



ᑲᑎᑕᑦ ᑦᑕᑎᑦᑕᑦᑕᑦᑕᑦ ᑦᑕᑦᑕᑦᑕᑦᑕᑦ ᑲᑎᑕᑦ  
Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

Kuujuuaq, October 26<sup>th</sup> 2022

Ms. Suzie Boudreau  
Manager, Fish and Habitat Protection - Partnerships and Integrated Planning  
Regional Ecosystem Management Branch  
Fisheries and Oceans Canada / Government of Canada

**Subject: Prescribed Works and Waters Regulation**

Dear Ms. Boudreau,

The Kativik Environmental Advisory Committee (KEAC) was created pursuant to Section 23 of the James Bay and Northern Québec Agreement (JBNQA). It is a consultative body to responsible governments in matters relating to environmental and social protection in Nunavik and, as such, is the preferential and official forum for the Government of Canada, the Québec Government, the Kativik Regional Government (KRG) and the northern villages.

In general, the KEAC understands the goal of the Prescribed Works and Waters Regulation (PWWR) is to improve the effectiveness of protecting fish and fish habitat and to improve the efficiency of Fisheries and Oceans Canada's (DFO) referral management process. In Nunavik, the Inuit, Naskapi and Cree continue to practice traditional activities and subsistence hunting in and around the numerous bodies of water in the region. As such, the KEAC hereby wishes to provide DFO with its comments in the context of the engagement phase for the development of the Regulation respecting the structures and waters concerned. In particular we are interested by the following objectives set out of the discussion paper:

- Providing a new option for proponents to comply with the Fisheries Act without DFO conducting a site-specific review
- Allowing DFO to use valuable resources on more significant projects
- Reduced reliance on non-regulatory tools
- Allowing for equivalency with the provinces, territories and indigenous governing bodies

More specifically, you will find below the KEAC's responses to some of the questions proposed during your technical presentation on September 21, 2022. The responses relate to the aquatic habitat restoration and streambank stabilization categories of work.

**What are your thoughts on the broad scale approach to defining habitat restoration projects?  
Are there any processes you would like to add to this list?**

This PWWR prescribes routine classes of works which would be allowed to proceed without a site-specific review from DFO providing proponents comply with mandatory enforceable conditions. The broad-scale class involves the 'incorporation by reference' of other established processes for reviewing and approving aquatic rehabilitation projects.

Pursuant to the legislation and regulations applicable in Nunavik, project proponents planning work that is likely to significantly disturb the environment must prepare descriptions of their projects and their potential environmental and social impacts. Following analysis of this information, the responsible bodies decide on whether one or more authorizations are required and, if applicable, whether these will contain specific conditions. In Nunavik, up to four impact assessment procedures may be applicable to development projects:

1. The provincial procedure under the JBNQA;
2. The federal procedure under the JBNQA;
3. The federal procedure under the Impact Assessment Act;
4. The procedure under the NILCA.

The multiplication of impact assessment processes on the territory of Nunavik is an issue that has been raised by the KEAC on numerous occasions in the past. The Committee is therefore in favour of efforts to reduce the number of duplicate processes. Furthermore, the KEAC believe the impact assessment processes already in place for project evaluation in Nunavik are adequate in terms of considering regional impacts and public consultation. While habitat restoration and streambank stabilization project are not likely to trigger these procedures, the broad-scale project could be subject to one or many of them.

**What is your opinion on the conditions in this proposed category?**

**a) What are your thoughts on the DFO's use and definition of qualified environmental professionals?**

The requirement to have a post-secondary degree or other educational equivalent does not adequately recognize Aboriginal skills and knowledge. There are no post-secondary institutions in Nunavik, which limits the availability of educational credentials for Nunavik residents. Knowledge of the aquatic environment specific to Nunavik, the dynamics of fish populations and the habitats of the local fish species can be acquired through other learning methods than those offered in an educational institute. This traditional knowledge can be used to develop projects or methods that are better suited to northern environments. The KEAC proposes to add an amendment to the definition that would recognize that in an Aboriginal context, traditional knowledge and experience gained on the land can be considered as academic equivalency.

The Committee believes that the requirement for qualified professionals should be added to the conditions for the shoreline stabilization category of work. Northern ecosystems are fragile and unique, and the water dynamics of this environment are very different from those of southern environments. The techniques used for rivers in southern Quebec or Canada may not only fail to provide effective bank stabilization, but may also have deleterious consequences on the aquatic ecosystems involved.

**What is your opinion on water bodies in this proposed category (fish habitat restoration)?**

In Nunavik, habitats for aquatic species at risk, critical habitats and federally recognized areas of ecological importance are rare. However, there are many aquatic habitats that are indeniably important culturally and ecologically. Aquatic ecosystems are fragile and unique, and many Inuit, Naskapi and Cree still rely on these environments as a subsistence and cultural resource. The proposed water body categories do not adequately protect these resources. The Committee considers that the proponents should provide evidence from a regional authority, such as the KRG, that a site is not considered culturally or environmentally sensitive. For example, the *Master Plan for Land Use in the Kativik Region* and the master plans for the 14 northern villages set out permitted land uses throughout the region. Taking these plan into account could, for example, limit development in areas prone to landslides, erosion and flooding for reasons of public safety. Development may also be prohibited in areas recognized for their historical, cultural, aesthetic or ecological significance.

**Do you have any other comments on habitat restoration as a proposed category of the subject works and waters?**

Only a few habitat restoration and shoreline stabilization projects have been realized in Nunavik. This regulation is not expected to result in major changes to the region in the short term. However, the impacts of climate change are already very real in this northern territory. Significant changes to the water regime are already observable and are likely to increase in the coming years. In this context, work aimed at restoring aquatic habitats or stabilizing banks is likely to become more numerous. Given the sensitivity of northern ecosystems, it is imperative to ensure that the cumulative impact of the proposed work does not cause long-term problems. It will be necessary to ensure harmonization of works located in the same watershed, as well as between watersheds.

It should also be noted that the dynamics of aquatic ecosystems in northern environments are sometimes very different from those in southern environments. In post-project notification, it would be important that the information requested allow to identify which projects are successful in these ecosystems and which are not well adapted. It would also be important to implement multi-year monitoring campaigns to determine the success and sustainability of projects. Given the size of Nunavik, a specific follow-up program should be planned, with regional-specific data and feedback.

As work on the proposed regulation continues, the KEAC urges DFO to consult regional land users and organizations to ensure adequate representation for Nunavummiut and Naskapis in this process.

Regards,



Alexandre-Guy Côté  
Chairperson CCEK

c.c. Markussi Qisiiq, Kativik Regional Government