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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

Kuujuaq, January 17, 2024

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**Subject: KEAC comments on the Kativik component of the Public Land Use Plan for the Nord-du-Québec region**

Madam Director,

The Kativik Environmental Advisory Committee (KEAC) was created in 1975 under Section 23 of the James Bay and Northern Quebec Agreement (JBNQA). It is an advisory body to responsible governments on environmental and social protection issues in Nunavik. It is the preferred and official intermediary for the governments of Canada and Quebec, as well as for the Kativik Regional Government (KRG), the northern villages, and the Naskapi Nation of Kawawachikamach (NNK) when required.

The Committee thanks you for the invitation to comment on the Kativik component of the Public Land Use Plan (Plan d'affectation du territoire public, PATP) for the Nord-du-Québec region, received in July 2023. The time allotted to respond to the consultation request, as well as your team's openness to discuss the context of the document, are appreciated.

Below are KEAC's general comments on the PATP, as well as specific comments concerning the wording of some sentences.

### General comments

Land-use planning is a field where responsibilities are divided among many players, and where governance can easily be confusing. For example, since 2020 alone, the KEAC has commented on nearly a dozen different documents concerning land use planning and management, most of them proposing government orientations and strategies for sustainable and coherent land use planning. In this context, it appears that the PATP's summary could be improved by using the description provided in the document "Le plan d'affectation du territoire public, Une vision globale

des terres et des ressources »<sup>1</sup> that describes the PATP as follows: “The public land use plan is a planning tool used by the government to determine and convey its orientations for the use and protection of lands and resources in the domain of the State.” It would also be useful to situate the PATP in relation to other documents, notably KRG’s 2020 Master Plan for Land Use in the Kativik Region (Master Plan).

Concerning the description of land uses and activities that are important to Nunavik communities, the committee notes some omissions in this respect. For example, the publication of Kativik Region Master Plan in 2020 lays the foundation for a process of collaborative land use, environmental, and resource management at the regional level and provides land-use data that deserves recognition. For example, both essential and important subsistence areas for Inuit and Naskapi are well defined and identified in the Master Plan<sup>2</sup>. As these areas are vital to the respect of harvesting rights under Section 24 of the JBNQA, they should be adequately recognized in the PATP.

The KEAC feels that some important regional achievements deserve to be better known by Quebec government departments and would benefit from being added to section 2.3.4. For example, in the section on energy development (p. 34), it would be relevant to mention the creation of the Inuit company Tarquti, which has made it possible to begin pre-feasibility studies for renewable energy projects in several communities. Wind measurement towers have been installed in five communities since 2021, and environmental impact studies have begun in some communities for the installation of wind turbines. In addition, a solar panel project was installed in Quaqtac in 2018, producing around 2% of the village's energy, and the Kuujuaq arena has been powered by solar panels since 2022<sup>3</sup>. The Kuujuarapik wind turbine project, owned by the Kuujuarapik-Whapmagoostui Renewable Energy Corporation, is in the final stages of impact assessment<sup>4</sup>.

In the section on land protection (p.39-40), the role of KRG and regional bodies in the protected areas file would benefit from being highlighted. The Nunavik Protected Areas Working Group (GTAP), with the support of the GTAP Advisory Committee, allows for the integration of regional issues in the planning of protected areas through the collaboration of the KRG, Makivvik, the NNK, the Cree Nation Government and several Quebec government departments<sup>5</sup>.

### Specific comments on important issues

**Contents, p. viii:** “Residual public territories, i.e. the territory of application of the PATP not subject to another land designation, constitutes a large area that can support various uses.”

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<sup>1</sup> MERN, 2015. Le plan d’affectation du territoire public, une vision globale des terres et des ressources: Informations générales. <https://mrnf.gouv.qc.ca/documents/territoire/guide-patp.pdf>

<sup>2</sup> Kativik Regional Government, 2020. Kativik Regional Master Plan. [https://www.krg.ca/en-CA/assets/renewable-resources/MasterPlan\(EN\).pdf](https://www.krg.ca/en-CA/assets/renewable-resources/MasterPlan(EN).pdf)

<sup>3</sup> Tarquti (n.d). Communities. <https://tarquti.ca/communities/>

<sup>4</sup> COMEX, 2023. Centrale d’énergie hybride de Whapmagoostui Kuujuarapik, Étape de la procédure en cours. <https://comexqc.ca/fiches-de-projet/centrale-denergie-hybride-de-whapmagoostui-kuujuaaraapik/>

<sup>5</sup> Kativik Regional Government (n.d). Process, Nunavik Protected Areas. [Information and Consultation Process | Nunavik Protected Areas](#)

Given that several regulations and territorial planning documents apply to "residual public lands" on the Kativik territory, the KEAC recommends rewording this statement so that the reader understands that although "residual public lands" are not subject to restrictions in the PATP, several other restrictions apply to this zone, which may prevent the development of certain projects.

**1.1.1, Territorial Analysis Phase p.3:** "The information of the context includes the environmental, social, and economic characteristics of the region, and the policy directions applicable to the region of the Government and the government departments and agencies, and those coming from the regional and Aboriginal communities."

This statement raises a concern, since the PATP does not present orientations from regional and indigenous communities, but essentially those of the government regarding the use and protection of lands and resources in the public domain. In this context, the KEAC recommends that at least some of the directions proposed by regional and indigenous communities be included in the document.

**2.3.1, Environmental dimension, p.22:** [Leaf River caribou herd]: This herd decreased by over 70% since peak abundance estimated in the early 2000s and was stable since 2016."

The KEAC is surprised to read that the caribou situation "has been stable since 2016". In fact, the 2016 report on the Leaf River caribou herd population indicated "relative stability" between 2008 and 2013 and mentioned an accelerated decline from 2013 onwards<sup>6</sup>. More recent data from the MELCCFP point out that "Since the 2016 aerial survey, adult survival and recruitment (proportion of fawns in the fall) have varied annually, and the population is still considered to be in decline"<sup>7</sup>. Consequently, the statement that the population has been stable since 2016 is inaccurate and must be corrected to avoid misleading many stakeholders and readers.

**2.3.4, Institutional dimension, p.40:** [MELCCFP] also **coordinates** the project environmental assessments and the strategic assessments of environmental issues, particularly by the KEAC, KEQC, COFEX-Nord and the Selection Committee.

This statement is not accurate, particularly with regard to COFEX-Nord and the selection committee. The KEAC strongly recommends that it be reworded as follows:

"The MELCCFP supports the provincial administrator in the environmental assessments of projects under provincial jurisdiction that are conducted by the KEQC. The COFEX-Nord and the selection committee are involved in assessments of projects under federal jurisdiction. Finally, the KEAC is mandated to study and oversee the application and

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<sup>6</sup> TAILLON, Joëlle, Vincent BRODEUR et Stéphane RIVARD. 2016. État de la situation biologique du caribou migrateur, troupeau de la rivière aux Feuilles, ministère des Forêts, de la Faune et des Parcs, Québec, 69 p.

<sup>7</sup> Gouvernement of Québec, 2023. Caribous des bois, écotype migrateur, État de la situation. <https://www.quebec.ca/agriculture-environnement-et-ressources-naturelles/faune/animaux-sauvages-quebec/liste-des-especes-fauniques/caribou-bois-ecotype-migrateur#:~:text=Depuis%20le%20d%C3%A9but%20des%20ann%C3%A9es,7%20200%20caribous%20en%202022>.

administration of the environmental and social protection regime set out in Section 23 of the JBNQA."

**2.4, Existing use of public land, "Wildlife" subsection, p.42:** "On Category III lands, sport hunting and fishing enthusiasts who are residents of Quebec may practise their activities freely, in accordance with the regulations in force."

In the KEAC's view, the word "freely" should be removed from this statement, as its generality does not at all represent the reality in Nunavik and is likely to mislead stakeholders and readers. The KEAC recommends rewording as follows: "On Category III lands, sport hunting and fishing enthusiasts who are residents of Quebec may carry out their activities in accordance with the regulations in force, and in compliance with the conditions of Section 24 of the JBNQA, which reserves trapping activities<sup>8</sup> and the taking of certain species of fur-bearing animals and fish to JBNQA beneficiaries only<sup>9</sup>".

**2.4, Existing use of public land, "Mines" subsection p.44:** "In the Kativik region, there are many mining claims that give their holders exclusive rights to prospect for any mineral substance other than soapstone. In case of discovery of mineral substances that can be mined, the claim holder has reasonable assurance of being able to obtain the right to mine the discovered resource by obtaining a mining lease."

According to the KEAC, the statement that "the claim holder has reasonable assurance of obtaining the right to exploit the resource" is not consistent with the law or with judicial decisions in this area<sup>10</sup>, because the right is precarious. This is likely to mislead claim holders. Consequently, this statement should be reworded<sup>11</sup> or removed.

**2.5, Possible use of public land, "Wildlife" subsection, p. 47:** "Also based on polar bear hunting data, it's range on Québec public land is about 65,000 km<sup>2</sup>, distributed along the coasts of the Kativik region. However, polar bears protection measures are still practically non-existent."

The Committee wishes to bring to your attention certain information concerning polar bear management that would qualify for the statement that "polar bear protection measures are still virtually non-existent" to be inaccurate.

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<sup>8</sup> Trapping is exclusively reserved to JBNQA beneficiaries.

<sup>9</sup> In Appendix 2 of Section 24 of the JBNQA, several species are reserved exclusively for beneficiaries, even in Category III lands. Whitefish, sturgeon, catostomus, burbot and laquaiche are fish species whose use is reserved for JBNQA beneficiaries, as is the hunting of wolf, black bear, polar bear and freshwater seal. The harvesting of the following fur-bearing animals is also reserved for them: beaver, lynx, fox, muskrat, porcupine and groundhog. Finally, article 24.6.1 establishes the principle of priority harvesting by aboriginals, which may lead to prohibitions on the harvesting of certain wildlife populations by non-aboriginals.

<sup>10</sup> See, for example, Ressources Strateco inc. c. Procureure générale du Québec, 2020 QCCA 18, par. 115: "In this case, Strateco knew from the outset the risk involved in undertaking its uranium exploration project. It was fully aware that, in the end, the Minister could either accept or refuse to issue the certificate of authorization", see also par. 123 and 127.

<sup>11</sup> For example: "In the event of the discovery of mineable mineral substances, the claim holder may mine the mineral resource found, if the project is authorized following the environmental assessment procedure provided for in Section 23 of the JBNQA".

According to Section 24, Schedule 2 of the JBNQA, non-aboriginal hunting of polar bears has been prohibited since 1976. The Québec-Eeyou Marine Region-Nunavik Marine Region has also published a 2023-2033 management plan<sup>12</sup>, the result of collaboration between several stakeholders, including the MELCCFP. Canada has also been a signatory to the Oslo Agreement on Polar Bear Conservation since 1978, and the resulting Circumpolar Action Plan since 2015. The polar bear is also protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Canada's Species at Risk Act, and the Quebec government's Loi sur les espèces menacées ou vulnérables. The KEAC therefore recommends that this sentence be reworded or removed.

#### Comments and suggestions for minor corrections

**2.3.4, Institutional dimensions, “Concerning Regional Economic Development” subsection, p. 37:** "The bureau régional du Nord-du-Québec of the MEIE ensures the cohesion of economic development, particularly in the Kativik region, by playing a leadership role with regional, local and Aboriginal partners to specify the economic issues and challenges."

There is no MEIE regional office for Nord-du-Québec. The regional office for the Northern sector includes Côte-Nord, Nord-du-Québec and Saguenay-Lac-Saint-Jean, and is located in Saguenay.

**2.4, Existing public land use, p. 41:** "The "Rights, statuses and usual activities" map (Map 4) presents the location of public land uses according to the following themes: culture, energy, wildlife, forest, lodging and outdoors, mining and protection and constraints".

Proposed rewording: "The "Rights, status and customary activities" map (Map 4) shows the location of public land uses that are officially recognized in the Government of Quebec data, according to the following themes: culture, energy, wildlife, forest, accommodation and air, mining and protection and constraints": [..]"

**2.4, Existing use of public land, p. 42:** "The map "Rights, statuses and usual activities" (map 4) shows the location of uses of public land [...]".

Proposed rewording for clarification: In the maps provided, Map 4 is not "Rights, statuses and usual activities", but rather "Potential projects and special features".

**3.2, Findings arising from the problems and issues, p.52:** “Moreover, they may also hinder the exercise of the right to harvest by Aboriginal beneficiaries of the JBNQA and NEQA, when applicable, particularly by altering natural habitats.”

The harvesting rights of beneficiaries of the JBNQA and NEQA apply everywhere on the territory covered by the agreement, at all times, unless very specific provisions are made concerning the presence of a non-indigenous settlement, which does not exist in Nunavik (a settlement is defined as a group of permanent dwellings inhabited on a continuous

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<sup>12</sup> Québec-Eeyou Marine Region- Nunavik Marine Region Polar Bear Working Group, 2022. Polar Bear Management Plan for Québec, the Eeyou Marine Region and the Nunavik Marine Region. [202209-Quebec EMR NMR-Polar-Bear-Management-Plan EN FINAL.pdf \(emrwb.ca\)](#)

basis; outfitting operations are not included in this definition), or public safety. The KEAC considers it preferable to remove the "where applicable" to avoid confusion.

**3.2, Findings based on problems and issues, “Deferred Land Use Zones” subsection, p. 54-55:** The first paragraph states: "The "Deferred" designation typology aims to defer the land use planning of a zone to a later update of the PATP or its review. This occurs, in particular, when for a given zone, the government cannot propose a general land-use planning direction and thus its intentions regarding the use or protection of the zone in question due, among other things, to a special territorial situation", and lists the three deferred-use zones.

Two paragraphs later:

“Finally, the deferred land use zones express a special territorial situation and aim to defer the land use planning exercise to a later date, because the Government cannot propose a general land use planning direction for the territory and therefore its intentions regarding the use or protection of the zones in question”, and then lists the three zones in the sentence.

The KEAC recommends choosing only one of the two paragraphs since they repeat the same information.

**Chapter 5, Application, follow-up and update measures of the Land use plan, p.65:** The second paragraph states: “Moreover, the policy directives of the local communities contained in land use and development plans of the regional county municipalities (*Act respecting land use planning and development*) must be compliant with the government policy directions contained in the PATP. Thus, in case of incompatibility, changes may be requested to align its land use plan with the government policy directions contained in the PATP. We should note that the Nord-du-Québec administrative region is not organized at a regional county municipality”.

As this information is not applicable to the Kativik territory, it is not relevant to maintain this paragraph in the text. The KEAC recommends insisting on cases of incompatibility with the KRG Master Plan.

**Land Use zone fact sheet, 10-055, Cambrien and Nachicapau Lakes Area, p. 144:** " Several archaeological, historical, and prehistoric Amerindian sites [...] "

As the term "Amerindian" is no longer commonly used, and excludes the Inuit, the term " indigenous " seems better suited to the situation in Nunavik.

### **Maps 1, 3, 4, 5, 6, 7**

The KEAC considers that some of the information presented on the maps limits their legibility. The insert specifically presenting Tasiujaq's Category I lands is not justified in the text and does not allow for an understanding of the land regime, a better understanding of the Kativik territory, or the application of the PATP in the region. A simplified map, without the inserts presented on maps 1, 3, 4, 5, 6 and 7 would be easier to understand. In addition, airports are superimposed on northern village points, causing interference in the symbols. Since these transportation infrastructures are located on Category I lands, and therefore outside the territory covered by the PATP, their presence does not seem essential to understanding the map.

The KEAC thanks you for your cooperation in this matter and would like to be kept informed of progress. The KEAC secretariat is available to discuss the comments provided in this letter if desired.

Yours sincerely,



Michael Barret  
Vice Chairperson, KEAC

c.c. Hilda Snowball, Kativik Regional Government Chairperson and Theresa Chemaganish, Naskapi Nation of Kawawachikamach chief