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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 177TH MEETING OF THE KEAC (ADOPTED)

DATES: September 20 and 21, 2023

LOCATION: Iqaluppik Hotel, Northern Village of Tasiujaq

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett, vice-chairperson

Minnie Grey

Appointed by the Government of Canada

Marie-Noëlle Fournier

Pierre-Yves Gagnon

Marc-Antoine Giroux (by videoconference)

Appointed by the Government of Québec

Vanessa Chalifour (by videoconference)

André-Anne Gagnon

Paule Halley (by videoconference)

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Environmental Legislation Analyst

Christine Lambert

ABSENT:

Raymond Mickpegak, chairperson, KRG appointee

GUESTS:

Mélissa Gagnon, Director, Environmental Assessment of Industrial, Mining, Energy and Northern Projects Branch, MELCCFP

Maud Ablain, Director, Mining and Industrial Project Division, MELCCFP

Carl Barrette, Researcher, CEN, Université Laval

Markusi Annahatak, Manager, Arqivik Landholding Corporation
Tommy Annanack, Deputy Mayor, Northern Village of Tasiujaq

OBSERVERS:

Billy Shecanapish, Environment Officer, Naskapi Nation of Kawawachikamach
Lindsay Richardson, Project Coordinator, Atmacinta Inc.
Camille Le Gall-Payne, Coordinator, Marine Issues and Protected Areas, Makivvik Corporation

1. Call to order and adoption of the agenda

The 177th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on September 20, 2023, at the Iqaluppik Hotel in Tasiujaq. The vice-chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 177th meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 176th meeting

The members reviewed the minutes of the 176th meeting which were adopted following modifications.

3. Administration

a) Budget

The members reviewed the expense report for May to August 2023.

b) Secretariat

i. Human resources

The members discussed the performance assessments for the secretariat's staff.

ii. Request from the KRG

The members were informed that the administrative subcommittee met with a KRG representative on June 27, 2023, concerning the KRG request for KEAC support with certain environmental files. No specific files requiring KEAC support were identified. Instead, it was decided that collaboration would be evaluated on a case-by-case basis.

c) Members

Minnie Grey and Pierre-Yves Gagnon were welcomed as new appointees for the KRG and federal government, respectively. The members were also informed that Vanessa Chalifour had submitted her resignation as a Québec government appointee. The members thanked Ms. Chalifour for her contributions and outstanding service to the KEAC.

d) Active files since the 176th meeting, correspondence and housekeeping

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

e) Website

An update on the review of the Inuktitut content of the website as well as the development of the secure portal for members was presented.

f) Annual report, 2022–2023

The members were informed that the trilingual version of the 2022–2023 annual report has been published. The possibility of limiting production of hard copies of the annual report was discussed.

4. Meeting with representatives of the Northern Village of Tasiujaq and the Arqivik Landholding Corporation

The members met with Markusi Annahatak, Manager of the Arqivik Landholding Corporation. He was accompanied by Tommy Annanack, Deputy Mayor of the Northern Village of Tasiujaq. The meeting opened with a presentation on the mandate, operations and activities of the KEAC. The presentation was followed by a discussion regarding exploration activities proposed by GroundTruth Exploration in the vicinity of Tasiujaq. Mr. Annahatak explained that the area in which GroundTruth Exploration intends to carry out its work lies on a caribou migration route. As this is an important subsistence resource for the community, Arqivik does not want exploration activities to take place in the area. The discussion next focused on the Baie-aux-Feuilles park project, tidal studies tourism development potential, and ensuring protection of the area around the community. The meeting concluded with a discussion regarding the possibility of linking the permafrost monitoring program of the Centre d'études nordiques (CEN) and Nunavik Climate Change Adaptation Strategy by the Makivvik Corporation with local and regional climate change monitoring and adaptation initiatives.

Action item

- **Send a copy of the KEAC presentation and the adopted minutes to the community representatives.**

5. Environmental assessment in Nunavik

a) Modification of the certificate of authorization for phase 2b of the Nunavik Nickel project by Canadian Royalties Inc.

The environmental legislation analyst provided an overview of the response from the Kativik Environmental Quality Commission (KEQC) to the KEAC's letter dated June 19, 2023, concerning the amendment of the certificate of authorization for phase 2b (Delta) of the Nunavik Nickel mining project by Canadian Royalties Inc. In its response, the KEQC explained that thorough and careful reviews are carried out whenever certificates of authorization are amended. The information required is as detailed as the information required for a request for authorization, and the KEQC ensures that all issues that may affect the natural and social environments are addressed. The KEQC also recognized concerns regarding multiple amendments and

cumulative project impacts and explained that it requires information to contextualize each amendment. This enables the KEQC to assess the proponent's development projections as well as ensure that impacts exceeding those anticipated in the original impact study are easier to identify. The letter also addressed the issues of access to information and community consultation. The KEQC explained that the Nunavik Nickel Committee, created under the impact and benefit agreement for the project, is responsible for ensuring communication between the proponent and the concerned communities. The KEQC, for its part, ensures that information about the project is communicated to the appropriate community organizations and reserves the right to hold consultations if required.

b) Update regarding the study on the consideration given to social impacts

The environmental legislation analyst presented an overview of next steps planned to disseminate information regarding the study on the consideration given to social impacts. A meeting will be organized with the Québec and federal governments to address the main issues raised by the study, namely difficulties relating to access to information, limits on the scope of analysis, the lack of consideration for cumulative impacts in environmental assessments, as well as the need for standardized methodology to assess social impacts. The timing and nature of the proposed meeting with the governments was discussed. It was decided that the follow-up will be organized outside of the KEAC's regular meetings and that the recommendations developed will be presented to the provincial and federal administrators of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) at a future date.

Action item

- **Organize a meeting with the Québec and federal governments to review the main issues raised by the study on the consideration given to social impacts.**

c) Update regarding the working group on the implementation of the *Impact Assessment Act*

The members were informed that the working group on the implementation of the *Impact Assessment Act* is planning to hold an impact assessment harmonization seminar on November 8 and 9, 2023, in Montreal. The seminar will gather review boards, administrators, permitting agencies and regional representatives to raise awareness about the impact assessment framework in Nunavik and overlapping zones, establish lines of communication for relationship building, and discuss why and how to improve the harmonization of impact assessment processes.

Representatives of the Environmental and Social Impact Review Panel (COFEX-North), the Impact Assessment Agency of Canada, as well as the Eeyou and Nunavut review boards have confirmed their attendance; however, the KEQC and the provincial administrator of Section 23 of the JBNQA have declined to participate. Certain members expressed concern with the KEQC decision not to participate in the seminar, noting that representation on the part of the provincial process under Section 23 of the JBNQA is important.

Action item

- **Send to a representative of the MELCCFP Environmental Assessment of Industrial, Mining, Energy and Northern Projects Branch an invitation to attend the seminar.**

6. Residual materials management

a) Update on the consultation report on the status and management of final waste

The environmental analyst presented an update on the Québec government's progress implementing the nine recommendations contained in the consultation report produced by the Bureau d'audiences publiques sur l'environnement (environmental public hearings, BAPE) on the status and management of final waste. The MELCCFP is studying strategies to implement the BAPE's recommendations in Nunavik, particularly those concerning open-air burning of residual materials at northern landfills. Other initiatives arising from the BAPE's recommendations include the creation of funding programs for residual materials management projects in northern communities, the initiation of a pilot project for processing scrap metal in Kangirsuk and Aupaluk, and adaptation of the *Regulation respecting the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers* to the specific characteristics of Nunavik.

The members were informed that, in the coming months, the KEAC should expect to receive a formal update from the MELCCFP concerning implementation of the BAPE's recommendations.

b) Nunavik Residual Materials Management Working Group

The environmental analyst summarized the most recent meeting of the Nunavik Residual Materials Management Working Group which was held on June 12 and 13, 2023, in Kuujuaq and Inukjuak respectively. Highlights of the meeting included presentations by the organizations responsible for implementing the deposit-refund and selective collection regulations, a presentation by the Ministère des Affaires municipales et de l'Habitation (municipal affairs and housing, MAMH) on the funding allocations for residual materials management projects in northern communities, as well as a tour of municipal residual materials management sites.

c) Management of non-serviceable vehicles in Nunavik communities

The environmental analyst provided an overview of the pilot project for the management of non-serviceable vehicles and the processing of scrap metal in the communities of Kangirsuk and Aupaluk. Following up on recommendations made by the BAPE in its consultation report on the status and management of final waste, the MELCCFP provided the KRG with funding to purchase the heavy equipment needed to implement the project. The heavy equipment will be moved to other communities as the project progresses. The members were informed that, in 2024, the project would be carried out in the communities of Quaqtaq and Kangiqsujuaq.

d) Enactment of five MELCCFP regulations concerning extended producer responsibility in relation to residual materials management

The members were informed of a consultation held on July 19, 2023, regarding the amendment and implementation of a series of regulations concerning extended producer responsibility in relation to residual materials management. Discussion focused on the applicability in Nunavik of the *Regulation respecting a System of Selective Collection of Certain Residual Materials*, the *Regulation respecting the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers*, and the *Regulation respecting the Recovery and Reclamation of Products by Enterprises*. Most of the proposed amendments are minor. The most significant amendment for Nunavik concerns the *Regulation respecting*

the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers. Programs under this regulation will be implemented in two phases, namely the development of a standardized deposit-refund system and the integration of all kinds of beverage containers. The two phases are scheduled for November 2023 and March 2025, respectively.

The members also expressed dissatisfaction with the short deadline permitted to submit feedback on the proposed regulatory amendments.

7. Discussion with MELCCFP representatives on the provincial authorization process and mechanisms for modifying certificates of authorization

The members met with MéliSSa Gagnon, Director of the MELCCFP Environmental Assessment of Industrial, Mining, Energy and Northern Projects Branch, to discuss the provincial authorization process and mechanisms for modifying certificates of authorization. She was accompanied by Maud Ablain, Director of the MELCCFP Mining and Industrial Project Division. At the outset of the discussion, it was explained that proposed changes to existing authorized projects can be handled in one of two ways: as a modification to the existing authorization or as an entirely new project requiring a separate authorization. If a project has been underway for several years and the activities remain the same as set out in the authorization, it would not be practical to issue a new authorization for the evolving project. In JBNQA territories, there is more flexibility to modify project authorizations: the KEQC has full discretion to make decisions on the need for public consultations. Furthermore, modifications proposed to an existing project are subject to review and must be justified by the proponent.

The discussion next focused on phase 2b of the Nunavik Nickel mining project by Canadian Royalties Inc. and the recent modification of the project's certificate of authorization. Ms. Gagnon explained that the Canadian Royalties property contains several smaller deposits that it plans to exploit in parallel the main operation. The project area was also extensively studied under the project's first phase. Accordingly, the KEQC concluded that phase 2b should be dealt with as a modification to the existing authorization. The KEQC has the discretion to set the criteria for determining if a new authorization is required. New guidelines and additional requirements may also be included as part of the modification of an authorization.

Next, Ms. Gagnon addressed members' concerns regarding access to information and communication with community residents. She explained that the new authorizations and subsequent modifications are available to the public online through the MELCCFP's environmental assessment registry and on the KEQC website. It was however pointed out that multiple modifications to an existing authorization may be difficult for community residents to follow without direct communications from review bodies and proponents, and this may lead to unexpected or undesirable outcomes. The discussion concluded with the review of a scenario in which a new authorization or the modification of an existing authorization might trigger multiple review processes and how those processes could be harmonized to mitigate potential complications.

Following the meeting, the members reviewed certain issues raised with the MELCCFP representatives. The members discussed the consequences of multiple modifications to an authorization: the failure of long-term project planning, inadequate information for affected communities, as well as insufficient responses to cumulative impacts. Phase 2b of the Nunavik Nickel mining project is a noteworthy example. It was mentioned that these issues could be remedied through future legislative amendments. Discussion also covered the legal framework of the provincial review and authorization process under the JBNQA and the *Environment Quality Act*. Section 23.3.12 of the JBNQA stipulates that all activities listed in Schedule 1 are

automatically subject to the impact assessment and review process. It appears that this requirement was not followed for phase 2b of the Nunavik Nickel mining project. Concerns regarding the current administrative process for modifications and differences in relation to authorizations were also discussed.

Action items

- **Contact the MELCCFP representatives to thank them for their participation at the meeting, to inform them that the KEAC will continue to monitor the project, and to ask to be kept informed of all future communications and consultations with the communities.**
- **Write a letter to the MELCCFP regarding KEAC concerns regarding long-term planning and communication requirements for future amendments to the *Environment Quality Act*.**

8. Miscellaneous

a) Green Corner article – *Tarralik*

The members were informed that the next Green Corner article in *Tarralik* would cover the issue of social impacts and highlight the study carried out by the KEAC.

b) Federal government interministerial roundtable on Indigenous affairs

The members were informed that the Federal Government's inter-ministerial roundtable on Indigenous affairs has been postponed until early 2024.

c) Climate monitoring initiatives, Centre d'études nordiques

Carl Barrette, a CEN researcher from Université Laval, delivered a presentation on CEN climate monitoring initiatives in Nunavik. He began with an overview of the CEN's research facilities and network of monitoring stations across Nunavik, Nunavut and Nunatsiavut. Mr. Barrette explained that the primary function of the stations is to record data on climate, meteorological and permafrost conditions. They also serve to collect data to test various research questions and community infrastructure in response to changing environmental conditions. Next, Mr. Barrette described CEN climate change research. Based on recent air temperature trends collected at CEN monitoring stations in Nunatsiavut and reconstructed data sets dating to the 1850s, the CEN has developed climate models that demonstrate a general warming trend. These results are supported by permafrost degradation and observed changes in vegetation. In addition, the increasing air temperature trend is most significant in northern latitudes during winter and has direct impacts on snow and ice conditions. Decreases in annual snow cover also contribute to permafrost degradation. Mr. Barrette then presented a model for regional annual precipitation trends since the 1950s. Mr. Barrette concluded his presentation by explaining that the actual increase in annual precipitation is difficult to determine with available data. However, while a small increase has been observed, it is less significant than regional temperature increases.

9. Environmental protection legislation

a) *Plan Nature 2030*, MELCCFP

The members were informed that, following up on the United Nations Biodiversity Conference (COP 15) in December 2022, the MELCCFP will launch a series of actions in early 2024 to meet the objectives of the

Kunming-Montréal Global Diversity Framework. One action is the publication of *Plan Nature 2030*, which aims to contribute to global targets, including the conservation target of 30% of the Québec territory.

10. Mining activity

a) Strange Lake rare earth mining project, Torngat Metals Inc.

The environmental analyst provided an overview of the proposed Strange Lake rare earth mining project by Torngat Metals Inc. The project area is located 235 km northeast of Kawawachikamach, 287 km south of Kangiqsualujjuaq and approximately 170 km west of the Labrador coast. The project could trigger various review processes, including the provincial process under the JBNQA. The project is situated near protected areas and would involve a variety of infrastructure, including an airstrip and a road linking the mine site to the Labrador coast. It was expressed that the Strange Lake rare earth mining project has the potential to become complicated due to the number of review processes applicable, as previously warned by the KEAC, and should be monitored closely.

b) List of impact-causing mineral exploration activities

The environmental analyst presented an update on the proposed regulatory amendment that will establish a list of impact-causing mineral exploration activities. The Ministère des Ressources naturelles et des Forêts (natural resources and forests, MRNF) plans to publish the draft regulation in the fall of 2023 and follow up with consultations. The MRNF also intends to amend the current regulatory processing and authorization regime for the construction of new mineral exploration camps. These amendments would facilitate the monitoring and application of measures.

c) Policy on the harmonious development of mining activities, MRNF

The members were informed that the Inuit and First Nations consultation on the MRNF policy has been postponed to a later date.

d) Implementation of a moratorium on new mining development in Nunavik, Makivvik Corporation

The members were informed that, on August 24, 2023, the Makivvik Corporation addressed a letter to Québec Premier François Legault concerning a moratorium on new mining development in Nunavik. In the letter, the Makivvik Corporation states its intention to exercise its sovereignty and governance over Inuit traditional lands with a view to safeguarding its ecological and subsistence resources. It expressed concern with the proposed GroundTruth Exploration project and current mining activity in the region and the effects on caribou populations and other subsistence resources. The letter explained that the moratorium would facilitate the development of a land management plan and concluded that future mineral exploration activities in the region must be preceded by negotiations and agreements with Makivvik and the concerned landholding corporations.

11. Water management

a) Update from the drinking water management research committee

The environmental legislation analyst presented an update on recent activities of the drinking water management subcommittee and the development of a contact list of responsible parties. The research

committee is scheduled to hold its next meeting in October 2023. Around the same time, training for drinking water plant operators is being organized. Furthermore, the United Nations Association in Canada is planning to hold a youth forum on sustainable water management and water quality monitoring in Nunavik.

b) Regulation concerning water in the domain of the State, MELCCFP

The environmental legislation analyst presented a summary of KEAC feedback on the MELCCFP regulation concerning water in the domain of the State. It was noted that the regulation does not explicitly define or address JBNQA territories and that this matter should be brought to the MELCCFP's attention.

Action item

- **Organize a meeting with MELCCFP representatives to discuss the need to address the specific context of the JBNQA when developing or amending the regulation.**

12. Land use planning and occupancy

a) Consultation on the proposed Public Land Use Plan for the Nord-du-Québec region, Kativik Component, MRNF

The environmental legislation analyst provided an overview of the Kativik component proposed by the MRNF for the Public Land Use Plan (PLUP) for the Nord-du-Québec region. PLUPs are strategic orientation documents designed to guide government actions for land protection and use. The KRG developed a land use masterplan for the Kativik Region in 2022 based on consultations with the region's residents. The masterplan directly reflects their conservation, land use and development objectives. The MRNF-proposed PLUP was primarily developed using government data and does not fully reflect the objectives of the masterplan for the Kativik Region. The MRNF has deemed it necessary prepare the PLUP despite the existence of the regional masterplan because the Québec government is not legally bound by the *Act respecting Northern Villages and the Kativik Regional Government* (Kativik Act).

Furthermore, land use planning in southern Québec is governed by the MAMH. A large part of land use planning in southern Québec focuses on agricultural activities to ensure food security. This is not the case in northern Québec where the MRNF oversees land use planning and, through the PLUP, establishes multiple use zones "with conditions" to promote commercial outfitting. The PLUP does not define the areas used by Nunavik residents for traditional subsistence activities. It was noted that this issue is relevant to the KEAC and Nunavik. A decision was taken to review this file in greater depth.

Action item

- **Request a presentation from the MRNF and the KRG at a future meeting to explain the scope of the PLUP.**

b) Québec architecture and land use policy, 2023–2027 implementation plan

The environmental legislation analyst presented an overview of the MAMH's 2023–2027 implementation plan under the Québec architecture and land use policy. The policy combines two strategies, namely the Québec architecture strategy and the Québec strategy on urban and regional land use planning. The former aims to amend the *Act respecting Land Use Planning and Development* and does not apply in Nunavik. The Québec architecture and land use policy does, however, contain an objective aimed at Aboriginal communities,

including Nunavik, and the MAMH plans to create working groups to study development challenges in relation to permafrost conditions. The members were informed that the MAMH is working with the KRG to update the *Kativik Act*.

Action item

- **Contact the KRG to explore the possibility of involving the KEAC in the MAMH working group.**

13. Conservation and biodiversity

a) Northern conservation areas update, MELCCFP

The members were informed that the MELCCFP is planning to restart in early 2024 consultations on the mechanism for creating northern conservation areas and that the KEAC should expect to receive a formal invitation.

14. Planning for the 178th meeting

The members discussed certain logistical elements relating to the 178th meeting.



Benjamin Patenaude
Executive Secretary
December 12, 2023

Appendix: Agenda of the 177th meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 176th meeting

3. Administration

- a) Budget
- b) Secretariat
 - i. Human resources
 - ii. Request from the KRG
- c) Members
- d) Active files since the 176th meeting, correspondence and housekeeping
- e) Website
- f) Annual report, 2022–2023

4. Meeting with representatives of the Northern Village of Tasiujaq and the Arqivik Landholding Corporation

5. Environmental assessment in Nunavik

- a) Modification of the certificate of authorization for phase 2b of the Nunavik Nickel project by Canadian Royalties Inc.
- b) Update regarding the study on the consideration given to social impacts
- c) Update regarding the working group on the implementation of the *Impact Assessment Act*

6. Residual materials management

- a) Update on the consultation report on the status and management of final waste
- b) Nunavik Residual Materials Management Working Group
- c) Management of non-serviceable vehicles in Nunavik communities
- d) Enactment of five MELCCFP regulations concerning extended producer responsibility in relation to residual materials management

7. Discussion with MELCCFP representatives on the provincial authorization process and mechanisms for modifying certificates of authorization

8. Miscellaneous

- a) Green Corner article – *Tarralik*
- b) Federal government interministerial roundtable on Indigenous affairs
- c) Climate monitoring initiatives, Centre d'études nordiques

9. Environmental protection legislation

- a) *Plan Nature 2030*, MELCCFP

10. Mining activity

- a) Strange Lake rare earth mining project, Torngat Metals Inc.
- b) List of impact-causing mineral exploration activities
- c) Policy on the harmonious development of mining activities, MRNF
- d) Implementation of a moratorium on new mining development in Nunavik, Makivvik Corporation

11. Water management

- a) Update from the drinking water management research committee
- b) Regulation concerning water in the domain of the State, MELCCFP

12. Land use planning and occupancy

- a) Consultation on the proposed Public Land Use Plan for the Nord-du-Québec region, Kativik Component, MRNF
- b) Québec architecture and land use policy, 2023–2027 implementation plan

13. Conservation and biodiversity

- a) Northern conservation areas update, MELCCFP

14. Planning for the 178th meeting