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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 165TH MEETING OF THE KEAC (ADOPTED)

DATES: September 29 and 30, 2020

LOCATION: By videoconference

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett, Chairperson
Tunu Napartuk

Appointed by the Government of Canada

Alexandre-Guy Côté
Megan Williams
Mélanie Laflèche

Appointed by the Government of Québec

Vanessa Chalifour
Paule Halley
— Vacant —

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Policy Analyst

Annie Lamalice

ABSENT:

Mary Pilurttut, KRG appointee

GUESTS:

Julie Veillette, Climate Policy Branch, Ministère de l'Environnement et de la Lutte contre les changements climatiques (the environment and the fight against climate change, MELCC)
Frédéric Lenormand, Monitoring Strategies and Data Services Division, Meteorological Service of Canada (MSC), Environment and Climate Change Canada (ECCC)
Sean Mcleod, Monitoring Strategies and Data Services Division, MSC-ECCC

Shreya Gupta, Monitoring Strategies and Data Services Division, MSC-ECCC
Sara Marmen, Protected Areas Branch, MELCC
Emilie Reny-Nolin, Coordinator, MiraNor Project, Institut national de la recherche scientifique (scientific research, INRS)
Jasmin Raymond, Researcher, MiraNor Project, INRS
Patrice Couture, Researcher, MiraNor Project, INRS
Normand Bergeron, Researcher, MiraNor Project, INRS
Audrée Dumouchel, Forest Products and Fisheries Act Division (FPFAD), ECCC
Stephen Asamoah, Senior Economic Advisor, FPFAD-ECCC
Alexandre Richard, Senior Policy Analyst, FPFAD-ECCC
Etse Dogbey, Policy Analyst, FPFAD-ECCC

OBSERVER:

Hossein Shafeghati, Assistant Director, Municipal Public Works Department, KRG

1. Call to order and adoption of the agenda

The 165th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 1 p.m. on September 29, 2020. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 165th meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 163rd and 164th meetings

The members reviewed feedback on the minutes of the 163rd and 164th meetings. The minutes of the 163rd meeting were adopted following modifications. The adoption of the minutes of the 164th meeting was postponed to the next meeting.

3. Administration

a) Budget

The members were informed that the funding application for the 2021–2022 fiscal year is in preparation and would be available at the next meeting. The expense report for May to August 2020 was also discussed.

Action item

- **Obtain an explanation of the fees and charges for KEAC accounting services.**

b) Secretariat

The members discussed the objectives and structure of work sessions conducted between the KEAC's quarterly meetings.

Action item

- **Draft a document outlining the objectives of the work sessions. This document will be approved at the next meeting.**

c) Members

The members were informed that Sylvie Létourneau had resigned from her position as Québec-government appointee, which she had actively held since 2006. The members recognized Ms. Létourneau for her contributions and service to the KEAC. The members then welcomed Vanessa Chalifour, a new Québec-government appointee to the KEAC, replacing Julie Samson.

d) Active files since the 164th meeting

The members reviewed a table showing the status of KEAC files since the 164th meeting.

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 by the Naskapi Nation of Kawawachikamach.

f) Website

The most recent series of proposed revisions for the KEAC website was presented. Modifications were suggested. A mock-up should be available for discussion at the next meeting.

g) Annual report, 2019–2020

The members were informed that the 2019–2020 annual report is ready for distribution and that a bilingual version was prepared and sent to the Québec National Assembly in early August.

h) Request from the Makivik Corporation

On August 7, 2020, the KEAC sent a letter to Adamie Delisle-Alaku, Vice-President of the Department of Environment, Wildlife and Research of the Makivik Corporation, in response to his request for permanent observer status for Makivik at KEAC meetings. In the letter, the members requested clarification on the purpose of the request and proposed possible meeting dates. A response was received on September 21, 2020, in which Mr. Delisle-Alaku confirmed his availability to meet with the KEAC.

Action items

- **Prepare a presentation on the KEAC, its role and its mandate.**
- **Ask Makivik to clarify the purpose of the request.**

i) Meeting with the provincial and federal administrators

The members were informed that the federal and provincial administrators of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) have confirmed their attendance at the 166th meeting.

Action item

- **Organize a conference call to finalize the topics to be addressed with the administrators.**

4. Environmental assessment in Nunavik

a) Social impacts

The policy analyst presented an update on the second phase of the study on the consideration given to social impacts under the assessment procedures applicable in Nunavik. The second phase includes a literature review and semi-structured interviews.

Action item

- **Agree with the consultant on the terms of payment for the final phase of the study.**

5. Federal and provincial environmental protection legislation

a) Modernization of the Québec environmental authorization regime

The policy analyst presented an update on the *Regulatory Scheme applying to Activities on the Basis of their Environmental Impact* (REAFIE) adopted in August 2020 under the *Environment Quality Act*. The members were informed that the regulation will come into force in January 2021. Many of the recommendations proposed by the KEAC were not taken into consideration despite the members' active involvement in the co-creation process.

Action item

- **Address this matter with the provincial administrator at the 166th meeting.**

b) Federal *Impact Assessment Act*

The policy analyst presented a summary of the most recent meetings of the working group involved in the implementation of the *Impact Assessment Act* in Nunavik. The KEAC policy and environmental analysts met with representatives of the Makivik Corporation and the Naskapi Nation of Kawawachikamach to review and develop scenarios for the application of the Act in the region. The working group also intends to meet with the organizations responsible for each of the assessment procedures in order to obtain their feedback.

The matter of funding and KEAC participation was also discussed.

Action item

- **Contact the Makivik Corporation concerning reimbursement for the participation of the KEAC environmental and policy analysts at the working group meetings.**

6. Mining activities

a) Consultation on the Québec Plan for the Development of Critical and Strategic Minerals

The policy analyst presented an update on the consultations by the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) on the Québec plan for the development of critical or strategic minerals, as well as an overview of the KEAC brief submitted on August 25, 2020. In its brief, the KEAC indicated that non-industrial stakeholders in northern regions must receive special attention in the knowledge-sharing network that is to be created. The KEAC recommended that the MERN ensure proper

representation of the populations that will be directly affected by mineral exploration and mining projects on the advisory committee to be set up to assist with the implementation of the plan. The KEAC also expressed its concerns regarding harmonization of the plan with other government strategies and policies, consideration of northern ecosystems by the MERN, the principles of sustainable development, the effects of climate change, transparency and information sharing, as well as possible implementation of strategic environmental assessment under the *Environment Quality Act*.

b) Asbestos Hill mine site

The environmental analyst provided an update on the present status of the Asbestos Hill mine site and the characterization study carried out in 2019. An overview of the report by the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee) on site conditions and the management of asbestos and asbestos mine tailings was also presented.

c) *Mining Act*

On June 17, 2020, the KEAC received a response from Renée Garon, director general of mining sector management at the MERN, to its letter dated October 23, 2019, concerning KEAC feedback during pre-consultations on amendments to the *Mining Act*. Ms. Garon opened her letter by acknowledging KEAC concerns regarding the addition of environmental assessment and authorization for mineral exploration projects under Section 101.0.3 and the necessity for financial guarantees for site restoration following the expiration of claims. Regarding financial guarantees, Ms. Garon explained that Section 108, if adopted, could be used to this end. She also acknowledged the members' concern about sites of cultural significance and concluded with an update regarding the publication of the MERN's *Aboriginal Community Consultation Policy*.

Action item

- **Contact the MERN to enquire about possible additional consultations on amendments to the *Mining Act*.**

7. Residual and hazardous materials management

a) Portrait of residual materials management in Nunavik

The environmental analyst presented an overview of developments in residual materials management in Nunavik as well as the provincial administrator's response received on August 5, 2020, to the KEAC brief concerning the portrait of waste management in Nunavik. No response had yet been received from the federal administrator.

Action item

- **Address this matter with the provincial and federal administrator at the 166th meeting.**

b) Québec First Nations Waste Management Committee

The environmental analyst presented an overview of the most recent meeting of the Québec First Nations waste management committee held on August 27, 2020. The main items addressed included a pre- and post-implementation comparison of the conditions under the First Nations Waste Management Initiative, renewal of the Initiative, the inclusion of Nunavik Inuit in federal environmental funding programs, the hosting of zero-

waste events, community-based residual materials management plans, improved communication with RECYC-QUÉBEC, and access to information.

The members were informed that the next meeting of the management committee is scheduled for November 2020.

c) Federal Northern Contaminated Sites Program

The environmental analyst provided an update on the federal Northern Contaminated Sites Program as well as the characterization work conducted on Akpatok Island during the summer and future work at Killiniq.

d) Modifications to extended producer responsibility

On August 25, 2020, the KEAC received a letter from Martin Létourneau, director of the Residual Materials Branch at the MELCC. Mr. Létourneau opened with an overview of the Québec government's plan to modernize the deposit system for beverage containers and the selective collection system for packaging or packaging materials, printed matter and other products based on extended producer responsibility. Under the plan, manufacturers will be responsible for developing, implementing and funding the systems. Mr. Létourneau explained that, in order to modernize the deposit and selective collection systems, amendments to the *Environment Quality Act* are needed. A bill is expected to be tabled in the fall of 2020 and Mr. Létourneau provided an overview of possible amendments. Mr. Létourneau concluded his letter by stating that the MELCC would work towards establishing the terms and responsibilities in consultation with various management organizations, including Aboriginal groups.

Action items

- **Organize a meeting with the KRG to discuss an approach to eventual legislative amendments and their implementation in Nunavik.**
- **Prepare a letter with KEAC feedback once consultations have been scheduled.**

e) Mid-Canada radar line update

On September 15, 2020, the KEAC received a response from Marc Croteau, the provincial administrator, to its letter dated February 28, 2020, concerning a request for information on the third phase of the Mid-Canada line clean-up project. Mr. Croteau opened his letter with a description of the challenges of the project, the present status of the sites and past correspondence between the MELCC and the KRG. Mr. Croteau explained that the MELCC has communicated its intentions and actions with the Cree Nation Government, the Naskapi Nation of Kawawachikamach and the Makivik Corporation. The MELCC considers these groups to be the main partners in this exercise. Mr. Croteau also recognized the KEAC's request to meet with MELCC representatives on this matter and concluded by stating that a copy of the letter was sent to the James Bay Advisory Committee on the Environment as a number of sites are located south of the 55th parallel.

The members continued to express their concerns regarding the lack of communication between the consulting firm contracted by the MELCC to perform the characterization work and concerned Nunavik communities and organizations.

Action items

- **Invite an MELCC representative to give a presentation at a future meeting.**
- **Add the topic to the list of items to address with the provincial administrator at the 166th meeting.**

f) Québec beverage-container deposit system in Nunavik

The environmental analyst presented an overview of the current situation regarding the Québec beverage-container deposit system in Nunavik. The members were informed that previous requests sent to RECYC-QUÉBEC to help the Northwest Company comply with Québec deposit regulations for beverage containers remain unanswered.

Action items

- **Send a letter to the president of RECYC-QUÉBEC.**
- **Invite a RECYC-QUÉBEC representative to meet with the members at the 166th meeting.**
- **Add the topic to the list of items to address with the provincial administrator at the 166th meeting.**

8. Climate change

a) Presentation on *Bill 44, An Act mainly to Ensure Effective Governance of the Fight Against Climate Change and Promote Electrification*

Julie Veillette with the Climate Policy Branch of the MELCC presented an update on *Bill 44, An Act mainly to Ensure Effective Governance in the Fight Against Climate Change and Promote Electrification*. Ms. Veillette opened with an overview of the consultations and meetings held for the development of the *Bill 44* and provided an update on the implementation of the Québec government's 2020–2030 plan concerning climate change which should be ready by November 2020. Ms. Veillette concluded her presentation by explaining that the Québec government is prepared to collaborate with regional stakeholders and to work in tandem with the federal government's Climate Change Preparedness in the North Program.

b) Presentation on the MSC-ECCC monitoring initiative

Frédéric Lenormand with the Monitoring Strategies and Data Services Division of the MSC-ECCC gave a presentation on the Collaborative Monitoring Initiative to study the effects of climate change. He was accompanied by Sean Mcleod and Shreya Gupta. Mr. Lenormand opened with an overview of the Collaborative Monitoring Initiative, its underlying organizational structure and its goals. He explained that there is a vast network of weather stations across the country, which are owned by the federal, provincial and territorial governments as well as other bodies. The MSC is developing partnerships with non-federally owned stations in order to enhance the development of government policy and initiatives related to climate change monitoring and adaptation initiatives, as well as research. Mr. Lenormand also explained how information is processed and how gaps in data are bridged. He then provided a description of the collaborative networks the MSC is building with the provinces and territories. Mr. Lenormand concluded by presenting a list of discussion items applicable to Nunavik, including collaboration and access to data as well as issues and concerns related to monitoring.

Following the presentation, a discussion took place regarding climate change adaptation issues in Nunavik as well as federal government partnerships and funding programs.

9. Parks and protected areas

a) *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions*

The policy analyst gave an overview of the KEAC brief on *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions* which was presented on September 23, 2020, to the Committee on Transport and the Environment of the Québec National Assembly. Furthermore, on September 25, 2020, the KEAC was contacted by a research assistant on environmental issues for Québec solidaire to enquire about the KEAC's position on Indigenous protected and conservation areas.

Action item

- **Respond to the Québec solidaire researcher that the KEAC position is described in its brief.**

b) Presentation on the protection of 30% of the Plan Nord territory

Sara Marmen from the Protected Areas Branch of the MELCC gave a presentation on the Québec government's plan to protect 30% of the province's northern regions. Ms. Marmen opened with some brief background information on the Québec government's protection initiative and the legislative context. She explained that the Québec government intends to protect 50% of the territory north of the 49th parallel, 20% designated as protected areas and 30% as northern conservation areas where certain types of development will be permitted. Northern conservation areas will be subject to the environmental and social impact assessment and review procedure under Section 23 of the JBNQA and they will be classified as high-level protection areas and subject to the *Environment Quality Act*. She explained that various working groups have been established under the government initiative and that discussions are ongoing to define these areas and permitted activities.

Ms. Marmen explained that *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions* should be adopted by the Québec National Assembly in December 2020. Subsequently, public presentations on the mechanism for the development of northern conservation areas are planned before any official designations are made.

Following the presentation, a discussion took place regarding the clean-up of contaminated abandoned sites, as well as the monitoring of development activities in these areas.

10. Miscellaneous

a) Green Corner – *Taqralik*

It was decided that the next article for the Green Corner column in *Taqralik* would focus on greenhouse projects in different Nunavik communities.

b) Overview of drinking water quality in Nunavik

The executive secretary presented a preliminary synthesis of drinking water test results for the 14 communities of Nunavik.

c) Presentations on INRS northern research projects

Emilie Reny-Nolin, the coordinator for the MiraNor Project, gave a presentation on a series of research initiatives aimed at mitigating and reducing the effects of mining activities and infrastructure in the Caniapiscou River basin and its surroundings. She was accompanied by Jasmin Raymond, Patrice Couture and Normand Bergeron. The presentation included a general description of the MiraNor Project, its main objectives and related research projects. The research projects include a study on the bioaccumulation of metal contamination in fish and invertebrates in the vicinity of mine sites near Fermont and Schefferville, the effects of mining road stream crossings on fish habitat, monitoring and modelling the effects of climate warming on northern aquatic ecosystems, and a study on groundwater contribution to river thermal fish shelters in northern Québec.

Following the presentation, a discussion took place on the Asbestos Hill mine site and possible effects of asbestos mine tailings on fish.

d) Presentation on the proposed regulatory framework for wastewater treatment systems in the north

Audrée Dumouchel from the Forest Products and Fisheries Act Division of ECCC gave a presentation on consultations regarding the proposed regulatory framework for wastewater treatment systems in the north. She was accompanied by Stephen Asamoah, Alexandre Richard and Etse Dogbey. Hossein Shafeghati, an assistant director of the KRG Municipal Public Works Department, was also present as an observer. Ms. Dumouchel opened with an overview of the federal regulatory framework for wastewater management and its non-application in northern regions, and then provided a description of the wastewater treatment systems currently in place in northern regions across the country. In southern Québec, wastewater management systems are regulated in terms of daily discharge volumes and effluent composition. However, effluent composition is not taken into consideration in the north due to problems associated with sampling and testing. There are also sampling challenges associated with the transportation of wastewater in isolated communities. The presentation then focused on monitoring, testing and reporting requirements which are not consistent across northern Canada. The proposed regulatory framework seeks to establish a national standard for these requirements. Ms. Dumouchel concluded with a description of the timeline for the implementation of the proposed regulatory framework in the north and considerations for moving forward.

Following the presentation, a discussion took place on potential KEAC involvement in the development of the regulatory framework.

11. Dates and location of the next meeting

It was decided that the 166th meeting would be held on December 2 and 3, 2020. It was agreed that the meeting would be held in person in Quebec City if public health measures permit or, if not, remotely.



Benjamin Patenaude
Executive Secretary
December 2, 2020

Agenda of the 165th Meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 163rd and 164th meetings

3. Administration

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 164th meeting
- e) Application for judicial review and declaratory judgement – Naskapi Nation of Kawawachikamach
- f) Website
- g) Annual report, 2019–2020
- h) Request from the Makivik Corporation
- i) Meeting with the provincial and federal administrators

4. Environmental assessment in Nunavik

- a) Social impacts

5. Federal and provincial environmental protection legislation

- a) Modernization of the Québec environmental authorization regime
- b) Federal *Impact Assessment Act*

6. Mining activities

- a) Consultation on the Québec Plan for the Development of Critical and Strategic Minerals
- b) Asbestos Hill mine site
- c) *Mining Act*

7. Residual and hazardous materials management

- a) Portrait of residual materials management in Nunavik
- b) Québec First Nations Waste Management Committee
- c) Federal Northern Contaminated Sites Program
- d) Modifications to extended producer responsibility
- e) Mid-Canada radar line update
- f) Québec beverage-container deposit system in Nunavik

8. Climate change

- a) Presentation on *Bill 44, An Act mainly to Ensure Effective Governance of the Fight Against Climate Change and Promote Electrification*
- b) Presentation on the MSC-ECCC monitoring initiative

9. Parks and protected areas

- a) *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions*
- b) Presentation on the protection of 30% of the Plan Nord territory

10. Miscellaneous

- a) Green Corner – *Taqralik*
- b) Overview of drinking water quality in Nunavik
- c) Presentations on INRS northern research projects
- d) Presentation on the proposed regulatory framework for wastewater treatment systems in the north

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