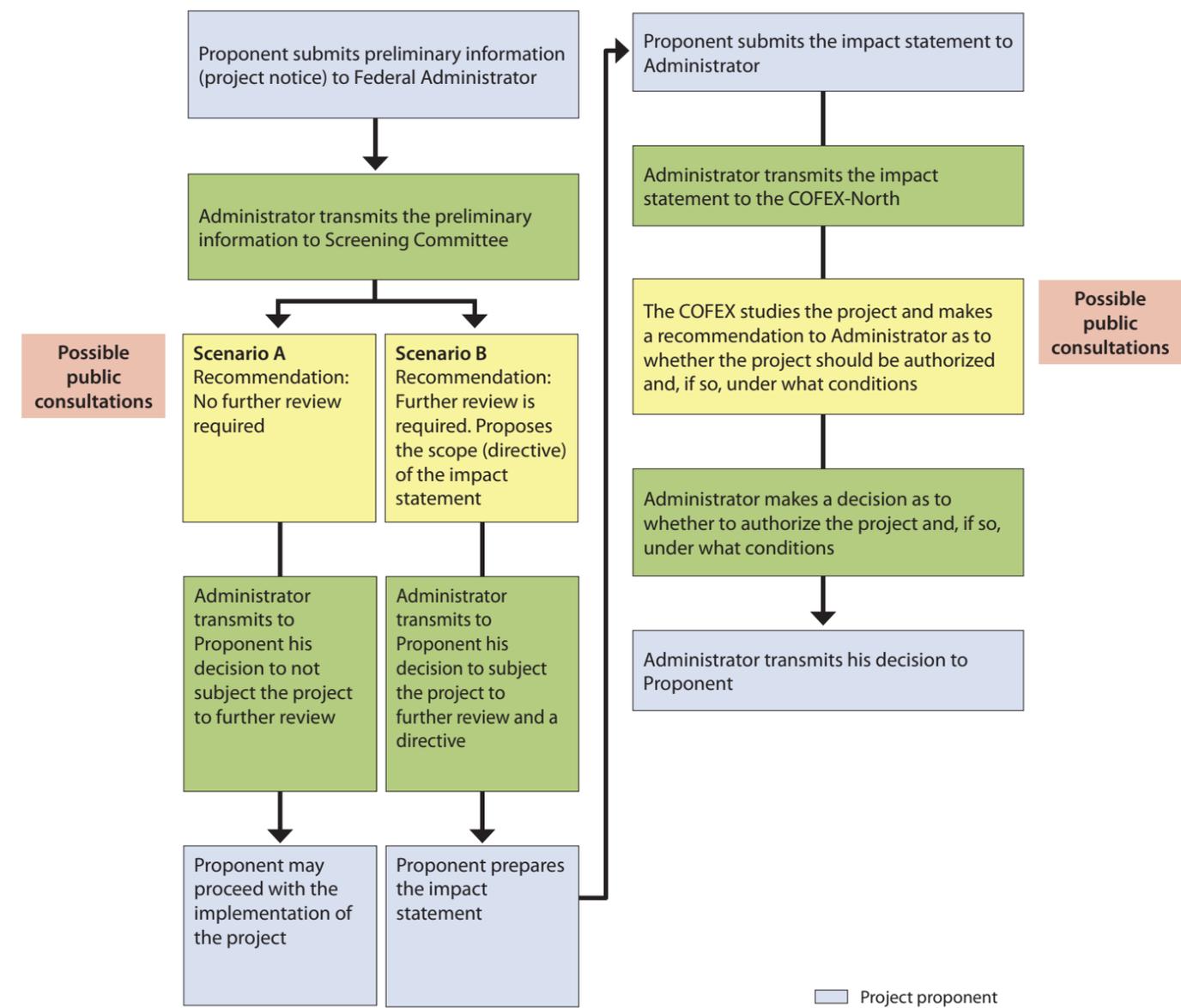
Federal Environmental and Social Impact Assessment Procedure (JBNQA, Section 23)

Projects automatically subject to assessment



Project proponent
Federal Administrator
COFEX-North

Grey zone projects



Project proponent
Federal Administrator
COFEX-North

3

Environmental Assessment Procedure (Canadian Environmental Assessment Act, 2012)

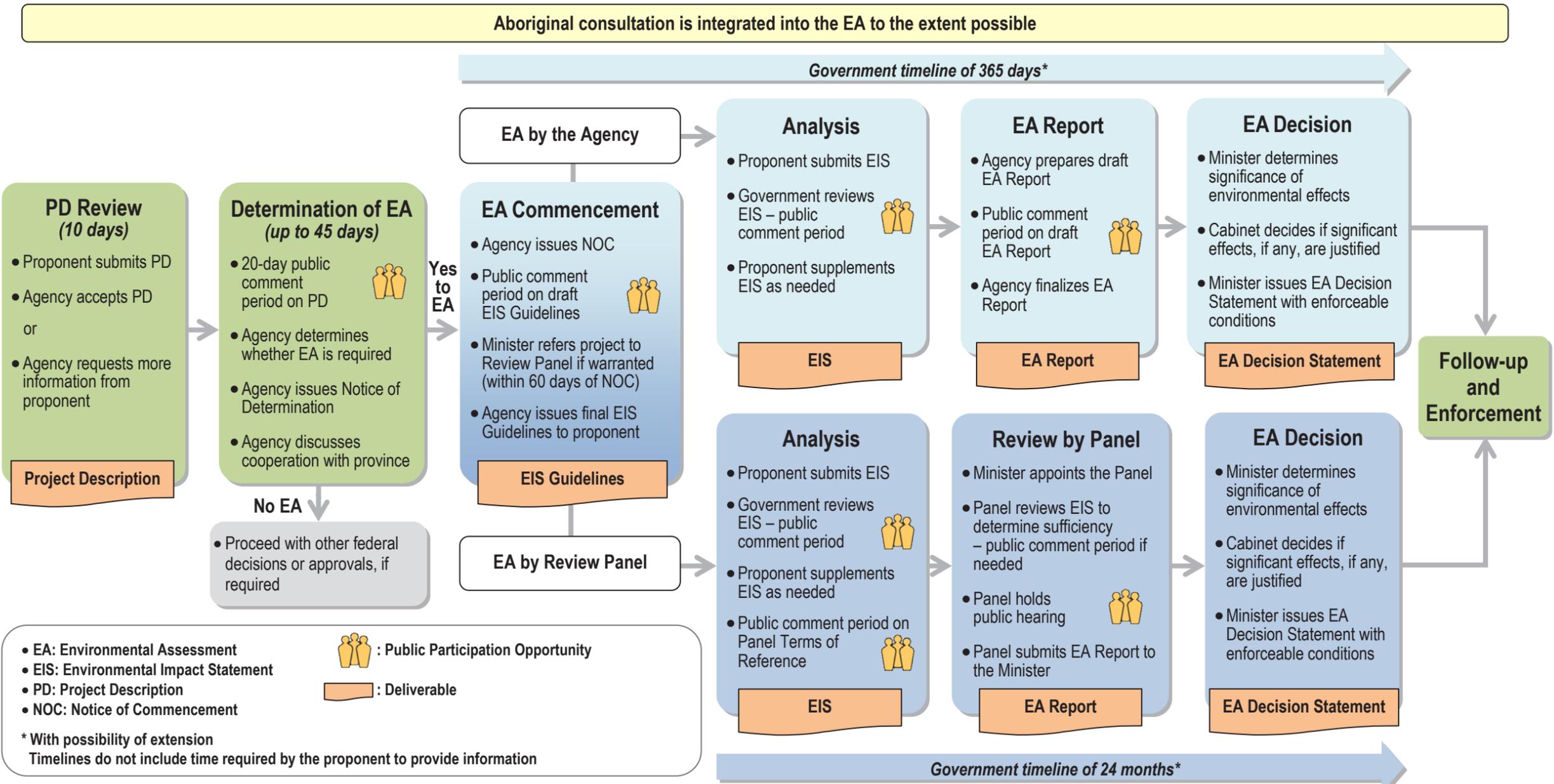
Public Participation in the Environmental Assessment Procedure (Canadian Environmental Assessment Act, 2012)				
STAGE 1 Screening	STAGE 2 Guidelines (60 days)	STAGE 3 Impact assessment	STAGE 4 Review (245 days)	STAGE 5 Decision (60 days)
<ul style="list-style-type: none"> – The project proponent submits a project description to the CEAA. Following a 20-day public consultation on the project description, the CEAA determines whether a federal environmental assessment is required. 	<ul style="list-style-type: none"> – Official commencement of the environmental assessment (prescribed 12-month period) beginning with a 30-day public consultation on the provisional guidelines¹¹. The final guidelines are transmitted to the project proponent at the end of this stage. – The project may be referred to a review panel¹² at any time during this stage (for major projects). In such case, the prescribed maximum period is 24 months. 	<ul style="list-style-type: none"> – The project proponent prepares an environmental impact study¹³ based on the final guidelines. 	<ul style="list-style-type: none"> – With federal authorities, the CEAA reviews the environmental impact study. A public consultation on the study is always conducted. – The CEAA prepares a draft environmental assessment report¹⁴ and conducts a public consultation on the document. – The CEAA finalizes the report according to feedback from the general public, Aboriginal groups and federal authorities. 	<ul style="list-style-type: none"> – Following a review of the environmental assessment report, the Canadian Minister of the Environment makes a decision whether to approve the project and, if so, under what terms and conditions.
P A R T I C I P A T I O N				
<ul style="list-style-type: none"> – The CEAA informs the KRG and transmits documentation on the project. – Public consultation on the project description. – At the outset of the project, the proponent should inform regional organizations and the concerned communities and ensure their participation. 	<ul style="list-style-type: none"> – Public consultation on the provisional guidelines. – Concerned individuals, communities and/or organizations may ask the project proponent to include their priorities. 	<ul style="list-style-type: none"> – The project proponent ensures that regional concerns are taken into account in the environmental impact study. – The project proponent may involve members of the concerned communities to participate in the production of the environmental impact study. 	<ul style="list-style-type: none"> – Public consultations are conducted for all projects. – Concerned individuals, communities and/or organizations may present their concerns. 	<ul style="list-style-type: none"> – The CEAA informs the Makivik Corporation, the KRG and the concerned communities of the final decision.

For more information, consult the Canadian Environmental Assessment Agency's website at: www.ceaa-acee.gc.ca

Pursuant to the *Canadian Environmental Assessment Act, 2012*, project proponents must provide a description of all projects subject to the *Regulations Designating Physical Activities*. The Regulations set out projects that could require federal environmental assessment. On receipt of a complete description of the project from the proponent, the Canadian Environmental Assessment Agency (CEAA)¹⁰ determines whether an environmental assessment is required

based on the adverse environmental effects the project could have in areas of federal jurisdiction. The Canadian Minister of the Environment may subject a project not identified in the Regulations to assessment if he believes it could produce adverse environmental effects or there are significant public concerns regarding adverse environmental effects.

ENVIRONMENTAL ASSESSMENT PROCESS MANAGED BY THE AGENCY



4

Environmental and Social-Economic Review Procedures (Nunavik Inuit Land Claims Agreement, Article 7)

Public Participation in the Environmental and Social-Economic Review Procedures (NILCA, Article 7)				
STAGE 1 Screening	STAGE 2 Guidelines	STAGE 3 Impact statement	STAGE 4 Review	STAGE 5 Decision
<ul style="list-style-type: none"> – On receipt of a project proposal, the NMRIRB screens it to determine whether it has significant impact potential and whether it requires detailed review. – The NMRIRB transmits a report to the Minister containing its recommendations on a review by the NMRIRB or the FEAP. 	<ul style="list-style-type: none"> – Review by the NMRIRB: The NMRIRB transmits guidelines to the project proponent for the preparation of a draft impact statement²⁰ describing the anticipated ecosystemic and socio-economic impacts of the project. – Review by the FEAP: The FEAP may also transmit guidelines which are reviewed by the NMRIRB. 	<ul style="list-style-type: none"> – The project proponent submits an impact statement in accordance with the guidelines provided by the NMRIRB or the FEAP. 	<ul style="list-style-type: none"> – The Minister refers the project to either the NMRIRB or the FEAP. – The review body carries out a technical review of the impact statement and may conduct public hearings. It then returns to the Ministers its determination as to whether the project should proceed and, if so, under what terms and conditions. – The NMRIRB reviews the FEAP report and may make additional recommendations. 	<ul style="list-style-type: none"> – Further to the FEAP or NMRIRB report, the Minister makes a decision with conditions, if applicable. – Following the approval of a project, the NMRIRB issues a project certificate including the terms and conditions which have been accepted or adjusted by the Minister.
P A R T I C I P A T I O N				
<ul style="list-style-type: none"> – At the outset of the project, the proponent should inform regional organizations and the concerned community stakeholders and ensure their participation. – The NMRIRB may request input from concerned regional organizations and communities. – The NMRIRB may request input from relevant regional organizations, such as the Nunavik Marine Region Wildlife Board (NMRWB)¹⁸ or the Nunavik Marine Region Planning Commission (NMRPC)¹⁹. 	<ul style="list-style-type: none"> – The NMRIRB and the FEAP ensure that the guidelines take into account regional concerns and request input from the NMRPC and, at their discretion, other concerned parties at the screening and guidelines stages. 	<ul style="list-style-type: none"> – The project proponent must ensure the impact statement takes into account regional concerns. 	<ul style="list-style-type: none"> – The NMRIRB and the FEAP may hold public consultations at this stage. – Representatives of regional organizations are members of the NMRIRB and the FEAP and participate in project analysis. 	<ul style="list-style-type: none"> – The Minister informs the project proponent, the NMRIRB and the relevant regional organizations of his decision.

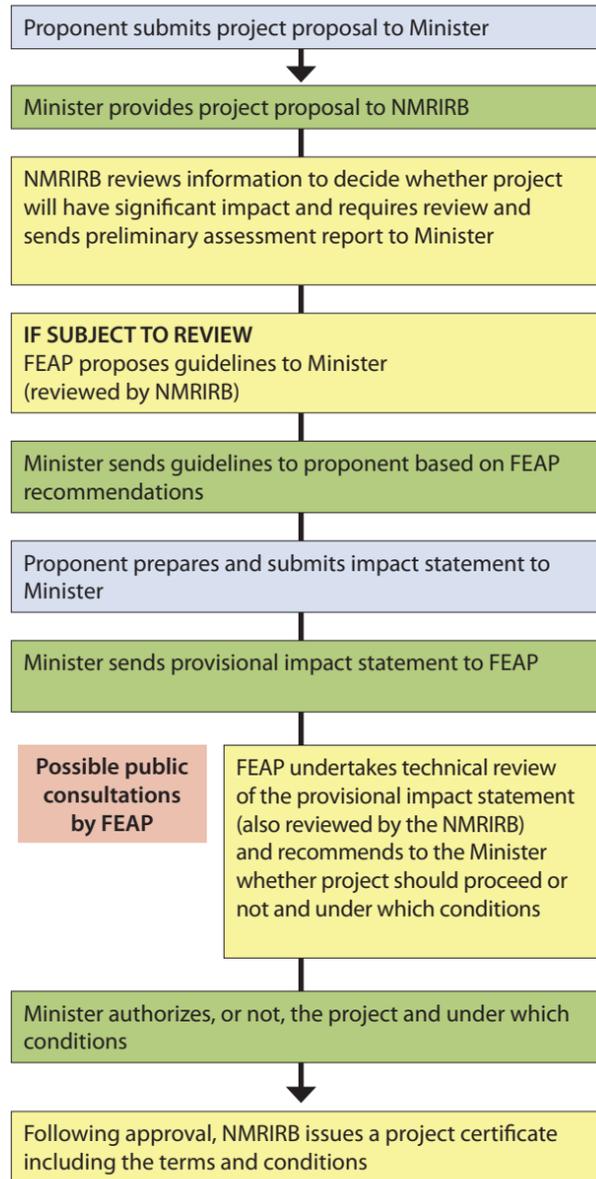
For more information, consult the Nunavik Marine Region Impact Review Board's website at: www.nmrirb.ca

Article 7 of the NILCA establishes review procedures to assess the environmental impacts of projects proposed in the Nunavik Marine Region¹⁵. At the discretion of the Minister¹⁶, a procedure may

be carried out by the NMRIRB pursuant to Part 7.5 or by a federal environmental assessment panel (FEAP)¹⁷ pursuant to Part 7.6.

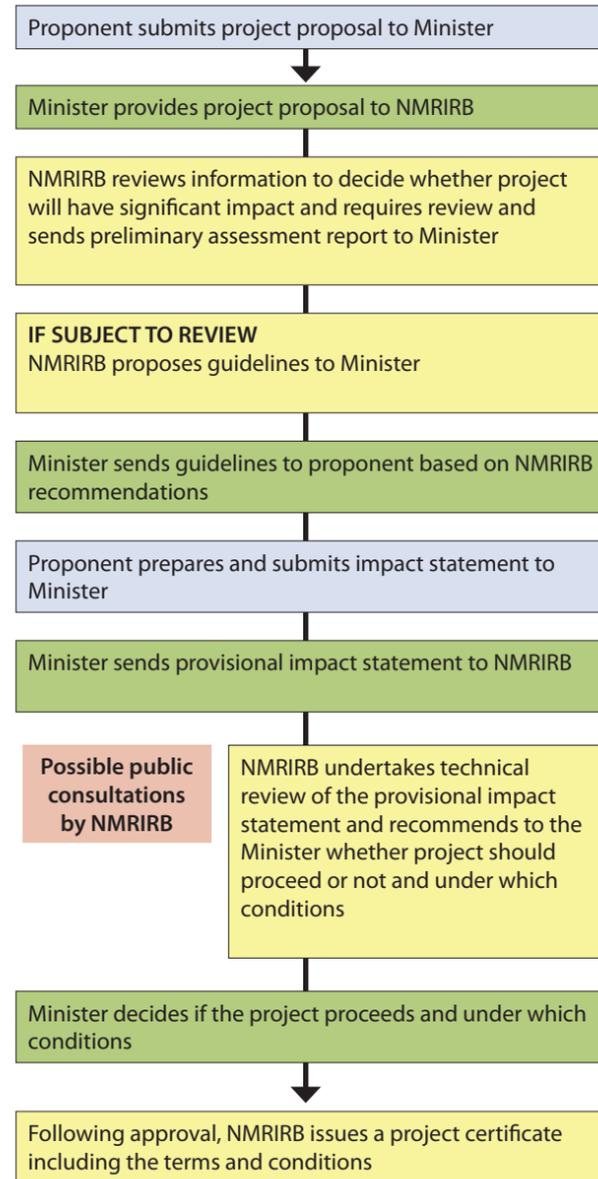
**Environmental and Social-Economic Review Procedure
Nunavik Inuit Land Claims Agreement
(NILCA, Section 7.6)**

**Federal Environmental
Assessment Panel (FEAP)**



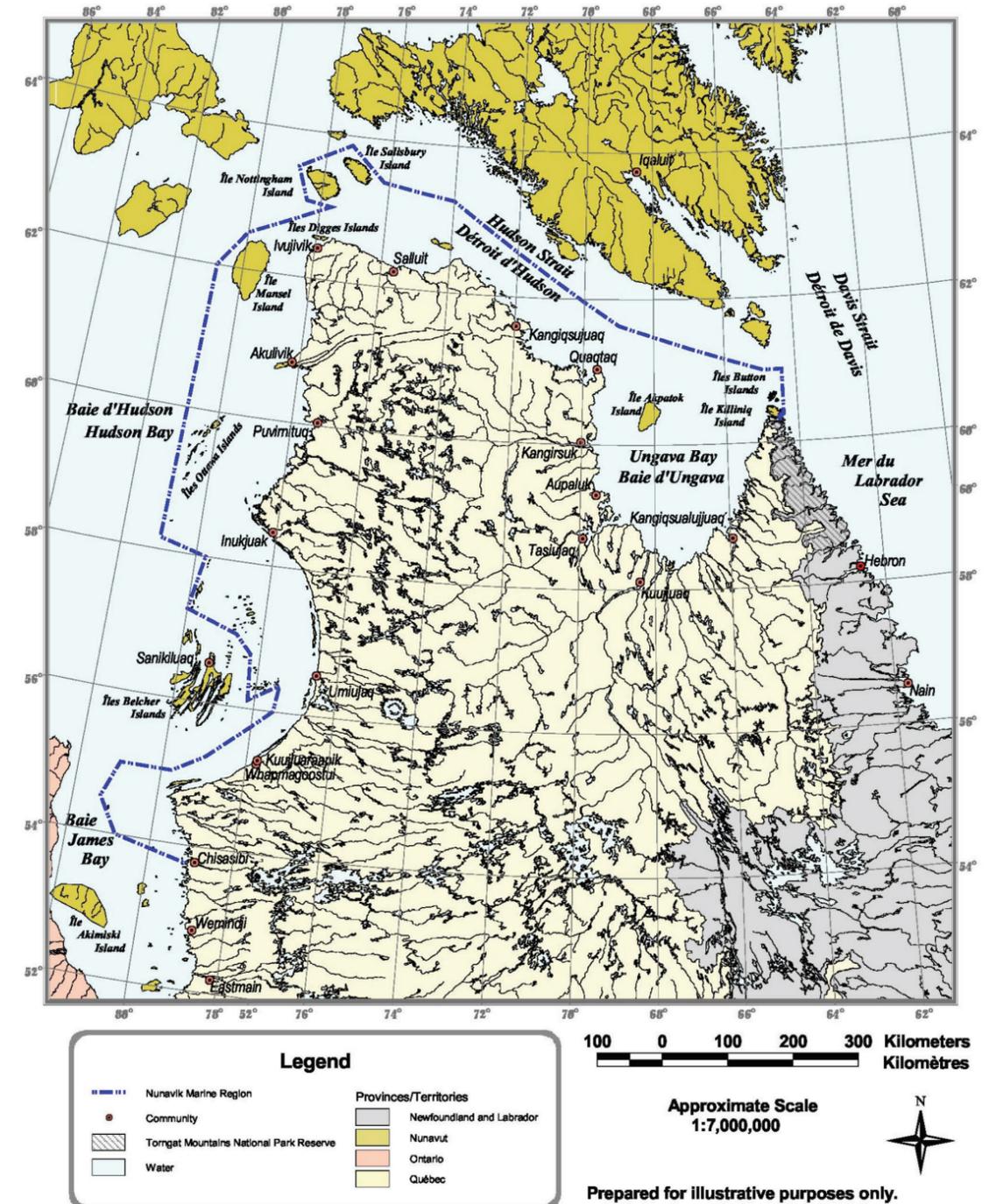
**Environmental and Social-Economic Review Procedure
Nunavik Inuit Land Claims Agreement
(NILCA, Section 7.5)**

**Nunavik Marine Region
Impact Review Board (NMRIRB)**



■ Proponent
■ Minister
■ FEAP or NMRIRB

Nunavik Marine Region



Prepared for illustrative purposes only.

Glossary

- ¹ **Project proponent:** A person, company, body, organization or government that proposes a development project.
- ² **Kativik Environmental Quality Commission (KEQC):** Makes recommendations to the Provincial Administrator concerning projects subject to assessment and provides directives to project proponents for the production of environmental and social impact assessment statements. Members are appointed by the KRG (4) and the Quebec government (4). The KEQC chairperson is nominated by the Quebec Government and is subject to consultation by the KRG.
- ³ **Environmental and Social Impact Review Panel (COFEX-North):** Responsible for reviewing projects and making recommendations concerning their approval (including conditions) or their refusal to the Federal Administrator. Members are appointed by the KRG (2) and the Government of Canada (3).
- ⁴ **Screening Committee:** Pursuant to the federal environmental and social impact assessment procedure under Section 23 of the JBNQA, the Screening Committee reviews projects not automatically subject to or exempt from assessment.
- ⁵ **Nunavik Inuit Land Claims Agreement (NILCA):** In effect since July 10, 2008, and applying in the offshore area around Québec, northern Labrador and offshore northern Labrador.
- ⁶ **Nunavik Marine Region Impact Review Board (NMRIRB):** Responsible for reviewing the ecosystemic and socio-economic impacts of project proposals, determining if project proposals should proceed and, if so, under what terms and conditions, and then reporting its determination to the Minister. Composed of five members, a chairperson, 2 members representing the Makivik Corporation, 1 representing the Government of Canada and 1 representing the Government of Nunavut. The NMRIRB may also appoint substitute members from the Cree Regional Authority for issues relating to areas of equal use and occupancy, i.e. islands and waters shared with the Cree.
- ⁷ **Administrator:** Under the JBNQA, and according to the type of project, the Administrator may be the Deputy Minister of the Environment and the Fight Against Climate Change (provincial government) or the President of the CEAA (federal government).
- ⁸ **Regional organizations:** The Makivik Corporation, the KRG and the Naskapi Nation of Kawawachikamach, when applicable.
- ⁹ **Directive:** Indicates to project proponents the elements to be included in their impact statements.

- ¹⁰ **Canadian Environmental Assessment Agency (CEAA):** One of the three authorities responsible for conducting environmental assessments under the *Canadian Environmental Assessment Act, 2012* and for producing final environmental assessment reports. The two other responsible authorities are the National Energy Board and the Canadian Nuclear Safety Commission.
- ¹¹ **Guidelines:** Indicates to project proponents the elements to be included in their impact statements.
- ¹² **Review panel:** The Federal administrator may, if he deems it to be in the public interest, refer a project to a federal review panel. This procedure is for a maximum of 24 months.
- ¹³ **Environmental impact study:** Produced by project proponents and containing descriptions of the anticipated environmental impacts of their projects.
- ¹⁴ **Environmental assessment report:** Prepared by the CEAA and containing analysis of the environmental impacts of a project, but not its social impacts.
- ¹⁵ **Nunavik Marine Region:** Under the jurisdiction of the Government of Nunavut and including the marine area, islands, lands and waters defined under the NILCA.
- ¹⁶ **Minister:** Under the NILCA, the responsible federal or territorial minister with authority to authorize projects to proceed, unless otherwise stipulated.
- ¹⁷ **Federal environmental assessment panel (FEAP):** Responsible for reviewing environmental and socio-economic impacts, determining whether projects should proceed and, if so, under what terms and conditions, and transmitting its determination to the responsible minister. Composed of members proposed by the Makivik Corporation and the Government of Nunavut.
- ¹⁸ **Nunavik Marine Region Wildlife Board (NMRWB):** The main wildlife management organization in the Nunavik Marine Region.
- ¹⁹ **Nunavik Marine Region Planning Commission (NMRPC):** Its mandate is to develop a land use plan for the Nunavik Marine Region. As production of the land use plan is currently underway, all projects are referred to the NMRIRB without the NMRPC input on the conformity of the projects with the land use plan.
- ²⁰ **Draft impact statement:** Statements produced by project proponents and containing descriptions of the anticipated environmental impacts of projects.

