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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 171ST MEETING OF THE KEAC (ADOPTED)

DATES: March 22 and 23, 2022

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
Marie-Noëlle Fournier
Caroline Girard

Appointed by the Government of Québec

Vanessa Chalifour
André-Anne Gagnon
Paule Halley

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

ABSENT:

Lucy Kumarluk, KRG appointee

GUESTS:

Véronique Gilbert, Assistant Director of Environment and Lands, KRG

Émilie Dalpé-Turcotte, Land Use Planner, KRG

Aglæe Boucher-Telmosse, Environmental Specialist, KRG

Pierre Gentes, Environmental Technician, KRG

Karine Benjamin, Legislative and Regulatory Strategy Office, Ministère de l'Environnement et de la Lutte contre les changements climatiques (ministry of the environment and the fight against climate change, MELCC)

Ian Courtemanche, Director, Legislative and Regulatory Strategy Office, MELCC

Annie Cassista, Legislative and Regulatory Strategy Office, MELCC
Maude Durand, Legislative and Regulatory Strategy Office, MELCC
Marie-Hélène Tremblay, Aboriginal Affairs Branch, MELCC

OBSERVERS:

Laurie Beupré, Environmental Coordinator, Department of Environment, Wildlife and Research, Makivik Corporation
Lindsay Richardson, Project Coordinator, Environment and Community Consultation, Atmacinta Inc. (representative of the Naskapi Nation of Kawawachikamach)
Marc-Antoine Giroux, Manager, Indigenous Community Relations, Environment and Climate Change Canada (ECCC)
Christine Lambert, Environmental Legislation Analyst candidate, Kativik Environmental Advisory Committee (KEAC)
Claude Desroches, Environmental Specialist, KRG

1. Call to order and adoption of the agenda

The 171st meeting of the KEAC began at 9 a.m. on March 22, 2022. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 171st meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 170th meeting

The members reviewed their feedback on the minutes of the 170th meeting which were adopted following modifications.

3. Administration

a) Budget

The expense report for December 2021 to February 2022 was reviewed.

b) Secretariat

The members were informed that Christine Lambert has been hired as Environmental Legislation Analyst. The members welcomed Ms. Lambert to the KEAC. The status of work on the KEAC's archives was also discussed.

c) Members

The members welcomed Marie-Noëlle Fournier to the KEAC. She has been appointed by the federal government to replace Mélanie Lafèche. Furthermore, Alexandre-Guy Côté will assume the position of chairperson for 2022–2023 and Vanessa Chalifour will assume the position of vice-chairperson. The members thanked Tunu Napartuk for his term as chairperson for 2021–2022.

- d) Active files since the 170th meeting

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

Action item

- Update the sections of the table relating to subcommittees and inactive files.

- e) Website

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

- f) Annual report, 2021–2022

The members were informed that the 2021–2022 annual report was being prepared and should be ready for adoption at the 172nd meeting.

- g) Five-year action plan, 2020–2025

The executive secretary presented an update on the status of deliverables under the 2020–2025 five-year action plan.

4. Environmental assessment in Nunavik

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

The members were informed that feedback on the English and French versions of the report concerning the study on the consideration given to social impacts had been received. Next steps leading to the adoption and distribution of the report were also discussed.

Action item

- Integrate feedback on the report and organize a meeting of the subcommittee to develop a communications strategy for its simplification and distribution.

- b) Federal *Impact Assessment Act*

The members were informed that a draft report on the conclusions and recommendations of the working group analysing the implementation of the *Impact Assessment Act* in Nunavik will be available shortly for feedback.

5. Federal and provincial environmental protection legislation

- a) Ministerial authorization forms

The environmental analyst presented an overview of the new ministerial authorization forms available on the MELCC website. The new system is established under the *Regulation respecting the Regulatory Scheme Applying to Activities on the Basis of their Environmental Impact* (REAFIE). It permits activities with moderate environmental risks to be governed by ministerial authorization. The new online forms are intended to

streamline the review process. It was however expressed that certain difficulties may be encountered by project proponents in Nunavik, specifically with regards to accessibility and information requirements. The KEAC and the KRG are reviewing the forms and intend to send feedback to the MELCC.

- b) Presentation on the draft omnibus regulation to amend various regulatory provisions regarding environmental protection

Ian Courtemanche, director of the MELCC Legislative and Regulatory Strategy Office, delivered a presentation on the draft omnibus regulation intended to amend various regulatory provisions relating to environmental protection. He was accompanied by Maude Durand, Karine Benjamin, Annie Cassista and Marie-Hélène Tremblay. The presentation first provided background information on the omnibus regulation further to the adoption of the REAFIE and the co-creation round table process. Because several environmental authorization regulations required amendment, the MELCC decided to combine review of these amendments under a single draft omnibus regulation. The presentation next identified the different regulations covered under review, including the *Regulation respecting Activities in Wetlands, Bodies of Water and Sensitive Areas*, the *Agricultural Operations Regulation*, the REAFIE, the *Regulation respecting the Environmental Impact Assessment and Review of Certain Projects*, the *Regulation respecting Industrial and Commercial Establishments*, and the *Regulation concerning the Reclamation of Residual Materials*. With respect to environmental authorizations, the MELCC is aiming to streamline the review process, correct discrepancies and close potential loopholes in their application through these amendments. It was explained that the omnibus regulation will not affect the authorization process under Title II of the *Environment Quality Act* or Section 23 of the *James Bay and Northern Québec Agreement (JBNQA)*. Mr. Courtemanche next described a few specific amendments proposed under the draft omnibus regulation which are subject to economic impact analysis to determine their viability. The presentation concluded with an overview of the consultation timeline.

Following the presentation, discussion addressed the differences between the application of the regulations covered under the omnibus regulation in Nunavik compared with southern Québec, the importance of communication between the MELCC and regional authorities, the implications of the proposed amendments for northern communities, and KEAC participation in the consultation process.

Action item

- Contact the presenters and invite them to meet with the members at the start of the consultation process.

6. Mining activity

- a) Public consultation on the draft regulation to amend the ambient air standard for nickel

On February 17, 2022, the KEAC sent a letter to Francois Houde, director general of the MELCC Environmental Monitoring Service, with feedback on the draft regulation to amend the ambient air standard for nickel. In its letter, the KEAC noted that it was particularly interested in the draft regulation as there are two active nickel mines in Nunavik and the surrounding areas are used for traditional subsistence activities. The letter also detailed KEAC concerns regarding permissible airborne particulate levels for nickel, MELCC mitigation and monitoring measures, and the effects on nearby ecosystems. The letter noted in conclusion that the new regulation must comply with the environmental and social protection regime under Section 23

of the JBNQA and consider the potential impacts the proposed increase in levels may have on the natural and social environments.

- b) *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)*

At the 170th meeting, the members were informed that Section 37 of Bill 102 amending Section 69 of the *Mining Act* would include the implementation of a ministerial authorization system for impact-causing exploration work since, at present, no such obligation exists. Initially, a proposal by the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) and the attendant list of exploration work subject to ministerial authorization were to be developed through community-level consultations.

However, at the 171st meeting, the members were informed that the MERN had since decided to abandon this approach and that amendments would be proposed as part of the review of Bill 102 by the National Assembly. The amendments will specify in the *Mining Act* which exploration work is subject to authorization. The Bill might also stipulate that these authorizations are not required in the territory covered by treaty.

Furthermore, during a meeting of representatives of the KRG, the Makivik Corporation and the MERN on January 20, 2022, the MERN explained that the list of impact-causing exploration work had not yet been set out. A preliminary list emphasizing natural and social environmental elements was reviewed. The new authorization system might also include provisions relating to community participation and the clean-up of exploration camps.

The MERN noted that the REAFIE creates the obligation to apply for ministerial authorization and that its preliminary list of impact-causing exploration work has higher thresholds and is more environmentally focused (Section 78). The REAFIE authorization also requires a financial guarantee in addition to a rehabilitation plan. The MELCC and MERN intend collaborate on the development, harmonization and classification of authorization systems and types of activities.

Action item

- Monitor this file and review amendments to the *Mining Act* once Bill 102 is made public.

7. Residual and hazardous materials management

- a) Single-use plastic bags in Nunavik

The members were updated on recent KRG initiatives to obtain assistance for the northern villages and retailers to eliminate the distribution of single-use plastic bags.

- b) Access to federal funding for waste management initiatives

The environmental analyst presented an overview of a meeting with representatives of the KRG and the Makivik Corporation held on January 26, 2022. The purpose of the meeting was to revise and develop a brief for the Inuit-Crown Partnership Committee describing the different regional waste management initiatives and the financial resources required to implement them.

c) Nunavik Residual Materials Management Working Group

The environmental analyst presented an overview of the most recent meeting of the Nunavik Residual Materials Management Working Group which was held on February 1, 2022. The meeting addressed a number of topics including recent residual materials management projects and application of the extended producer responsibility program in Nunavik communities, the Québec government order-in-council prohibiting heating-oil systems, federal funding programs for waste management, the Québec funding program for waste management in northern communities, the consultation of the Bureau d'audiences publiques sur l'environnement (environmental public hearings committee, BAPE) on the status and management of final waste, contaminated soil, and the Mid-Canada Line radar sites clean-up project.

d) Update on the rehabilitation of contaminated sites under federal jurisdiction

The environmental analyst presented an overview of the information session organized by representatives of various federal- and provincial-government departments on February 11, 2022. The departments each presented an overview of the sites for which they are responsible under the federal government's Northern Contaminated Sites Program.

e) Draft regulations concerning deposit and selective collection systems for certain containers

The environmental analyst presented an overview of a series of information sessions held on February 9, 10 and 17, 2022, regarding the MELCC's draft regulations concerning the deposit and selective collection systems for certain containers. On March 9, 2022, the KEAC sent a letter with its feedback on the draft regulations. The letter first provided an overview of KEAC recommendations contained in its position paper on *Bill 65, Act to amend Mainly the Environment Quality Act with respect to Deposits and Selective Collection* and attendant draft regulations, as well as of the recommendations presented in the BAPE report for the consultation on the status and management of final waste. The letter next addressed KEAC recommendations concerning the consistency of the terminology used in the draft regulations, the adaptation of contracts between the KRG and designated management bodies to realities in Nunavik communities, the implementation of standard and consistent monitoring and compliance measures, as well as the development of an effective communications strategy with the northern villages. The letter stated in conclusion that implementation of the proposed container deposit and selective collection systems in Nunavik communities represents a challenge that will require both the expertise of specialists who are familiar with the northern context and the expertise of regional representatives who are capable of guiding the implementation of deposit and selective collection regulations and systems.

f) Federal-government objective to reduce methane emissions from municipal solid waste landfills

The environmental analyst presented an overview of an information session held on March 8, 2022, concerning the ECCC discussion paper on the objective to reduce methane emissions from municipal solid waste landfills.

Action item

- Draft and send a letter with KEAC feedback on the ECCC discussion paper.

g) Update on the Mid-Canada Line radar sites clean-up project

The members were informed that in November 2021, the KRG sent a letter to the MELCC concerning its role in the third phase of the Mid-Canada Line radar site clean-up project. A similar letter was sent by the Makivik Corporation in December 2021. At present, the MELCC intends to initiate a pilot rehabilitation project at seven sites which will not be covered by the impending federal funding agreement. The pilot project is currently under review by the Kativik Environmental Quality Commission.

h) Presentation on clean-up projects at abandoned mineral exploration and mobile outfitting camps

Aglae Boucher-Telmosse, a KRG environmental specialist, delivered a presentation on abandoned mineral exploration camps. She was accompanied by Pierre Gentes, a KRG environmental technician. The presentation began with an overview of the work conducted at sites near the communities of Kangiqsualujuaq, Kuujuaq and Kangirsuk in 2020 and 2021. In total, nine sites were cleaned up. A description of the work performed and the quantities of residual materials removed since 2018 were also described. The members were informed that clean-up work in 2022 will essentially focus on ten sites near Kangirsuk and on one site near Kuujuaq.

The presentation next provided an overview of the mobile outfitting camp clean-up project led by the Makivik Corporation further to a funding agreement with the Ministère des Forêts, de la Faune et des Parcs (forests, wildlife and parks, MFFP). Clean-up work will be focused on 17 sites near Umiujaq. Although work was delayed by the COVID-19 pandemic, employee training has been completed and six sites have already been cleaned up. The Makivik Corporation is currently negotiating an extension of the funding agreement to permit the clean-up of a second group of 12 sites near Kuujuaq. The presentation concluded with a description of project objectives for the coming years.

8. Conservation and biodiversity

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

On January 13, 2022, the KEAC received a letter and consultation report from Hugo Jacqmain of the MFFP Aboriginal Relations Branch concerning the *Policy of the MFFP on Relations with Aboriginal Nations and Communities*. The letter first provided an overview of the aim of the policy and the consultations held with various Aboriginal stakeholders during the development of the policy. Mr. Jacqmain explained that the feedback received will help improve existing relations and consultation processes. He concluded his presentation by thanking the KEAC for its contribution and inviting the members to provide feedback once the draft policy is available for consultation.

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

On December 17, 2021, the KEAC sent a letter to Sara Marmen of the MELCC Protected Areas Branch with feedback on the mechanism for creating northern conservation areas. The KEAC letter first provided feedback on the concepts of “compatibility” and the safeguard of biodiversity as well as on the definitions of development and industrial activities. The letter also explained KEAC concerns regarding MELCC intentions with respect to prohibiting industrial activities despite the objective of northern conservation areas to promote activities other than industrial activities, as well as regarding matters relating to governance, the distinction

between areas intended for conservation versus activities other than industrial activities, and the predictability of the mechanism itself. The KEAC letter concluded with an overview of the current status of parks and protected areas in Nunavik and a request to be kept informed of any developments regarding the mechanism for creating northern conservation areas.

9. Climate change

a) Climate Change Adaptation Strategy for Forest Management, MFFP

On December 16, 2021, the KEAC sent a letter with feedback on the MFFP *Climate Change Adaptation Strategy for Forest Management*. The letter first provided an overview of KEAC contributions to forest management and forest ecosystem conservation in the Nunavik. The letter then covered the present state of climate change related issues in Nunavik, the inclusion of mitigation measures to counter the adverse effects of natural disturbances on forests in order to maintain production capacity, the social importance of forest ecosystems for Nunavik residents, and the fourth key theme of the Strategy regarding access to the territory in the context of development (involving road construction and use) and potential related impacts on forests in the region. The KEAC letter concluded with a recommendation that the Québec government work with the KRG to enhance its presence and monitoring measures.

10. Land use planning and occupancy

a) Presentation on proposed amendments to the Kativik Act regarding land use planning, KRG

Véronique Gilbert, Assistant Director of Environment and Lands with the KRG Renewable Resources, Environment, Lands and Parks Department, delivered a presentation on proposed amendments to the *Act respecting Northern Villages and the Kativik Regional Government* (Kativik Act) regarding land use planning. She was accompanied by Émilie Dalpé-Turcotte, a KRG land use planner. The presentation first provided an overview of the aim of the proposed amendments. It was explained that the Kativik Act amendments focus on a long-term approach to land use planning in the Kativik Region. They include the addition of a regional planning tool, discretionary bylaw powers for municipalities, powers for the KRG to authorize the implementation of region-wide projects and jurisdiction over the environmental regime, the option to require fees for the use of municipal resources, the creation of new development tools, the creation of an advisory land use planning committee, and a modernized penalty structure for infringements. Each amendment and its purpose were described. It was explained that the proposed amendments will empower the KRG to lead regional projects by ordinance in collaboration with the northern villages. The northern villages will also benefit from these projects since developers will be required to pay fees for the use of municipal services, enhancing the delivery of these services. The proposed amendments also include the implementation of monitoring measures. In addition, infringements and penalties applicable at every stage of a project will be processed during the course of the project rather than only at its end. The proposed amendments will also serve to guide the zoning bylaw currently being developed by the KRG. The presentation noted in conclusion that the proposed amendments were developed with elements adapted from other land use plans in effect elsewhere in Québec, that the KRG intends to enhance the long-term decision-making powers of the northern villages, and that pre-existing land use planning procedures would be formalized in the region.

The members were informed that an updated version of the proposed amendments will be available shortly and the KRG would like to receive KEAC feedback.

Action item

- Once an updated version of the proposed amendments is available, collect members' feedback and submit it to the KRG.

11. Miscellaneous

- a) Green Corner article – *Taqralik*

It was decided that the Green Corner article for the 131st issue of *Taqralik* would provide a summary of the study on the consideration given to social impacts.

- b) Blue Economy Strategy, Fisheries and Oceans Canada

The environmental analyst provided an overview of the consultation report by Fisheries and Oceans Canada on the Blue Economy Strategy and its recommendations. The members were informed that the recommendations made by the KEAC in June 2021 had been taken into account in the consultation report and that the Strategy should be finalized in the coming months.

12. Dates and location of the next meeting

It was decided that the 172nd meeting would be held on May 26 and 27, 2022, in Quebec City. The possibility of scheduling meetings for the remainder of 2022–2023 was also discussed.



Benjamin Patenaude
Executive Secretary
May 27, 2022

Agenda of the 171st meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 170th meeting

3. Administration

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 170th meeting
- e) Website
- f) Annual report, 2021–2022
- g) Five-year action plan, 2020–2025

4. Environmental assessment in Nunavik

- a) Update on the report concerning the study on the consideration given to social impacts
- b) Federal *Impact Assessment Act*

5. Federal and provincial environmental protection legislation

- a) Ministerial authorization forms
- b) Presentation on the draft omnibus regulation to amend various regulatory provisions regarding environmental protection (confirmed for March 23 from 9:30 to 10:30 a.m.)

6. Mining activity

- a) Public consultation on the draft regulation to amend the ambient air standard for nickel
- b) *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)*

7. Residual and hazardous materials management

- a) Single-use plastic bags in Nunavik
- b) Access to federal funding for waste management initiatives
- c) Nunavik Residual Materials Management Working Group
- d) Update on the rehabilitation of contaminated sites under federal jurisdiction
- e) Draft regulations concerning deposit and selective collection systems for certain containers
- f) Federal-government objective to reduce methane emissions from municipal solid waste landfills
- g) Update on the Mid-Canada Line radar sites clean-up project
- h) Presentation on clean-up projects at abandoned mineral exploration and mobile outfitting camps (confirmed for March 22 from 2 to 3 p.m.)

8. Conservation and biodiversity

- a) *Policy of the MFFP on Relations with Aboriginal Nations and Communities*
- b) Pre-consultation on the mechanism for creating northern conservation areas

9. Climate change

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

10. Land use planning and occupancy

- a) Presentation on proposed amendments to the Kativik Act regarding land use planning (confirmed for March 22 from 11 a.m. to 12 p.m.)

11. Miscellaneous

- a) Green Corner article – *Taqralik*
- b) Blue Economy Strategy, Fisheries and Oceans Canada

12. Dates and location of the next meeting