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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

## MINUTES OF THE 174<sup>TH</sup> MEETING OF THE KEAC (ADOPTED)

**DATES:** December 13, 14 and 15, 2022

**LOCATION:** Main office of the Kativik Regional Government, Kuujjuaq

### **PRESENT:**

#### **Appointed by the Kativik Regional Government (KRG)**

Michael Barrett

#### **Appointed by the Government of Canada**

Alexandre-Guy Côté, chairperson

Marie-Noëlle Fournier

Caroline Girard (by videoconference)

#### **Appointed by the Government of Québec**

Vanessa Chalifour, vice-chairperson

Paule Halley

André-Anne Gagnon

#### **Executive Secretary**

Benjamin Patenaude

#### **Environmental Analyst**

Nancy Dea

#### **Environmental Legislation Analyst**

Christine Lambert

### **ABSENT:**

Tunu Napartuk, KRG appointee

Raymond Mickpegak, KRG appointee

### **GUESTS:**

Caroline Henri, Perreault et Associés

Gitane Boivin, Director, Residual Materials Branch, ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (environment, the fight against climate change, wildlife and parks, MELCCFP)

Marie Dussault, Team Leader, Reduction, Reclamation and Accountability Branch, MELCCFP

Cynthia Gagné, Residual Materials Branch, MELCCFP

Valérie Lephât, Residual Materials Branch, MELCCFP

Nicolas Boisselle, Residual Materials Branch, MELCCFP

Ahmed Kouki, Environmental Specialist, KRG

Véronique Gilbert, Assistant Director, Lands and Environment, KRG

Katherine Matteau, Project Manager, Environment, KRG  
Hilda Snowball, Chairperson, KRG  
Mark Macneill, Assistant Director General, KRG  
Guy Yango, Political Advisor, KRG  
Élise Legault, Senior Environmental Regulatory Officer, Plastics Regulatory Affairs Division, Environment and Climate Change Canada (ECCC)  
Megan Hamilton, Head, Regulatory Cooperation, and Implementation Unit, ECCC  
Stephane Twigg, Environmental Superintendent, Canadian Royalties Inc.  
Judy-Fay Ferron, Environmental Analyst, Canadian Royalties Inc.

## **1. Call to order and adoption of the agenda**

The 174<sup>th</sup> meeting of the Kativik Environmental Advisory Committee (KEAC) began at 2:30 p.m. on December 13, 2022, at the main office of the KRG in Kuujjuaq. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 174<sup>th</sup> meeting took place in accordance with the agenda appearing in appendix.

## **2. Adoption of the minutes of the 173<sup>rd</sup> meeting**

The members reviewed the minutes of the 173<sup>rd</sup> meeting. Not all members had had an opportunity to prepare feedback. The adoption of the minutes was postponed to a later date.

## **3. Administration**

### **a) Budget**

The members were informed that the application for the KEAC operating budget for the 2023–2024 fiscal year was submitted to the MELCCFP on December 7, 2022. The expense report for September to November 2022 was discussed.

### **b) Secretariat**

The members were informed that the files stored in the office of the secretariat were shipped to the archiving firm for processing.

### **c) Members**

The members observed that all seats on the KEAC are filled and discussed the impact this will have on KEAC operations.

### **d) Active files since the 173<sup>rd</sup> meeting, correspondence, and housekeeping**

The members reviewed the table showing the status of KEAC files since the last meeting and discussed the posting of certain correspondence on the KEAC website.

### **e) Website**

The executive secretary provided an update on the creation of a secure member portal for members on the KEAC website.

f) Participation of NNK and Makivvik observers

The members discussed the participation of observers from the Naskapi Nation of Kawawachikamach (NNK) and the Makivvik Corporation at KEAC regular quarterly meetings. It was decided that, in order maintain collaborative relations, the secretariat will communicate with the two organizations prior to meetings and provide copies of the draft agenda.

g) Update on the KEAC 2020–2025 action plan

The executive secretary provided an update on the status of the deliverables under the KEAC 2020–2025 action plan.

**Action item**

- **Update the deliverables table and send to members.**

h) Meeting with the administrators

The members were informed that the meeting with the federal and provincial administrators of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) will be postponed to the 176<sup>th</sup> meeting and that the list of discussion items will be updated beforehand.

**Action item**

- **Contact the administrators and confirm their availability in May or June 2023.**

**4. Meeting with the human resources consultant**

The members met with Caroline Henri of the human resources consulting firm Perreault et Associés to discuss the human resources management and remuneration policy for KEAC staff.

**5. Presentations on the regulations respecting a system of selective collection of certain residual materials, respecting the development, implementation, and financial support of a deposit-refund system for certain containers, and respecting the recovery and reclamation of products by enterprises, MELCCFP**

The members met with Gitane Boivin, Director of the MELCCFP Residual Materials Branch. She was accompanied by representatives of her department who delivered presentations on specific residual materials regulations that incorporate the principle of extended producer responsibility (EPR) and on their application in Nunavik. The first presentation was given by Nicolas Boisselle and covered the regulatory approach to and application of EPR in residual materials regulations. The presentation opened with an explanation of the principle of EPR and how it is integrated into residual materials management legislation internationally, nationally and in Québec. In Québec, EPR has been a part of residual materials legislation since 2000. Mr. Boisselle next described EPR in the context of the *Regulation respecting the Recovery and Reclamation of Products by Enterprises*. He explained that any business which markets a product covered by the Regulation must either develop a treatment program for the product or become a member of a designated management organization (DMO) recognized by RECYC-QUÉBEC to manage such a program. The presentation continued with a description of the products covered under the Regulation, products soon to be added to the Regulation and the timeline for this, as well as implementation of the Regulation. Mr. Boisselle concluded the presentation with an overview of new requirements under the Regulation for enterprises in northern and remote regions and how the MELCCFP intends to ensure their implementation.

The next presentation was delivered by Valérie Lephât and covered EPR under the *Regulation concerning a System of Selective Collection of Certain Residual Materials*. Ms. Lephât began with an overview of the Regulation, its scope as well as the obligations and responsibilities it places on the producers of certain residual materials, i.e., to either develop a treatment program for the product or become a member of a DMO recognized by RECYC-QUÉBEC to manage such a program. The presentation continued with a description of the materials covered and the timeline for

implementing the Regulation, as well as an explanation of the obligations of the DMO, the roles and responsibilities of stakeholders, and the monitoring and consultation process under the Regulation. Ms. Lephart next explained how collection systems are to be administered in northern and remote regions and how residual materials are sorted, treated, and recycled under the Regulation. Ms. Lephart mentioned that DMOs may contract external organizations to implement these stages and outlined expected results under the Regulation. Section 12 of the Regulation establishes specific obligations in the jurisdictions of the KRG and the northern villages. Ms. Lephart concluded the presentation with a description of the obligations of different parties and the legal mechanisms underlying implementation of the Regulation.

The final presentation was delivered by Marie Dussault and covered the *Regulation respecting the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers*. Ms. Dussault opened the presentation with an explanation of the types of containers covered, the implementation timeline, how the Regulation incorporates EPR, and a description of the parties concerned. She then explained the obligations of producers of the containers covered by the Regulation who are responsible for either developing a treatment program for the product or becoming a member of a DMO recognized by RECYC-QUÉBEC to manage such a program. The presentation continued with a description of the structure of and steps for creating a DMO, as well as of DMO monitoring committees. Next, Ms. Dussault provided a description of deposit amounts, financing and taking-in-charge costs. She then explained the network of return sites and the components of these networks depending on the origin of the containers as well as management and infrastructure requirements. In remote and isolated regions, such sites must possess enough space for the enclosed storage of all returnable containers between collections and be designed to reduce odours and keep out wildlife. Sites in these regions must also be accessible to the public during set hours and comply with the conditions under section 59 of the Regulation. They are under the responsibility of a DMO. Ms. Dussault then gave a description of the timeline for implementation of the Regulation in isolated and remote regions, as well as the DMO obligation to submit service plans for different types of establishments. The presentation concluded with a description of the transportation, handling, and recovery of these containers from remote and isolated regions, expected return rates, and access to information.

Following these presentations, a discussion took place with KRG representatives on implementation, handling of certain container types and sorting, application of the deposit-refund system for containers sourced outside the province, as well as potential pilot projects. Furthermore, as these new regulations will place increased pressure on the KRG and northern villages, issues related to available resources, administrative agreements and implementation approaches were reviewed. Finally, the KRG requested the assistance of the KEAC to inform local retailers of their obligations under the *Regulation respecting the Develop, Implementation and Financial Support of a Deposit-Refund System for Certain Containers*.

## **6. Environmental assessment in Nunavik**

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

The environmental legislation analyst presented an update on the development of a presentation and the publication of an abbreviated report of the KEAC study on the consideration given to social impacts under the environmental assessment procedures applicable in Nunavik.

### **b) Federal *Impact Assessment Act***

The environmental analyst presented a summary of meetings that involved the *Impact Assessment Act* implementation working group, COFEX-North and the Nunavik Marine Region Impact Review Board. The purpose of the meetings was to discuss the recommendations contained in the working group's April 2022 report and how to move the recommendations forward. The issues addressed included obtaining input from treaty beneficiaries concerned by project assessments, collaboration between federal bodies responsible for issuing permits, environmental assessment criteria, procedure harmonization and the creation of tools to record public opinion and engagement, as well as funding

sources and public awareness campaigns. Matters such as monitoring, enforcement of the Act and communication were also discussed. The working group will continue to meet regularly to discuss the development of an action plan for 2023–2024. The KEAC will be kept updated on this file.

## **7. Meeting with the KRG chairperson**

The members met with Hilda Snowball, Chairperson of the KRG. She was accompanied by Mark Macneill, Assistant Director General, and Guy Yango, Political Advisor. The meeting opened with a presentation on the mandate, operations, and activities of the KEAC. The presentation was followed by a discussion on the modernization of the *Environment Quality Act* and NNK observer participation. With regards to the latter, it was explained that an NNK representative often attends KEAC meetings as an observer for specific agenda items. It was also pointed out that the KEAC had met with the NNK during its 155<sup>th</sup> meeting in Kawawachikamach. The discussion then covered the topics of annual meetings between the KEAC and the federal and provincial administrators of Section 23 of the JBNQA, as well as residual materials in the region's smaller communities. The meeting concluded with discussion on renewable energy programs and drinking water management.

## **8. Presentation on the federal draft regulation to ban single-use plastics**

Élise Légault of the ECCC Plastics Regulatory Affairs Division delivered a presentation on the *Single-use Plastics Prohibition Regulations*. She was accompanied by Megan Hamilton from the ECCC Regulatory Cooperation and Implementation Unit. Representatives of Ms. Boivin's team from the MELCCFP Residual Materials Branch were also present as observers. The presentation opened with an overview of the Regulations and their objectives. Ms. Légault explained that the Regulations prohibit the manufacture, import, sale, and distribution of single-use plastics including shopping bags, cutlery, straws, food service-ware, ring carriers and stir sticks. The Regulations also prohibit single-use items made from plastic derivatives, such as polyvinyl chloride, polystyrene foam and plastics made with carbon black. The presentation continued with a description of prohibition timelines, the use of alternatives and their associated recovery value, as well as ECCC plans regarding collaboration with the provinces, territories, and municipalities to implement the Regulations.

Ms. Légault explained that, in those areas of the country where EPR has already been adopted, such as in Québec, implementation of the Regulations is expected to be easier. The prohibition to import single-use plastic will come into force in December 2022 and the prohibition against distribution in December 2023. The presentation concluded with a description of the guide developed by ECCC to assist businesses and consumers in selecting alternatives.

Following the presentation, a discussion took place with regards to ECCC implementation of the Regulations in Nunavik.

## **9. Residual and hazardous materials management**

### **a) Nunavik Residual Materials Management Working Group**

The environmental analyst presented a summary of the meeting of the Nunavik Residual Materials Management Working Group held on December 2, 2022. At that meeting, the KRG presented the residual materials management and recycling initiatives carried out in 2022. For their part, RECYC-QUÉBEC representatives presented their funding program for remote communities and potential funding available in the upcoming Société du Plan Nord (SPN) action plan. Access to federal funding programs for residual materials management initiatives as well as implementation of the *Regulation respecting the Develop, Implementation and Financial Support of a Deposit-Refund System for Certain Containers* were also discussed.

### Action item

- **Invite a SPN representative to a future meeting to present an update on the implementation of the SPN action plan.**

- b) Draft action plan for contaminated soil for 2022–2027 under the *Soil Protection and Contaminated Sites Rehabilitation Policy* and draft *Regulation respecting Charges to Promote the Treatment and Reclamation of Excavated Contaminated Soils*

The environmental analyst provided an overview of a consultation held on October 24, 2022, with representatives of the KRG and the MELCCFP to discuss the draft 2022–2027 action plan for contaminated soil under the *Soil Protection and Contaminated Sites Rehabilitation Policy* and the draft *Regulation respecting Charges to Promote the Treatment and Reclamation of Excavated Contaminated Soils*. During the meeting, participants discussed access to financial resources to implement the Regulation in Nunavik, harmonization with the SPN action plan, as well as existing hazardous materials regulations applicable in Nunavik and monitoring measures under the *Traces Québec* program. In December, the KEAC was informed that, if the action plan is adopted, a working group will be created with Indigenous, remote, and northern communities to develop planning to meet their needs.

### **10. Miscellaneous**

- a) Pre-consultation on the draft MELCCFP omnibus regulation

The environmental legislation analyst provided an overview of a meeting held on December 13, 2022, to discuss the second series of regulations that will be published as part of the MELCCFP draft omnibus regulation. The meeting also served as an opportunity for the KEAC to reiterate the points raised in its letter dated November 10, 2022. The members were informed that the official consultation on the draft omnibus regulation is scheduled for February 2023. The members expressed concern about transparency and the power of project proponents under the draft regulation to withhold elements of environmental and social impact studies.

### Action item

- **Draft a letter addressed to the MELCCFP to express the members' concerns and to request amendments to the *Environment Quality Act* pertaining to documents posted on the Environmental Assessment Registry about projects situated in Nunavik.**

- b) Hudson Bay Consortium, 2022

The environmental analyst presented a summary of the 2022 meeting of the Hudson Bay Consortium, which was held from November 29 to December 1, 2022, in Montreal. The Consortium brings together representatives of Inuit and Cree communities, regional organizations and all levels of government involved in the Hudson Bay and James Bay regions to discuss matters related to environmental stewardship, current progress, and future actions. The issues considered by the consortium included community concerns about the environment, climate change, commercial shipping, traditional knowledge, Indigenous-led conservation and research initiatives, improved spill-response capacity, as well as search and rescue preparedness.

- c) ArcticNet, 2022

The environmental legislation analyst presented a summary of the 2022 ArcticNet conference which was held on December 4 to 8, 2022, in Toronto. The annual conference brings together natural, health and social science researchers to address the challenges and opportunities of a rapidly changing Arctic. The issues discussed included the development of early career scientists among Arctic youth, funding programs for initiatives in Arctic regions, alternative energy programs, access to information and transparency in research, Arctic navigation, as well as drinking water quality in northern communities.

#### d) Cumulative impacts

The environmental legislation analyst provided an overview of discussions held with the James Bay Advisory Committee on the Environment (JBACE) regarding the review and consideration given to cumulative impacts under the environmental and social impact assessment procedure. According to the JBACE, the issue of cumulative impacts has been fully explored for the Eeyou-Istchee James-Bay territory. The issues raised by the members focused on projects in Nunavik that integrate this approach through strategic environmental assessments and on the draft KRG sustainable land use planning bylaw for the Kativik region.

#### **Action item**

- **Communicate with the different review bodies to determine how cumulative impacts are considered in their respective assessment processes.**

#### e) United Nations Biodiversity Conference (COP 15)

The chairperson gave a summary of the United Nations Biodiversity Conference (COP 15) which was held between December 7 and 19, 2022, in Montreal. COP 15 focused on the living world through the Convention on Biological Diversity, a treaty adopted for the conservation and sustainable use of biological diversity and related issues. It also aimed to achieve an historic agreement to halt and reverse nature loss by 2030, in accordance with the 2015 Paris Agreement on climate change. The members recognized the recent creation of Indigenous conservation areas and the initiatives of the Inuit Circumpolar Council.

### **11. The 175<sup>th</sup> and future KEAC meetings**

It was decided that the 175<sup>th</sup> meeting of the KEAC will be held on February 21, 22 and 23, 2023, in Inukjuak and that a proposed schedule and list of possible locations for meetings during the 2023–2024 fiscal year will be prepared.

### **12. Visit of the Kuujuaq northern landfill site**

The KEAC members were given a tour of the northern landfill site in Kuujuaq by KRG representatives.

### **13. Mining activity**

- a) Presentations on the industrial hygiene and environmental monitoring programs and on Phase 2 of the Nunavik Nickel mine project, Canadian Royalties Inc.

Stephane Twigg, Environmental Superintendent, and Judy-Fay Ferron, Environmental Analyst, both from Canadian Royalties Inc. delivered presentations on industrial hygiene and environmental monitoring programs and on Phase 2 of the Nunavik Nickel mine project. The first presentation was delivered by Ms. Ferron on industrial hygiene and environmental monitoring. The presentation opened with an overview of the industrial hygiene program that defines various health and safety protocols. Ms. Ferron explained that an important element of the program is monitoring worker exposure to different types of mineral particulate, including nickel following the recent adoption of new air quality standards by the MELCCFP. Sampling is conducted at workstations and facility infrastructure to determine the quantities of mineral particulate workers inhale daily. Results indicate that worker exposure is less than 10% of the standard under the *Regulation respecting Occupational Health and Safety*. Sampling is also conducted at various locations on the mine property, including at the port facility at Deception Bay. Next, Ms. Ferron provided an overview of the environmental monitoring program. She explained that there are currently 36 monitoring measures in place at the mine property and that sampling is performed in accordance with a specific regulatory schedule. Measures 22 and 23 are dedicated to monitoring dust concentration and dispersal patterns respectively. Data and results from the monitoring program are presented annually to all stakeholders. Ms. Ferron then gave a description of the different

types of air monitoring stations as well as the equipment and sampling methods in place on the mine property. The presentation concluded with an overview of the Canadian Royalties environmental monitoring annual report.

The second presentation was delivered by Mr. Twigg on Phase 2 of the Nunavik Nickel mine project and proposed addenda to the 2007 certificate of authorization. The presentation began with an overview of Phase 2c which involves the construction of two wind turbines near the Expo mine to reduce the quantity of diesel needed to generate electricity and, by extension, greenhouse gas emissions. The wind turbine project is also expected to create employment opportunities and diversify economic spinoffs of the mine. Mr. Twigg also provided a description of highlights of the project's environmental impact assessment. The presentation then continued with an overview of Phase 2a of the mine project which involves the expansion of mining operations by opening new underground mines at the Expo South, Ivakkak UG, Méquillon UG2 and Nanaujaq sites. Mr. Twigg explained that three of the proposed underground locations are expansions of existing open-pit sites and the Nanaujaq site will be new. He also provided an overview of each site, operation timelines and infrastructure requirements. New infrastructure will be required for each site; however, since they are underground sites and given the monitoring and mitigation measures already in place, overall negative environmental impacts will be minimized. Mr. Twigg explained that, given the monitoring and mitigation measures and the current production schedule, the mining company decided to include this phase as an addendum to the 2007 certificate of authorization. The signatories of the original impact and benefit agreement and other regional stakeholders will be consulted regarding these changes. The presentation then continued with an overview of the Phase 2b Delta project which involves the opening a new operations area on the Nunavik Nickel property and which, like Phase 2a, will be included as an addendum to the 2007 certificate of authorization. The Delta project will include an open-pit site and two underground mines as well as the construction of support infrastructure. The presentation concluded with a description of different components of the Delta project sites and support infrastructure.

Following the presentation, discussion focussed on the authorization process, procedures, criteria, and thresholds that would require a new certificate of authorization. The members expressed concern with the nature and scale of Phase 2 of the Nunavik Nickel mine project and how these additions do not require a new authorization.

b) MRNF authorization for certain mineral exploration activities for claim holders

The environmental analyst presented a summary of discussions between the Ministère des Ressources naturelles et des Forêts (natural resources and forests, MRNF) and various northern organizations regarding recent changes to the *Mining Act* that require authorization prior to carrying out any impact-causing mineral exploration work. Impact-causing activities will be defined under the *Regulation respecting Mineral Substances Other than Petroleum, Natural Gas and Brine*. As part of the pre-consultation, the KEAC co-authored a draft letter with the KRG providing feedback on the proposed list of impact-causing mineral exploration activities. The feedback covered harmonization between the amended Regulation and the draft KRG sustainable land use planning bylaw for the Kativik region, the requirement of an authorization from the start of exploration activities, monitoring measures, the creation of a regional project registry, the inclusion of camp construction and modifications under the Regulation, community consultations, and harmonization with the *Regulation respecting the Regulatory Scheme Applying to Activities on the Basis of their Environmental Impact* (REAFIE), as well as consideration of cumulative impacts. The letter will be finalized and sent in early 2023.



Benjamin Patenaude  
Executive Secretary  
March 15, 2023



## **Appendix - Agenda of the 174<sup>th</sup> meeting**

### **1. Call to order and adoption of the agenda**

### **2. Adoption of the minutes of the 173<sup>rd</sup> meeting**

### **3. Administration**

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 173<sup>rd</sup> meeting, correspondence, and housekeeping
- e) Website
- f) Participation of NNK and Makivvik observers
- g) Update on the KEAC 2020–2025 action plan
- h) Meeting with the administrators

### **4. Meeting with the human resources consultant**

### **5. Presentations on the regulations respecting a system of selective collection of certain residual materials, respecting the development, implementation, and financial support of a deposit-refund system for certain containers, and respecting the recovery and reclamation of products by enterprises, MELCCFP**

### **6. Environmental assessment in Nunavik**

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

### **7. Meeting with the KRG chairperson**

### **8. Presentation on the federal draft regulation to ban single-use plastics**

### **9. Residual and hazardous materials management**

- a) Nunavik Residual Materials Management Working Group
- b) Draft action plan for contaminated soil for 2022–2027 under the Soil Protection and Contaminated Sites Rehabilitation Policy and draft *Regulation respecting Charges to Promote the Treatment and Reclamation of Excavated Contaminated Soils*

### **10. Miscellaneous**

- a) Pre-consultation on the draft MELCCFP omnibus regulation
- b) Hudson Bay Consortium, 2022
- c) ArcticNet, 2022
- d) Cumulative impacts
- e) United Nations Biodiversity Conference (COP 15)

### **11. The 175<sup>th</sup> and future KEAC meetings**

### **12. Visit of the Kuujuaq northern landfill site**

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- a) Presentations on the industrial hygiene and environmental monitoring programs and on Phase 2 of the Nunavik Nickel mine project, Canadian Royalties Inc.
- b) MRNF authorization for certain mineral exploration activities for claim holders