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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 166TH MEETING OF THE KEAC (ADOPTED)

DATES: December 2 and 3, 2020

LOCATION: By videoconference

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett

Mary Pilurtoot, Vice-Chairperson

Appointed by the Government of Canada

Alexandre-Guy Côté

Caroline Girard

Mélanie Lafèche

Appointed by the Quebec Government

Vanessa Chalifour

Paule Halley, Chairperson

— Vacant —

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Policy Analyst

Annie Lamalice

ABSENT:

Tunu Napartuk, 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)

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

Dominique Lavoie, Director, Environmental Assessment of Northern Projects and Mining, MELCC

David McGovern, Federal Administrator of Section 23 of the JBNQA
Benoit Dubreuil, Executive Director, Regional Operations Directorate – Québec, Impact Assessment Agency of Canada (IAAC)
Terrence Hubbard, Vice-President, Operations Sector, IAAC
Jennifer Saxe, Director General, Regional Operations Directorate, IAAC
Laurie Beaupré, Environmental Coordinator, Department of Environment, Wildlife and Research, Makivik Corporation
Gregor Gilbert, Director, Department of Environment, Wildlife and Research, Makivik Corporation
Maude Durand, Team Leader, Legislative and Regulatory Strategy Office, MELCC
Ian Courtemanche, Director, Legislative and Regulatory Strategy Office, MELCC
Marie-Christine Briand, Director, Modernization Implementation Office, MELCC
Maude Ablain, Legislative and Regulatory Strategy Office, MELCC
Stéphanie Tremblay-Boudreault, Environmental Monitoring Centre, MELCC
Véronique St-Onge, Director, Éco-conseil Symbios
Daniel Gendron, Regional Analysis and Expertise Branch – Abitibi-Témiscamingue and Nord-du-Québec, MELCC
Yan Turgeon, Environmental Assessment and Expertise Branch, MELCC
Michel Chaussé, Regional Analysis and Expertise Department, MELCC

OBSERVERS:

Véronique Gilbert, Assistant Director for Lands and Environment, KRG
Claude Desrochers, Environmental Specialist, KRG
Aglae Boucher-Telmoise, Environmental Specialist, KRG
Lindsay Richardson, Project Coordinator, Environment and Community Consultation, Atmacinta Inc.
Gordon Dominique, Advisor, Naskapi Nation of Kawawachikamach
Graeme Morin, Environmental Analyst, James Bay Advisory Committee on the Environment
Cameron McLean, Environmental Coordinator, Cree Nation Government
Flora Weistche, Environment Management Coordinator, Cree Nation Government

1. Call to order and adoption of the agenda

The 166th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on December 2, 2020. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 166th meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 164th and 165th meetings

The members reviewed feedback on the minutes of the 164th and 165th meetings. Both were adopted following modifications.

3. Administration

a) Budget

The members were informed that the funding application for the 2021–2022 fiscal year is currently under review by the accounting firm responsible for the KEAC’s bookkeeping. The expense report for September to October 2020 and accounting service options were also discussed.

Action item

- **Finalize the funding application and send to the provincial administrator.**

b) Secretariat

The members reviewed a document describing the objectives and structure of inter-quarterly work sessions. Internal file management procedures and document sharing methods were also discussed.

c) Members

The members welcomed Caroline Girard to the KEAC as a federal government appointee, replacing Megan Williams. The members recognized Ms. Williams’ service and contribution to the KEAC. They were also informed that a new Québec government member would be appointed shortly to replace Sylvie Létourneau.

d) Active files since the 165th meeting

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

e) KEAC archives

A sample inventory of the KEAC’s archives was presented. Given the volume of work remaining and the current travel restrictions in place due to the COVID-19 pandemic, it was decided to postpone the project to a later date.

f) Website

The members were updated on development of the KEAC website.

g) Five-year action plan 2020–2025

The members reviewed the deliverables presented in the KEAC 2020–2025 action plan.

4. Meeting with the Makivik Corporation

The members met with Gregor Gilbert and Laurie Beaupré from the Department of Environment, Wildlife and Research of the Makivik Corporation to discuss their organization’s request to have a permanent observer attend KEAC quarterly meetings. The meeting opened with a presentation on the KEAC, its mandate and its sectors of activity. This was followed by a discussion about the Makivik Corporation’s request. Mr. Gilbert explained that the Makivik Corporation’s capacity to manage environmental files has grown in recent years

and that the organization currently sits on the Hunting, Fishing and Trapping Coordinating Committee as well as the Nunavik Marine Region Impact Review Board. The Makivik Corporation has made a similar request to the Kativik Environmental Quality Commission and the federal Environmental and Social Impact Review Panel (COFEX-North) with a view to increasing its participation on organizations whose work impacts on the rights of Nunavik Inuit. The meeting concluded with a discussion on current KEAC and Makivik Corporation collaborative files.

Following the meeting, the members discussed the Makivik Corporation's request and how to respond.

Action items

- **Answer the Makivik Corporation's request and invite the Makivik Corporation to attend the 167th meeting for any agenda items of interest.**
- **Invite the Naskapi Nation of Kawawachikamach to attend the 167th meeting for any agenda items of interest.**

5. Meeting with the provincial and federal administrators of Section 23 of the JBNQA

The members met first with the provincial administrator of Section 23 of the JBNQA, Marc Croteau, who was accompanied by Dominique Lavoie of the MELCC. The meeting opened with a discussion on the modernization of the environmental authorization regime under the *Environment Quality Act* and the KEAC's contribution to the development of the *Regulation respecting the Regulatory Scheme applying to Activities on the Basis of their Environmental Impact* (REAFIE) and *Regulation respecting Activities in Wetlands, Bodies of Water and Sensitive Areas* (RAMHHS). The members underlined the fact that, overall, their feedback was not taken into account and raised concerns regarding how these regulations would be applied in Nunavik. Mr. Croteau provided an overview of the file and explained that a large volume of feedback had been received from many different parties. He indicated that the Québec government intends to review additional regulations in the coming months and remains open to the KEAC's contributions. The next item discussed was residual materials management in Nunavik, specifically issues related to funding for waste management initiatives, the Nunavik Residual Materials Management Working Group, the modernization of the deposit and selective collection systems, as well as the region's relationship with RECYC-QUÉBEC. With regards to the last topic, Mr. Croteau agreed to examine possible solutions for improving communication with the MELCC. The meeting then reviewed the Mid-Canada Line radar station clean-up project, the current situation with the MELCC regional office and the brief on *Bill 46, An Act to amend the Natural Heritage Conservation Act and Other Provisions* which was presented to the Committee on Transportation and the Environment of the Québec National Assembly on September 23, 2020.

Subsequently, the members and Mr. Croteau were joined by David McGovern, the federal administrator of Section 23 of the JBNQA, who was accompanied by Benoit Dubreuil and Jennifer Saxe of the IAAC. The members thanked the administrators for the expedient processing of the KEAC's annual operating budget application. This was followed by a discussion on the challenges faced by Nunavik communities with regards to residual materials management initiatives and their exclusion from various federal environmental funding programs. The discussion then reviewed the Makivik Corporation's request to have a permanent observer attend KEAC quarterly meetings and the legal proceedings initiated by the Naskapi Nation of Kawawachikamach. With regards to the last topic, the members were informed that a court hearing is scheduled for late 2021 or early 2022. The exact date remains to be confirmed.

Following the departure of Mr. Croteau, an overview of the working group's activities concerning the implementation of the federal *Impact Assessment Act* in Nunavik was presented to Mr. McGovern. The working group consists of representatives from the KEAC, the Naskapi Nation of Kawawachikamach and the Makivik Corporation. Mr. McGovern explained that the IAAC has developed a nation-wide network with Indigenous groups to ensure harmonization of the *Impact Assessment Act* with the assessment and authorization procedures contained in their respective treaties. With regards to the multiplication of environmental assessment procedures in Nunavik, Mr. McGovern is also aware of the potential problems that could arise. This is a situation the IAAC tries to avoid whenever possible. The discussion concluded with an overview of the sites identified in Nunavik under the federal Northern Contaminated Sites Program. The members recognized the collaborative efforts of the federal departments on this file.

Following these meetings with the federal and provincial administrators of Section 23 of the JBNQA, the members discussed the topics addressed and identified appropriate follow-up actions.

Action items

- **Send a copy of the draft *Nunavik Residual Materials Management Plan 2021–2027* to the provincial administrator.**
- **Organize a meeting with Jacob Martin-Malus of the MELCC to discuss the KEAC's position on Bill 46.**
- **Monitor upcoming MELCC legislation and regulations.**

6. 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. A detailed plan for the final report was also presented and discussed.

b) Eastern Arctic Undersea Fibre Optic Network project

The members were informed that Fisheries and Oceans Canada is preparing to consult different regional bodies with regards to the Eastern Arctic Undersea Fibre Optic Network project. The project involves installing fibre optic cables on the sea floor in the La Grande River and Hudson Bay regions in order to improve Internet access throughout Nunavik.

7. Federal and provincial environmental protection legislation

a) Presentation on the modernization of the Québec environmental authorization regime

Maude Durand of the MELCC Legislative and Regulatory Strategy Office gave a presentation on the adoption and implementation of the REAFIE and the RAMHHS under the environmental authorization procedures established in the *Environment Quality Act*. She was accompanied by Ian Courtemanche, Marie-Christine Briand, Maude Ablain and Stéphanie Tremblay-Boudreault of the MELCC. Ms. Durand explained that the REAFIE seeks to streamline environmental authorizations on an administrative level by placing all the regulatory aspects of the procedure under a single regulation. Ms. Durand described the main parts of the

REAFIE and reviewed KEAC feedback developed during its participation in the REAFIE co-creation round table process.

Next, Stéphanie Tremblay-Boudreault presented the role and activities of the Centre de contrôle environnemental du Québec (environmental monitoring centre, CCEQ) under the MELCC. She explained that the role of the CCEQ is to inform and guide MELCC clients to fulfil their obligations under declarations of compliance. To this end, the MELCC plans to include on its website a section on the new rules under the REAFIE by early 2021. Every year, the CCEQ conducts inspections and follow-ups, responds to complaints and ensures compliance on the part of project proponents. The presentation continued with a description of existing enforcement measures and penalties for non-compliance. The presentation concluded with a description of how the CCEQ intends to ensure the successful implementation of the new rules under the REAFIE.

Following the presentation, the members and the MELCC presenters discussed application of the new regulatory regime to Nunavik.

Action item

- **Thank the presenters for their participation at the meeting and contact the CCEQ to request more precise information on environmental inspection and monitoring programs in Nunavik.**

b) *Federal Impact Assessment Act*

The policy analyst presented a summary of the most recent meeting of the working group involved in the analysis of the implementation of the *Impact Assessment Act* in Nunavik, which was held on October 16, 2020, by videoconference. The meeting focused on the different impact assessment procedures applicable in Nunavik, the challenges relating to their implementation and their interaction with the procedure under the *Impact Assessment Act*. The working group intends to submit a draft report to regional stakeholders for feedback at a workshop scheduled for the spring of 2021. The members were also informed that the next meeting of the working group is scheduled for December 8, 2020.

c) *Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water*

The policy analyst provided an overview of the meeting organized by the MELCC on November 30, 2020, at which it presented analysis on the first two years of implementation of the *Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water*. The members were informed that, with implementation of the Regulation, project proponents are encouraged to implement measures to minimize the negative impacts their projects may have on these ecosystems and the introduction of financial compensation has served to reduce the areas affected. Notwithstanding, the Regulation only applies south of the 49th parallel. The members were informed that, if regional bodies express a desire to develop a compensation scheme for Nunavik in accordance with Title II of the *Environment Quality Act*, the MELCC can provide assistance.

8. Mining activities

a) Asbestos Hill mine site

The environmental analyst presented a summary of the meeting of the Raglan Mine Closure Subcommittee held on October 27, 2020, at which the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) presented an overview of its 2019 characterization study of the Asbestos Hill mine site and the consultation conducted by the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee, BAPE) in February 2020 on the status of sites and the management of asbestos and asbestos mine tailings.

b) *Mining Act*

On October 9, 2020, the KEAC contacted Renée Garon of the MERN to enquire if any consultations on amendments to the *Mining Act* were planned. The members participated in a related pre-consultation in October 2019. Ms. Garon replied on October 13, 2020, that no consultations on the *Mining Act* are currently scheduled but that the KEAC would be kept informed once dates had been set.

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

On October 28, 2020, the KEAC received a letter from Nathalie Camden, Associate Deputy Minister for the Mining Sector of the MERN, in response to its letter concerning the 2020–2025 Québec Strategy for the Development of Critical and Strategic Minerals. Ms. Camden thanked the KEAC for its participation in the consultation and mentioned that, due to legislative reasons, not all feedback will be considered in the amended Act. She explained that the MERN is currently developing an advisory and implementation committee for Aboriginal stakeholders and concluded her letter by stating that the KEAC would be contacted to contribute to the implementation of the Plan following the Minister's announcement.

9. Residual and hazardous materials management

a) *Bill 65, An Act to amend mainly the Environment Quality Act with respect to Deposit and Selective Collection*

On October 29, 2020, the KEAC submitted a brief on *Bill 65, An Act to amend mainly the Environment Quality Act with respect to Deposits and Selective Collection* to the Committee on Transportation and the Environment of the Québec National Assembly. The brief addressed the following issues: use of certain terms and definitions, the members' observations regarding section 53.30, problems with application of the amended act outside of municipal boundaries, development of a circular economy, the current situation with refundable beverage containers in Nunavik, and the need to consult regional bodies when developing residual materials management infrastructure.

Furthermore, on November 10, 2020, the KEAC informed Martin Létourneau, director of the Residual Materials Branch of the MELCC, of its participation in the review of Bill 65 and its request to participate on the MELCC working groups for the modernization of deposit and selective collection systems. On November 16, 2020, the KEAC received an invitation to participate on the working group for the modernization of selective collection systems.

Action item

- **Transmit a list of topics applicable to Nunavik to the organizers of the working group.**

b) Presentation on the *Nunavik Residual Materials Management Plan 2021–2027*

Véronique St-Onge, director of Éco-conseil Symbios, gave a presentation on the *Nunavik Residual Materials Management Plan 2021–2027*. Ms. St-Onge provided an overview of the work carried out since 2019 to update the Plan and the legislative process behind its adoption. The objectives of the Plan contain 20 measures. Ms. St-Onge described the KRG strategy to implement and contribute to the measures. She explained that each of the 14 northern villages in Nunavik possesses waste management bylaws governing the processing of residual materials, described the categories of residual materials currently processed, and gave an overview of the residual materials management pilot projects currently under development. Nunavik generates approximately 15,000 tons of waste annually and almost all of it ends up in landfills. Ms. St-Onge also provided a description of the challenges and issues related to implementation of the Plan, including a lack of financial resources, adaptation of certain processing measures to the northern context, increased municipal taxes, human resources and shipping costs.

c) Nunavik Residual Materials Management Working Group

The environmental analyst provided a summary of the most recent meeting of the Nunavik Residual Materials Management Working Group which was held on November 3, 2020. The items discussed included Bill 65, the current status of the extended producer responsibility program, updates to the KRG's residual materials management projects, the BAPE review of the status of sites and the management of ultimate waste, and the renewal of the used tire collection and recycling program.

Action item

- **Develop a contact list of the Working Group members, the concerned government departments and individuals responsible for different environmental files.**

d) Federal Northern Contaminated Sites Program

The environmental analyst gave an update on the remediation of sites in Nunavik under the federal Northern Contaminated Sites Program.

e) Discussion on the Mid-Canada Line radar sites clean-up project, MELCC

The members met with Daniel Gendron of the MELCC Regional Analysis and Expertise Branch – Abitibi–Témiscamingue and Nord-du-Québec to discuss the status of the Mid-Canada Line radar sites clean-up project. Mr. Gendron was accompanied by Yan Turgeon and Michel Chaussé of the MELCC. Representatives of the KRG, the Cree Nation Government, the James Bay Advisory Committee on the Environment, and the Naskapi Nation of Kawawachikamach were also in attendance. Mr. Gendron explained that there are 45 sites in Québec, 38 of which were characterized over a two-year period. The sites located near Schefferville and Kuujuaapik are excluded from the current project as they have already been remediated. Mr. Gendron next presented an overview of the cost analysis and work plan to carry out the third phase of the project and described the next steps in this work. A summary of the work performed by the KRG, in collaboration with Naskapi and Cree communities during the first two phases of the clean-up project was

given. Mr. Gendron explained that the MELCC would be interested in consulting communities situated near the sites. The meeting concluded with a discussion on how to carry out such a consultation.

Action item

- **Follow up with MELCC regional office representatives regarding the meeting.**

f) Waste-to-energy project, Société du Plan Nord

The environmental analyst summarized a meeting with representatives of the Société du Plan Nord, the KRG and the Northern Village of Kuujuaq concerning the proposed waste-to-energy project. So far, a feasibility study on the community incinerator component of the project has been completed. Cost analysis work and the identification of funding sources is ongoing.

g) Letter from ECCC regarding its commitment to federal proposals concerning management of plastics pollution and plastic waste

The members reviewed a draft letter containing KEAC feedback on the commitment of Environment and Climate Change Canada (ECCC) to federal-government proposals concerning management of plastics pollution and plastic waste. They were informed that a webinar for Indigenous organizations is scheduled for December 11, 2020.

Action items

- **Transmit KEAC feedback.**
- **Participate in the December 11 webinar and present a summary at the next meeting.**

h) Strategy for the recovery of organic materials, Québec government

The environmental analyst presented an overview of the Québec government's organic waste reclamation strategy. She reiterated that approximately 50% of the residual materials disposed of in Nunavik are organic materials. Many of the programs and funding under the strategy are not available in Nunavik since northern landfills are excluded from the *Regulation respecting the Charges Payable for the Disposal of Residual Materials*, which establishes a compensation regime for municipalities for the costs of their residual materials collection systems. As a result, a complementary approach under the strategy will be set up to recommend specific measures and financial support. This will help isolated communities to better manage residual materials according to their specific realities. To this end, on November 18, 2020, a meeting was held with representatives of the KEAC, the KRG, RECYC-QUÉBEC and the MELCC to examine possibilities for implementing the strategy in Nunavik. It was emphasized that RECYC-QUÉBEC and the MELCC should consult the KRG and other regional bodies to ensure effective and appropriate implementation of the strategy.

The members reflected on the residual materials management programs and strategies managed by RECYC-QUÉBEC and the organization's awareness of the regional context.

Action item

- **Invite RECYC-QUÉBEC to attend the 167th meeting.**

10. Climate change

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

The members were informed that *Bill 44, An Act mainly to Ensure Effective Governance of the Fight Against Climate Change and Promote Electrification* was adopted on October 22, 2020, and came into force on November 1, 2020. The MELCC is responsible for implementing the Québec government's climate change initiatives. Now that Bill 44 has been adopted, the MELCC will proceed with implementation of these initiatives.

- b) *2030 Plan for a Green Economy*, Québec government

The policy analyst provided an overview of the Québec government's *2030 Plan for a Green Economy*, its objectives and its application in Nunavik.

Action item

- **Invite an MELCC representative to give a presentation at the 167th meeting.**

11. Miscellaneous

- a) Green Corner – *Taqralik*

It was decided that the next articles for the Green Corner column in *Taqralik* would focus on the Asbestos Hill mine site, the *Nunavik Residual Materials Management Plan 2021–2027*, and the KEAC's new website.

- b) Overview of drinking water quality in Nunavik

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

Action item

- **Obtain additional information concerning sampling, drinking water plant inspections and water tank cleaning.**

- c) Annual scientific restitution seminar, OHMI Nunavik/Tukisik

The policy analyst presented an overview of the annual scientific restitution seminar organized by the Observatoire Hommes-Milieus International (OHMI) Nunavik on November 18, 2020, by videoconference. The seminar consisted of a presentation of research projects as well as a round-table discussion. Presentation topics included food security, landscape studies, vegetation dynamics, river systems, environmental contaminants and avalanche security. The round-table discussion addressed issues related to access to information, the latest research projects developed by ArcticNet and the future regional research authority for Nunavik.

12. Dates and location of the next meeting

It was decided that the 167th meeting would be held on March 17 and 18, 2021, by videoconference.



Benjamin Patenaude
Executive Secretary
June 17, 2021

Agenda of the 166th Meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 164th and 165th meetings

3. Administration

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 165th meeting
- e) KEAC archives
- f) Website
- g) Five-year action plan 2020–2025

4. Meeting with the Makivik Corporation

5. Meeting with the provincial and federal administrators of Section 23 of the JBNQA

6. Environmental assessment in Nunavik

- a) Social impacts
- b) Eastern Arctic Undersea Fibre Optic Network project

7. Federal and provincial environmental protection legislation

- a) Presentation on the modernization of the Québec environmental authorization regime
- b) Federal *Impact Assessment Act*
- c) Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water

8. Mining activities

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

9. Residual and hazardous materials management

- a) *Bill 65, An Act to amend mainly the Environment Quality Act with respect to Deposits and Selective Collection*
- b) Presentation on the *Nunavik Residual Materials Management Plan 2021–2027*
- c) Nunavik Residual Materials Working Group
- d) Federal Northern Contaminated Sites Program
- e) Discussion on the Mid-Canada Line radar sites clean-up project, MELCC
- f) Waste-to-energy project, Société du Plan Nord

- g) Letter from ECCC regarding its commitment to federal proposals concerning management of plastics pollution and plastic waste
- h) Strategy for the recovery of organic materials, Québec government

10. Climate change

- a) Update on *Bill 44, An Act mainly to Ensure Effective Governance of the Fight Against Climate Change and Promote Electrification*
- b) *2030 Plan for a Green Economy*, Québec government

11. Miscellaneous

- a) Green Corner article – *Taqralik*
- b) Overview of drinking water quality in Nunavik
- c) Annual scientific restitution seminar, OHMI Nunavik/Tukisik

12. Dates and location of the next meeting