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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 162ND MEETING OF THE KEAC (ADOPTED)

DATES: December 10 and 11, 2019, and January 16, 2020

LOCATION: Palais des congrès de Gatineau (December 10 and 11)
By conference call (January 16)

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett, Chairperson (by conference call on January 16)

Mary Pilurтуut

-Vacant-

Appointed by the Government of Canada

Alexandre-Guy Côté

Megan Williams

-Vacant-

Appointed by the Gouvernement du Québec

Sylvie Létourneau (by conference call on December 10 and 11, and January 16)

Julie Samson

Paule Halley (by conference call on December 10 and 11, and January 16)

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Policy Analyst

Annie Lamalice

ABSENT:

Julie Samson, member appointed by the Gouvernement du Québec (January 16)

Mary Pilurтуut, member appointed by the KRG (January 16)

GUESTS:

Hayley Arts, Economic Policy Analyst, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
Mona Sidarous, Senior Advisory Manager, Federal Contaminated Sites Action Plan, Environment and Climate Change Canada (ECCC)

Rita Mroz, Acting Section Manager, Federal Contaminated Sites Action Plan, ECCC

Jeremy Anglesey, Section Manager, Federal Contaminated Sites Action Plan, ECCC

Marcelle Chabot, Senior Policy Advisor, Impact Assessment Agency of Canada (IAAC)

Susan Winger, Director, Indigenous Policy Division, IAAC

Mohammed Mahdi, Senior Policy Advisor, IAAC

Terry Hubbard, Vice-President, Operations Sector, IAAC

Anne-Marie Gaudet, Executive Director, Regional Operations Directorate – Québec, IAAC

Jennifer Saxe, Director General, Regional Operations Directorate, IAAC

Marc Croteau, Provincial Administrator, Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA)

1. Call to order and adoption of the agenda

The 162nd meeting of the Kativik Environmental Advisory Committee (KEAC) began at 8:45 a.m. on December 10, 2019, at the Palais des congrès de Gatineau. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 162nd meeting took place in accordance with the agenda below:

1. Call to order and adoption of the agenda

2. Adoption of minutes of the 160th and 161st meetings

3. Administration

- a) Budget
- b) Members
- c) Active files since the 161st meeting
- d) KEAC archives
- e) Application for judicial review and declaratory judgement – Naskapi Nation of Kawawachikamach
- f) Website
- g) Five-year action plan, 2020–2025
- h) Annual report, 2018–2019

4. Meeting with the federal and provincial administrators

5. Environmental assessment in Nunavik

- a) Presentation on the *Impact Assessment Act* – federal government
- b) Indigenous Capacity Support Program under the new impact assessment system
- c) Social impacts
- d) Modernization of the environmental authorization regime – Québec government
- e) Environmental and social impact assessment guide for Nunavik

6. Mining activities

- a) Upcoming amendments to the *Mining Act*
- b) Québec Mines + Énergie conference
- c) Consultation on the Québec government's reflection on the development of critical and strategic minerals*
- d) Asbestos Hill mine site*
- e) *Aboriginal Community Consultation Policy specific to the Mining Sector – MERN**
- f) Abandoned mineral exploration sites*

7. Residual and hazardous materials management

- a) Nunavik Residual Materials Management Working Group
- b) Mid-Canada Line radar sites*
- c) Extended producer responsibility
- d) Northern Contaminated Sites Program – federal government
- e) First Nations of Québec and Labrador Waste Management Symposium

8. Climate change

- a) Nunavik climate change workshop*
- b) *Bill 44, An Act mainly to Ensure Effective Governance in the Fight Against Climate Change and to Promote Electrification**
- c) Consultations on the draft 2020–2030 plan on electrification and climate change – Québec government*

9. *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions*

10. Miscellaneous

- a) Green Corner Article – *Taqralik**
- b) New Arctic regions initiative – Department of Fisheries and Oceans and Canadian Coast Guard*
- c) Development of the first government policy on wildlife in Québec

11. Dates and location of the next meeting

** Items discussed during the conference call on January 16, 2020.*

2. Adoption of minutes of the 160th and 161st meetings

The adoption of the minutes from the 160th meeting was postponed to a later date. The members were also updated on the revision of the minutes of the 161st meeting.

3. Administration

- a) Budget

The members were updated on the operating budget funding application for the 2020–2021 fiscal year and reviewed the expense report for September to October 2019.

Action item

- Develop a forecast budget for the period 2020 to 2023 for the federal and provincial administrators.

b) Members

The members were informed of Laina Grey's resignation from the KEAC and recognized her considerable contribution. The appointment of a new federal member was also discussed.

Action item

- Contact a federal government representative to enquire about expediting the appointment of a new federal member to sit on the KEAC.

c) Active files since the 161st meeting

The members reviewed a table showing the status of KEAC files since the last meeting and explored different strategies for ensuring they continue to be dealt with efficiently.

Action items

- Examine the possibility of holding intermediate meetings between the four meetings prescribed annually.
- Develop a system for sharing weekly updates with the members in order to keep them informed of tasks to be performed and file developments.

d) KEAC archives

The members continued to discuss possible options for developing a digital archiving system for files at the office of the KEAC secretariat in Kuujjuaq.

Action item

- Identify, sort and create an inventory of the documents at the office of the KEAC secretariat.

e) Application for judicial review and declaratory judgement – Naskapi Nation of Kawawachikamach

The members were updated on the status of the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach. The KEAC continues to consider the possibility of seeking legal counsel. It has been informed that a court decision could be rendered in September 2020.

f) Website

The environmental analyst presented statistics on visits to the KEAC website. The members discussed the possibility of streamlining the process by which KEAC documents are shared, as well the contents of and access to the website.

Action items

- Explore the possibility of using a cloud server to share KEAC documents and present a proposal at the next meeting.

- Present at the next meeting recommendations to improve the website.

g) Five-year action plan, 2020–2025

The members discussed their revisions to the most recent version of the 2020–2025 five-year action plan.

h) Annual report, 2018–2019

The members were informed that the 2018–2019 annual report has been finalized and distributed.

Action item

- Begin drafting the 2019–2020 annual report and present an initial draft at the next meeting.

4. Meeting with the federal and provincial administrators

The members met first with the provincial administrator of Section 23 of the JBNQA, Marc Croteau. The meeting opened with an introductory presentation on the KEAC. It was followed by discussion on the actions of the Québec government to adhere to the KEAC's advisory role as established under the JBNQA for all matters related to the environmental and social protection regime in Nunavik and, consequently, the need to ensure adequate follow-up to KEAC correspondence. Mr. Croteau committed to relaying the members' concerns to the different concerned government departments. The meeting next discussed modernization of the *Environment Quality Act*, specifically the establishment of a co-creation round table for ministerial authorizations and lists of activities eligible for declarations of compliance or exemptions, and how they will be applied in Nunavik. Regarding this topic, Mr. Croteau informed the KEAC that the draft regulation would be presented to all the co-creation round tables prior to its pre-publication for public consultation. Next, the discussion focused on funding programs related to residual materials management and the Québec government's 2020–2030 plan on electrification and climate change. Mr. Croteau briefly explained the general contents of the Plan, how it would be implemented, and some of the goals. The meeting then covered the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach and Québec government procedures for accessing information. The meeting concluded with discussion on the KEAC's operating budget and the administrative steps that repeatedly generate delays in the payment of the KEAC's annual funding. The provincial administrator reflected on a possible solution.

The members also met with Terry Hubbard, Vice-President of the Operations Sector at the IAAC, who was in attendance on behalf of the federal administrator of Section 23 of the JBNQA. He was accompanied by Anne-Marie Gaudet, Executive Director for Québec in the Regional Operations Directorate, and Jennifer Saxe, Director General of the Regional Operations Directorate, both at the IAAC. The meeting opened with an introductory presentation on the KEAC. Since a federal government appointee position of the KEAC has been vacant for over a year, this topic was discussed. Mr. Hubbard explained the IAAC would explore different options to quickly resolve this situation. The discussion then focused on a review of the *Impact Assessment Act* and, more specifically, on the multiplication of procedures and substitution mechanisms for projects subject to federal review. Next, the exclusion of Nunavik communities from federal environmental funding programs was covered. Mr. Hubbard explained that these funding programs are not part of the IAAC's mandate and that the issue should be raised with the Minister of Environment and Climate Change. He agreed, however, to help initiate dialogue with the appropriate federal government representatives. The

discussion then focused on the application for judicial review and declaratory judgement submitted by the Naskapi Nation of Kawawachikamach. Subsequently, difficulties that have been experienced by the KEAC accessing information contained in environmental assessment files as part of its study on social impacts was discussed. The federal environmental assessment register only presents the most recent projects and no tool permits easy access to archived information. The meeting concluded with a discussion on the KEAC's operating budget and the recurrent delays in the payment of the KEAC's annual funding.

Action items

- Send the provincial administrator a copy of the notes of the most recent meeting of the Nunavik Residual Materials Management Working Group.
- Send a letter to the concerned federal ministers concerning the exclusion of Nunavik communities from federal environmental funding programs.

5. Environmental assessment in Nunavik

a) Presentation on the *Impact Assessment Act* – federal government

Susan Winger, Director of the Indigenous Policy Division at the IAAC, delivered a presentation on Indigenous participation under the *Impact Assessment Act*. She was accompanied by Marcelle Chabot and Mohammed Mahdi senior policy advisors at the IAAC. Ms. Winger started her presentation with an overview of the Act, its principles and key elements. She explained that two regulations came into force following the adoption of the Act, i.e. the *Physical Activities Regulations* which describes the types of projects subject to review and the *Information and Management of Time Limits Regulations* which specifies the information a proponent must include in its environmental impact statement. This regulation also provides for the suspension of time limits to ensure better cooperation with provinces and territories. The Act provides for two types of impact assessment: the first is conducted solely by the IAAC and the second by a review panel and requires public hearings. Ms. Winger next described the impact assessment process and how the Act seeks to advance reconciliation with Indigenous peoples, facilitate their participation and incorporate Indigenous knowledge in the impact assessment process. The presentation concluded with a description of the IAAC's relationship and capacity building goals as well as its approach to engaging Indigenous peoples.

Following the presentation, the members discussed cooperation mechanisms with the IAAC representatives.

Action item

- Send a letter to the federal administrator and regional stakeholders expressing KEAC interest in continuing dialogue to improve understanding of the Act, its impact assessment processes, and its cooperation or non-application mechanisms for Nunavik.

b) Indigenous Capacity Support Program under the new impact assessment system

The members were informed that the KEAC's application for funding under the Indigenous Capacity Support Program was declined. The IAAC will provide information regarding other possible funding sources.

c) Social impacts

The policy analyst presented a summary of the current status and objectives of the second phase of the study on social impacts.

d) Modernization of the environmental authorization regime – Québec government

The policy analyst delivered a presentation on the latest co-creation round table on the mechanism for ministerial authorization and the structure of the draft regulation governing activities according to their environmental impact.

Action item

- Request a presentation on provincial environmental inspection and monitoring policies.

e) Environmental and social impact assessment guide for Nunavik

The members discussed the eventual revision of the environmental and social impact assessment guide for Nunavik in order to include modifications made recently pursuant to the *Impact Assessment Act*.

6. Mining activities

a) Upcoming amendments to the *Mining Act*

On October 23, 2019, the KEAC sent a letter to Nathalie Camden, Associate Deputy Minister for Mines at the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN), to share its feedback on certain elements that should be included in future amendments to the *Mining Act*. The letter in particular addressed the following issues: the addition of environmental authorizations for exploration activities causing impacts, the establishment of environmental monitoring committees, and the protection of heritage sites and Aboriginal protection areas. The letter concluded with reference to the KEAC's mandate and a request that the KEAC be kept informed of all future amendments to the Act.

b) Québec Mines + Énergie conference

The policy analyst presented a summary of the Québec Mines + Énergie conference which was held from November 18 to 21, 2019, in Quebec City.

c) Consultation on the Québec government's reflection on the development of critical and strategic minerals*

The members were informed that the MERN recently published a discussion document to initiate reflection on the development of critical and strategic minerals in Québec. The environmental analyst presented a summary of an information session for northern organizations that was held on December 16, 2019, in Montreal. The members discussed how the MERN's reflection on the development of critical and strategic minerals could apply to Nunavik and reviewed a series of comments raised by participants at the information session.

Action item

- Send a letter to the MERN to share KEAC feedback on this topic.

d) Asbestos Hill mine site*

The members were updated on the characterization study recently conducted at the Asbestos Hill mine site by a consulting firm under contract with the Québec government and were informed that the report should be available in the coming months. Furthermore, the members were informed that the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee, BAPE) has been mandated by the Ministère de l'Environnement et de la Lutte contre les changements climatiques (environment and the fight against climate change, MELCC) to study site conditions and the management of asbestos and asbestos mine tailings in Québec.

Action item

- Send a letter to the BAPE commission responsible for this mandate in order to draw its attention to current conditions at the Asbestos Hill mine site.

e) *Aboriginal Community Consultation Policy specific to the Mining Sector* – MERN*

The MERN recently released the final version of the *Aboriginal Community Consultation Policy specific to the Mining Sector*. The KEAC noted that its feedback transmitted to the MERN in 2018 was not integrated and the KEAC had not been contacted with follow-up. The members were informed that the MERN intends to present the Policy at the 2020 Nunavik Mining Workshop scheduled to be held from April 21 to 23 in Kuujuaq.

f) Abandoned mineral exploration sites*

The environmental analyst delivered an update on the abandoned mineral exploration sites clean-up project carried out by the KRG. The members discussed the issue of increasing and newly discovered sites.

Action item

- Send a letter to the MERN requesting further information on its intentions to improve mineral exploration and monitoring practices in Nunavik.

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 September 27 and 28, 2019, in Kuujuaq. The issues addressed included funding programs for residual materials management in remote northern communities, the waste-to-energy project of the Société du Plan Nord, aluminum can collection and recycling, ink and toner cartridge recycling, improvements to the region's residual materials infrastructure, and the action plan under the *Québec Residual Materials Management Policy*. The Working Group also visited residual materials management infrastructure in Kuujuaq and Kangirsuk.

The members also discussed the action plan being developed by RECYC-QUÉBEC and noted that it would be important to provide feedback on this document.

Action item

- Contact RECYC-QUÉBEC to request a presentation on the action plan under the *Québec Residual Materials Management Policy*.

b) Mid-Canada Line radar sites*

The members were updated on the characterization study on the Mid-Canada Line radar sites. They were also informed that the consulting firm contracted by the Québec government has not notified the appropriate regional and municipal entities of its intention to carry out work at these sites. Moreover, the reports of the last phase of characterization work are not accessible to a majority of Nunavik's population, in particular because the documents are in French and do not contain executive summaries.

Action item

- Send a letter to the provincial administrator to share the KEAC's concerns on this topic and to request a presentation.

c) Extended producer responsibility

The members were informed that the MELCC recently added household appliances to the list of products covered under extended producer responsibility, which is also applicable in Nunavik.

d) Northern Contaminated Sites Program – federal government

Jeremy Anglesey, Section Manager for the Federal Contaminated Sites Action Plan at ECCC, delivered a presentation on the Federal Contaminated Sites Action Plan. He was accompanied by Rita Mroz and Mona Sidarous of ECCC as well as Hayley Arts of CIRNAC. Mr. Anglesey began with an overview of the Action Plan and provided the list of the federal contaminated sites. He explained that the federal government established this program in 2005 to reduce the risks to human health and the natural environment as well as to mitigate the financial liabilities associated with these sites. To date, approximately twenty-three thousand sites have been identified and three phases of remediation work have been performed, resulting in the closure of nearly two thirds of these sites. Mr. Anglesey next described the future direction of the program, the program's partners and the 96 sites identified in Nunavik. He concluded his presentation with a description of the five-year work plan and the federal government's approach to dealing with the contaminated sites in Nunavik.

e) First Nations of Québec and Labrador Waste Management Symposium

The environmental analyst presented a summary of the First Nations of Québec and Labrador Waste Management Symposium that was held on October 23 and 24, 2019, in the Algonquin community of Pikogan.

8. Climate change

a) Nunavik climate change workshop*

The executive secretary presented a summary of the Nunavik climate change workshop that was held from November 19 to 21, 2019, in Kuujuaq.

b) *Bill 44, An Act mainly to Ensure Effective Governance in the Fight Against Climate Change and to Promote Electrification**

The policy analyst presented a summary of *Bill 44: An Act mainly to Ensure Effective Governance in the Fight Against Climate Change and to Promote Electrification*.

c) Consultations on the draft 2020–2030 plan on electrification and climate change – Québec government*

The members were informed that the MELCC intends to hold consultations with representatives of Nunavik organizations on its draft 2020–2030 plan on electrification and climate change. The date and location of the consultation remain to be confirmed. The members expressed interest in remaining informed of developments in this file.

9. *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions*

The members were informed that *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions* was tabled before the National Assembly on November 14, 2019. Bill 46 seeks to streamline the process for the creation of protected areas and introduces two new protection area statuses, namely protected area with sustainable use and marine reserve. It also contains provisions for northern regions in line with the Québec government's intention to protect 30% of the Plan Nord territory.

Action items

- Attend the information session regarding Bill 46 scheduled for January 2020.
- Draft a brief on Bill 46.
- Request a presentation from the Québec government on its intention to protect 30% of the Plan Nord territory.

10. Miscellaneous

a) Green Corner Article – *Taqralik**

It was decided that the next article for the Green Corner in *Taqralik* would cover the issue of abandoned mineral exploration sites Nunavik.

b) New Arctic regions initiative – Department of Fisheries and Oceans and Canadian Coast Guard*

The members reviewed the draft KEAC letter containing feedback on the new Arctic regions initiative undertaken by the Department of Fisheries and Oceans and the Canadian Coast Guard.

c) Development of the first government policy on wildlife in Québec

On July 2, 2019, the KEAC received a letter from Pierre Dufour, Minister of Forests, Wildlife and Parks, regarding consultations to be held on the first Québec government policy on wildlife. The members decided not to transmit comments.

11. Dates and location of the next meeting

It was decided that the 163rd meeting would be held on March 25, 26 and 27, 2020, in Kuujjuaq.



Benjamin Patenaude
Executive Secretary
June 11, 2020