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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 170TH MEETING OF THE KEAC (ADOPTED)

DATES: December 14 and 15, 2021

LOCATION: By videoconference

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett, Vice-chairperson
Tunu Napartuk, Chairperson

Appointed by the Government of Canada

Alexandre-Guy Côté
-Two vacant seats-

Appointed by the Government of Québec

Vanessa Chalifour
Paule Halley
André-Anne Gagnon

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Policy Analyst

-Vacant-

ABSENT:

Lucy Kumarluk, KRG appointee

GUESTS:

Terence Hubbard, Interim President, Impact Assessment Agency of Canada (IAAC), Federal Administrator of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA)

Benoit Dubreuil, Director, Québec Region, IAAC

Mary Kubesh, Senior Advisor to the President and Departmental Liaison, IAAC

Marc Croteau, Deputy Minister, Ministère de l'Environnement et de la Lutte contre les changements climatiques (the environment and the fight against climate change, MELCC), Provincial Administrator of Section 23 of the JBNQA

Julie Rodrigue, Director of Aboriginal Affairs, MELCC

Geneviève Dufour Tremblay, Project Leader, Wetlands Conservation Branch, MELCC

Josée Michaud, Assistant Director, Wetlands Conservation Branch, MELCC

Jean-Frédéric Guay, Legislative Analyst, Wetlands Conservation Branch, MELCC

OBSERVERS:

Laurie Beaupré, Environmental Coordinator, Department of Environment, Wildlife and Research, Makivik Corporation

Marc-Antoine Giroux, Manager, Analysis, Regional Relations and Indigenous Affairs, Environment and Climate Change Canada (ECCC)

1. Call to order and adoption of the agenda

The 170th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on December 14, 2021. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 170th meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 169th meeting

The members reviewed the feedback on the minutes of the 169th meeting. The minutes were adopted following modifications.

3. Administration

a) Budget

The members were informed that the application for the 2022–2023 operating budget was sent to the Provincial Administrator on December 9, 2021. The expense report for September to November 2021 was also discussed.

b) Secretariat

The members were updated on the recruitment of a new policy analyst. The status of the KEAC archives work was also discussed.

c) Members

The members discussed the state of federal appointments to the KEAC and expressed disappointment with the excessive time often taken to replace federal vacancies.

d) Active files since the 169th meeting

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

e) Website

The environmental analyst described the most recent developments on the KEAC website.

f) Five-year action plan, 2020–2025

i. Communication plan

The members were informed that a revised version of the communication plan has been circulated.

ii. Promotional items

The members were informed that the final version of the KEAC promotional brochure has been printed and is ready for distribution. The pens and mugs should also be ready for distribution shortly.

Action item

- Present an update on the status of the objectives under the 2020–2025 action plan.

4. Meetings with the Administrators

a) Meeting with the Provincial Administrator

The members met with the Provincial Administrator of Section 23 of the JBNQA, Marc Croteau. He was accompanied by Julie Rodrigue. The meeting opened with a discussion concerning the KEAC mandate and the Québec government's obligation to consult the KEAC on policies and legislation affecting the environment and development in Nunavik. The members recognized Mr. Croteau's efforts in facilitating communication with Québec-government departments, although they also noted that there continues to be instances where the KEAC is not consulted on files or is not permitted an adequate deadline to submit its feedback. Mr. Croteau explained that, at times, it is not easy to consult all appropriate organizations due to the number of parties to be contacted and due to the applicability of the files to specific government-department mandates. He explained that he and the Secrétariat des affaires autochtones will continue to work toward establishing better communications between northern committees and the Québec government.

Discussion continued on the topic of KEAC concerns regarding the new mechanism for the creation of northern conservation areas in the Plan Nord territory. Mr. Croteau explained that it is difficult to reach a consensus among the various government departments associated with this file, in particular regarding definitions for industrial versus non-industrial activities, as each department has its own separate approach and mandate.

The next discussion point included an overview of the KEAC study on the consideration given to social impacts under the environmental assessment procedures applicable in Nunavik. Mr. Croteau recognized the KEAC's work and shared his insights into social impacts and social acceptability. Discussion then addressed the attendance of observers from the Naskapi Nation of Kawawachikamach and the Makivik Corporation at KEAC meetings. This topic was followed with discussion on different issues related to residual and hazardous materials management, including the updating of the *Nunavik Residual Materials Management Plan*, the modernization of the deposit and selective collection systems, the consultation by the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee, BAPE) on the status and management of final waste, the Mid-Canada line radar sites clean-up project, and the order-in-council recently issued by the Québec government prohibiting heating-oil systems. The meeting concluded with a presentation of the new KEAC website.

b) Meeting with the Federal Administrator

The members met with the interim Federal Administrator of Section 23 of the JBNQA, Terence Hubbard. He was accompanied by Benoit Dubreuil and Mary Kubesh. The meeting opened with a discussion concerning the KEAC mandate and the federal government's obligation to consult the KEAC on policies and legislation affecting the environment and development in Nunavik. It was noted that, although communication with federal-government departments has improved, there are still instances where the KEAC is not consulted on certain files. Next, KEAC involvement on the working group currently analyzing the implementation of the federal *Impact Assessment Act* in Nunavik was discussed, along with recent and future activities of the working group. This was followed by an overview of the KEAC study on the consideration given to social impacts under the environmental assessment procedures applicable in Nunavik. Mr. Hubbard recognized the KEAC's work and the difficulties that can be encountered when accessing information. The discussion then addressed the attendance of observers from the Naskapi Nation of Kawawachikamach and the Makivik Corporation at KEAC meetings. The meeting concluded with a presentation on the new KEAC website.

5. Environmental assessment in Nunavik

a) Update on the report concerning the study on the consideration given to social impacts

The members were updated on the distribution and review of the French version of the report concerning the study on the consideration given to social impacts. They were also informed that an English version of the report is now available.

Action item

- Revise the English version of the report and distribute it to certain critical organizations for feedback.

6. Federal and provincial environmental protection legislation

a) Federal *Impact Assessment Act*

The environmental analyst presented an overview of the most recent meeting of the working group currently analyzing the application of the federal *Impact Assessment Act* in Nunavik which was held on November 25, 2021. The working group plans to produce an analysis report with recommendations shortly.

- b) Engagement workshop: monitoring the impacts of major projects

The environmental analyst presented an overview of the Conference Board of Canada's engagement workshop for monitoring the impacts of major projects which was held on October 12, 2021. The purpose of the workshop was to obtain feedback from Indigenous communities on how the federal government should approach consultations in the context of development projects. The highlights of the workshop included community follow-up, the lack of monitoring by governments in remote regions and its consequences, community access to information, as well as ongoing communications with Indigenous communities.

7. Regional land use planning and occupancy

- a) Québec strategy for urban and regional planning, MAMH

On October 6, 2021, the KEAC sent a letter to the Assistant Deputy Minister for Urban and Regional Planning at the Ministère des Affaires municipales et de l'Habitation (municipal affairs and housing, MAMH), Stéphane Bouchard, with KEAC feedback on the Québec urban and regional planning strategy. The letter first provided a description of the KEAC mandate and expressed disappointment that the KEAC had not been consulted on the strategy. The letter next explained that the sustainable environment planning and protection tools planned under the strategy could not be implemented in Nunavik if the *Act respecting Northern Villages and the Kativik Regional Government* and the master plans of the 14 northern villages are not amended. The letter then provided further feedback and mentioned that the tools under the strategy would need to be adapted to the Nunavik context and developed in cooperation with regional organizations. In conclusion, the letter requested that the KEAC be kept informed of developments in this file.

8. Mining activity

- a) *Mining Act (under Bill 102, An Act Mainly to Reinforce the Enforcement of Environmental and Dam Safety Legislation, to Ensure the Responsible Management of Pesticides and to Implement Certain Measures of the 2030 Plan for a Green Economy concerning Zero Emission Vehicles)*

The environmental analyst presented an overview of an information session for Indigenous communities organized by the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) on November 8, 2021, concerning the amendments proposed to the *Mining Act* under *Bill 102, An Act Mainly to Reinforce the Enforcement of Environmental and Dam Safety Legislation, to Ensure the Responsible Management of Pesticides and to Implement Certain Measures of the 2030 Plan for a Green Economy concerning Zero Emission Vehicles*. Among the amendments, the MERN proposes to oblige proponents to obtain ministerial authorization for certain mineral exploration projects that could impact on the natural environment. The members were informed that a list of mineral exploration activities subject to authorization will be produced in the coming months. The MERN also intends to consult Indigenous communities and organizations during development of the list.

Action item

- Request a presentation from the MERN at the 171st meeting.

9. Residual and hazardous materials management

a) Consultation on the status and management of final waste, BAPE

The members were updated on the drafting of the BAPE consultation report on the status and management of final waste and in particular on the chapter specific to territories covered by the JBNQA.

b) Hazardous spill guide

The members were informed that the *Hazardous Materials Spill Response Guide for Nunavik – Northern Villages and Regional Organizations* and associated information posters have been printed and are ready for distribution.

c) Access to federal funding for waste management initiatives

The members were informed that the KEAC and the KRG are jointly preparing a brief on the state of waste management in Nunavik to be presented to the Makivik Corporation. The information will be used in meetings of the Inuit–Crown forum to address difficulties accessing federal resources for waste management initiatives in the northern villages.

d) Nunavik Residual Materials Management Working Group

The environmental analyst presented an overview of the latest meeting of the Nunavik Residual Materials Management Working Group which was held on October 27, 2021. The items addressed included approval of the *Nunavik Residual Materials Management Plan* by RECYC-QUÉBEC, difficulties accessing federal funding for waste management initiatives, an overview of waste management initiatives in different communities, extended producer responsibility, the consultation on the draft regulation concerning the modernization of Québec's deposit and selective collection systems, the eco-centre project in Kuujjuaq, the BAPE consultation on the status and management of final waste, and the Mid-Canada line radar sites clean-up project.

The members were informed that the Working Group's next meeting is scheduled for January 2022.

e) Draft *Regulation to amend the Regulation respecting the Recovery and Reclamation of Products by Enterprises*

The members were informed that a consultation on the draft *Regulation to amend the Regulation respecting the Recovery and Reclamation of Products by Enterprises* was announced in October 2021. As the KEAC has been involved in this file since 2011, the members expressed their disappointment at not having been consulted on this file directly. The KEAC and the KRG did however co-author a letter with feedback on the draft regulation which was sent on November 25, 2021. The letter presented a summary of the current situation regarding extended producer responsibility in Nunavik as well as comments on amendments proposed to certain sections of the regulation that should be better adapted to the regional context and on the addition of new products such as single-use batteries, household appliances and air conditioners, pressurized fuel containers and pharmaceuticals.

f) *Regulation respecting the Traceability of Excavated Contaminated Soil*

The environmental analyst presented an overview of a meeting between the KRG and the MELCC held on November 24, 2021, to discuss the implementation of the *Regulation respecting the Traceability of Excavated Contaminated Soil* and the new *Trace Québec* system in Nunavik. The purpose of the system is to ensure the traceability of contaminated soils from excavation to remediation.

Additionally, the KEAC received a letter on November 18, 2021, from the MELCC concerning a fee program that will be established for contaminated soil to promote its treatment rather than burial. Moneys collected will be reinvested in a funding program for the remediation of contaminated soil in Indigenous communities. The members agreed to participate with the KRG in consultations planned for 2022.

Action item

- Contact a representative of the MELCC to request a presentation at the 171st meeting.

g) Update on the rehabilitation of sites in Nunavik under federal jurisdiction

The environmental analyst presented an overview of the rehabilitation initiatives for contaminated sites on Akpatok Island and at Killiniq. Regarding the site located on Akpatok Island, a characterization study was performed in August 2021. Consultations with concerned communities and regional organizations will be organized shortly. Afterwards, a work plan will be developed and rehabilitation activities should begin in 2022. Characterization activities are planned for Killiniq in 2022.

The members were informed that the KRG has invited the KEAC to attend a presentation in early 2022 on contaminated sites in Nunavik under federal jurisdiction. The members agree that the KEAC should attend.

h) Québec First Nations Waste Management Committee

The environmental analyst presented an overview of the latest meeting of the Québec First Nations Regional Waste Management Committee held on December 2, 2021. The main items addressed included the recent waste management symposium, the development of waste management data collection tools, access to information in English, and the creation of working groups to deal with different files.

i) Order-in-council concerning the use of heating oil, Québec government

The members were informed that on June 9, 2021, the Québec government issued an order-in-council prohibiting the installation and replacement of heating-oil systems beginning in 2023 and a gradual shift towards hydroelectricity. It was noted that the order-in-council does not apply in Nunavik or to government-owned infrastructure. However, in Nunavik, residential heating-oil system spills are the main cause of soil contamination in the region and, at present, no viable alternatives to heating-oil systems exist. The members were informed that the KRG intends to follow up with the MELCC on this file.

10. Conservation and biodiversity

- a) Pre-consultation on the mechanism for creating northern conservation areas

The members reviewed a draft letter containing KEAC feedback on the mechanism for creating northern conservation areas.

- b) Presentation on the draft *Regulation to Amend Mainly the Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water and Other Regulatory Provisions*

Geneviève Dufour Tremblay, a project leader with the Wetlands Conservation Branch at the MELCC, delivered a presentation on the draft *Regulation to Amend Mainly the Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water and Other Regulatory Provisions*. She was accompanied by Jean-Frédéric Guay and Josée Michaud. The presentation began with an explanation of the intent and purposes of the Regulation and the associated financial compensation regime. Ms. Dufour Tremblay explained that the Regulation is under review two years after having entered into force; it was adopted in 2018. To date, the MELCC has received feedback from many stakeholders. The purpose of the review is to introduce greater flexibility in how the Regulation can be applied according to the region, context or sector, and to develop tools that permit the Regulation to be integrated into the *Environment Quality Act*. A pre-consultation is currently underway and the actual consultation is scheduled for the summer of 2022. The presentation continued with an overview of the underlying orientations of the Regulation and its subsequent amendments. It was explained that the central element of the amendments and the review of the Regulation is agriculture and that areas be prioritized based on their sensitivity. The MELCC has defined two principle sensitive areas and regional compensation regimes. The first consists of open marshland and the second is woodland. The method for calculating financial compensation was then explained. Next, a description of JBNQA territories was provided and it was explained how they fit under the new Regulation. Finally, the presentation noted that the Regulation was developed mainly for southern regions where there is increased human activity and greater destruction of wetland habitats. Notwithstanding, the MELCC could be open to developing a regulation tailored to northern regions once a better inventory of habitats is established.

Following the presentation, a discussion took place regarding the frequency of planned revisions of the Regulation as well as possible and eventual application of the Regulation in JBNQA territories.

- c) *Policy of the MFFP on Relations with Aboriginal Nations and Communities*

On November 25, 2021, the KEAC contacted the Ministère des Forêts, de la Faune et des Parcs (forests, wildlife and parks, MFFP) to follow up on its letter concerning the proposed *Policy of the MFFP on Relations with Aboriginal Nations and Communities*. The KEAC received a reply on December 10, 2021, to the effect that feedback received from various organizations contributed to the production of a consultation report and that a draft policy should be available shortly for comment.

11. Climate change

- a) Draft *Climate Change Adaptation Strategy for Forest Management*, MFFP

The members reviewed a draft letter containing KEAC feedback on the draft MFFP *Climate Change Adaptation Strategy for Forest Management*. The environmental analyst also presented an overview of the information session concerning the Strategy held on December 2, 2021.

12. Miscellaneous

- a) Green Corner article – *Taqralik*

It was decided that the next articles in the Green Corner column in *Taqralik* would address the KRG trail marking project that is part of its climate change adaptation strategy, the BAPE consultation on the status and management of final waste, and the results of the KEAC study on the consideration given to social impacts under the environmental assessment procedures applicable in Nunavik.

13. Dates and location of the next meeting

It was decided that the 171st meeting would be held on March 22 and 23, 2022, by videoconference. The members also discussed the possibility of holding in-person meetings once travel restrictions related to the COVID-19 pandemic have been lifted.



Benjamin Patenaude
Executive Secretary
March 22, 2022

Agenda of the 170th meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 169th meeting

3. Administration

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 169th meeting
- e) Website
- f) Five-year action plan, 2020–2025
 - i. Communication plan
 - ii. Promotional items

4. Meeting with the Administrators

- a) Meeting with the Provincial Administrator (December 15, 9:00–10:30 a.m.)
- b) Meeting with the Federal Administrator (December 14, 1:30–2:30 p.m.)

5. Environmental assessment in Nunavik

- a) Update on the report concerning the study on the consideration given to social impacts

6. Federal and provincial environmental protection legislation

- a) Federal *Impact Assessment Act*
- b) Engagement workshop: monitoring the impacts of major projects

7. Regional land use planning and occupancy

- a) Québec strategy for urban and regional planning, MAMH

8. Mining activity

- a) *Mining Act (under Bill 102, An Act Mainly to Reinforce the Enforcement of Environmental and Dam Safety Legislation, to Ensure the Responsible Management of Pesticides and to Implement Certain Measures of the 2030 Plan for a Green Economy concerning Zero Emission Vehicles)*

9. Residual and hazardous materials management

- a) Consultation on the status and management of final waste, BAPE
- b) Hazardous spill guide
- c) Access to federal funding for waste management initiatives

- d) Nunavik Residual Materials Management Working Group
- e) Draft Regulation to amend the *Regulation respecting the Recovery and Reclamation of Products by Enterprises*
- f) *Regulation respecting the Traceability of Excavated Contaminated Soil*
- g) Update on the rehabilitation of sites in Nunavik under federal jurisdiction
- h) Québec First Nations Waste Management Committee
- i) Order-in-council concerning the use of heating oil, Québec government

10. Conservation and biodiversity

- a) Pre-consultation on the mechanisms for creating northern conservation areas
- b) Presentation on the draft *Regulation to Amend Mainly the Regulation respecting Compensation for Adverse Effects on Wetlands and Bodies of Water and Other Regulatory Provisions* (December 15, 1:30–2:30 p.m.)
- c) *Policy of the MFFP on Relations with Aboriginal Nations and Communities*

11. Climate change

- a) Draft *Climate Change Adaptation Strategy for Forest Management*, MFFP

12. Miscellaneous

- a) Green Corner article – *Taqralik*

13. Dates and location of the next meeting