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Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

## MINUTES OF THE 178<sup>TH</sup> MEETING OF THE KEAC (ADOPTED)

**DATES:** December 12 and 13, 2023

**LOCATION:** ALT Hotel, Montreal – Cyan Room

### **PRESENT:**

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

Michael Barrett, Vice-chairperson

Minnie Grey

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

Marc-Antoine Giroux

Marie-Noëlle Fournier

Pierre-Yves Gagnon

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

André-Anne Gagnon

Paule Halley

#### **Executive Secretary**

Benjamin Patenaude

#### **Environmental Analyst**

Nancy Dea

#### **Environmental Legislation Analyst**

Christine Lambert

### **ABSENT**

Raymond Mickpegak, chairperson, KRG appointee

### **GUESTS:**

Michèle Leduc-Lapierre, Executive Director, JBACE

Mathilde Butler, Environmental Analyst, JBACE

Miles Smart, Executive Secretary, HFTCC

Adam Lewis, Executive Director, NMRIRB

Pascale Labbé, Aboriginal Relations Advisor, Protected Areas Branch, MELCCFP

Rosalie Champagne-Côté, Protected Areas Branch, MELCCFP  
Nathalie Girard, Regional Project Manager, Marine Environmental Hazard Response Service, CCG  
Beverly Foster, Senior Advisor to the Assistant Commissioner, CCG  
Claude Masse, Manager, Prediction Services Operations–Centre, MSC, ECCC  
Rebecca Wagner, Director, Prediction Services Operations–Centre, MSC, ECCC

**OBSERVERS:**

Billy Shecanapish, Environment Officer, Naskapi Nation of Kawawachikamach  
Camille Legal-Payne, Coordinator, Marine Issues and Protected Areas, Makivvik Corporation  
Benoît Péloquin, Interim Advisor, ECCC  
Mylène Larivière, Legal Advisor, Makivvik Corporation

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

The 178<sup>th</sup> meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on December 12, 2023, at the ALT Hotel in Montreal. The vice-chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 178<sup>th</sup> meeting took place in accordance with the agenda appearing in appendix.

**2. Adoption of the minutes of the 177<sup>th</sup> meeting**

The members reviewed the minutes of the 177<sup>th</sup> meeting, which were adopted following modifications.

**3. Administration**

a) Budget

The members were informed that the application for the 2024–2025 KEAC operating budget was submitted to the 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) on December 8, 2023. The expense report for September to November 2023 was also discussed.

b) Secretariat

i. Human resources

The members were informed that the performance assessments provided to secretariat staff on December 5, 2023, and that the appendices of the KEAC *Human Resources Management and Remuneration Policy* are complete.

c) Members

The members were given an update on the Québec government's appointment of a new member to replace Vanessa Chalifour.

**Action item**

- **Develop a description of the roles and responsibilities of KEAC members.**

- d) Active files since the 177<sup>th</sup> 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

The revision of the Inuktitut content of the website is complete and progress on the development of the secure member-access portal was presented.

#### 4. Environmental protection legislation

- a) Amendment of the *Environment Quality Act*

The members discussed the contents of the letter concerning the amendments to the *Environment Quality Act*. Proposals covered long-term planning in every phase of a project (in particular mining projects), the consideration given to cumulative impacts, access to information, and strategic environmental assessments.

##### Action item

- **Draft a letter addressed to the MELCCFP explaining the relevance of these elements to the review of proposed development projects in Nunavik and recommend they be included in future amendments to the *Environment Quality Act*.**

#### 5. Environmental assessment in Nunavik

- a) Update on the study of social impacts

The environmental legislation analyst presented a summary of a meeting held with MELCCFP representatives to obtain their feedback on the study of social impacts under the environmental assessment process. MELCCFP representatives explained that some progress has been made in recent years regarding the consideration given to the social impacts of development projects. It is now common to set up monitoring committees, community relations committees and complaint management systems. Most cost-benefit analyses now include social costs. Emphasis was also placed on early communication with communities upstream of development. With regards to Nunavik, the Kativik Environmental Quality Commission should play a central role in communicating information to the communities.

- b) Nunavik impact assessment harmonization seminar

The environmental analyst described the Nunavik impact assessment harmonization seminar which was held on November 8 and 9, 2023, in Montreal. The objectives of the seminar were to raise awareness of the environmental assessment framework and processes applicable in Nunavik, to establish lines of communication between decision-makers and review boards, and to process harmonization mechanisms. Various review board, regional and provincial stakeholders participated in the seminar. The seminar opened with an overview of the activities of the working group on the implementation of the *Impact Assessment Act* and presentations on the different environmental and social impact assessment processes applicable in Nunavik. This was followed by a series of roundtables on the overlapping assessment processes, and then

discussions on how to develop an approach that will lead to the harmonization of the assessment processes.

The members were provided information regarding the reference decision of the Supreme Court of Canada concerning the constitutional invalidity of certain definitions contained in the *Impact Assessment Act* and regarding the steps being taken by the Impact Assessment Agency of Canada to develop amendments in response to the decision.

## **6. Meeting with the JBACE and the HFTCC**

The members met with Michèle Leduc-Lapierre, Executive Director of the James Bay Advisory Committee on the Environment (JBACE), who was accompanied by Mathilde Butler, Environmental Analyst with the JBACE, and Miles Smart, Executive Secretary of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC). Ms. Leduc-Lapierre opened with a presentation on the mandate of the JBACE under Section 22 of the *James Bay and Northern Québec Agreement* (JBNQA). She explained that, like the KEAC, the JBACE is responsible for overseeing the administration and management of the environmental and social protection regime south of the 55<sup>th</sup> parallel and that the JBACE operates in a similar manner. Notwithstanding, the JBACE has more members, and one of those members is appointed ex-officio member from the HFTCC. Ms. Leduc-Lapierre continued with a description of the 2023–2028 JBACE strategic plan. She explained that the objectives of the plan fall into two main categories. These involve the legislative framework of the environmental and social protection regime under Section 22 of the JBNQA and development of partnerships and communication strategies. She also described JBACE sectors of activity and provided an overview of its active files.

Mr. Smart continued the meeting with a presentation on the HFTCC. He opened with a description of the composition of the HFTCC and its secretariat. He explained that the HFTCC comprises representatives of the Cree, Inuit and Naskapi, as well as the federal and Québec governments. The HFTCC is involved in reviewing policies and legislation related to its mandate under Section 24 of the JBNQA. It also serves as a forum for negotiation between the parties represented by its members. Mr. Smart explained that the HFTCC actively oversees the outfitting regime and related regulations. He mentioned that, currently, it is difficult to monitor outfitting activities in the concerned territories. Mr. Smart then explained HFTCC involvement in the management and protection of migratory caribou, specifically the George River herd. He explained that it is an important and sensitive file because the resource is a significant subsistence resource for the region's Indigenous communities. In addition, he mentioned that the HFTCC contributes to addressing the concerns generated by military aircraft traffic out of Goose Bay, Labrador, and by the proposed Strange Lake mining project, along with their impacts on the George River herd. It is also involved in monitoring the spread of chronic wasting disease of cervids and the control of predators in the context of caribou population management. Mr. Smart then explained that the HFTCC participates in regional Indigenous wildlife protection and monitoring programs. The presentation concluded with a description of additional HFTCC files, such as sport fishing, polar bear monitoring and matters relating to access to information.

## **7. Presentation on the new Arctic region created by the DFO and the CCG**

Nathalie Girard, a regional project manager with the Marine Environmental Hazard Response Service of the Canadian Coast Guard (CCG), gave a presentation on the recently created Arctic region. She was accompanied by Beverly Foster, a senior advisor to the Assistant Commissioner of the CCG. The presentation opened with an overview of steps taken towards the development of the stand-alone region. It was explained that the

northern and Arctic maritime areas were previously administered through the Central region. In 2018, the Department of Fisheries and Oceans (DFO) and the CCG began a series of consultations with Inuit, First Nations and Metis as well as the provinces and territories to establish a distinct Arctic region with its own unique service delivery system. These services are tailored to and accommodate for the unique realities of the Arctic, its communities and governance structures, and seeks to advance reconciliation with Indigenous peoples. In 2021, a network of Inuit organizations and governance committees was created. In Nunavik, Makivik was designated for this purpose. The presentation continued with a description of regional services, the basis of their creation and human resources. This was followed by an overview of the Arctic region's administrative structure as well as the network of CCG assets and critical infrastructure. These support the delivery of a variety of services in the Arctic region. The presentation concluded with an overview of specific services including, maritime search and rescue, compliance and enforcement, incident management, fleet operations and icebreaking, maritime security, communications and traffic services, as well as navigation aids and waterways management.

## **8. Presentation by the MSC on the coastal flooding prediction and alert program**

Claude Masse, a manager with the Meteorological Service of Canada (MSC), delivered a presentation on the coastal flooding prediction and alerting program. He was accompanied by Rebecca Wagner, Director of the Prediction Services Operations–Centre at the MSC. The presentation began with an overview of the purpose and objectives of the program, which are namely to develop a prediction system for coastal flooding due to the growing frequency and severity of storm surges caused by climate change. Mr. Masse explained that the program is funded under the federal government's Emergency Management Strategy for Canada and that the MSC is presently developing a country-wide network of partnerships for its implementation. The MSC also intends to develop a system of data collection and predictive models for long-term weather and water level conditions as a determining factor for flood risks in coastal regions. The presentation continued with a description of coastal areas in Hudson Bay and James Bay where flooding is likely to occur, the criteria for assessing the severity of flooding, and the terminology for evaluating risk. Mr. Masse concluded the presentation with a description of the meteorological models for predicting storm surges and how they are used for emergency preparedness.

Following the presentation, a discussion took place focussing on regional involvement in the program and potential interested parties.

## **9. 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 presented an update on the Kativik component of the Public Land Use Plan for the Nord-du-Québec region proposed by the Ministère des Ressources naturelles et des Forêts (natural resources and forests, MRNF) and on the KEAC's planned approach to the consultation.

## 10. Water management

### a) Regulation concerning the Water Property in the Domain of the State, MELCCFP

The environmental legislation analyst presented an overview of a meeting held with representatives of the MELCCFP on November 16, 2023. The Regulation seeks to enable the granting of leases for the use of water bodies in the domain of the state. It was noted however that the Regulation does not contain any specific provision for territories covered by treaty. With regards to Nunavik, the MELCCFP representatives stated that the Regulation would not be modified since the JBNQA already permits consideration of the distinct characteristics of the region.

### b) Update from the KEAC drinking water management subcommittee

The environmental legislation analyst provided an update on the latest activities of the drinking water management subcommittee and recent collaborative efforts with different regional bodies.

## 11. Mining activity

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

The environmental analyst presented an update on the status of the Strange Lake rare earth mining project by Torngat Metals Inc. In May 2023, the MELCCFP and the Kativik Environmental Quality Commission received preliminary project information from the project proponent. The impact assessment guidelines were issued on October 2, 2023. With regards to the federal-government review of the project, the Impact Assessment Agency of Canada (IAAC) has requested public feedback on the preliminary information and project summary submitted by the project proponent to the IAAC, the Government of Newfoundland and Labrador, and the Nunatsiavut Government in September 2023 under the screening phase.

Representatives of the Makivvik Corporation presented a summary of the feedback their organization had submitted to the IAAC. Concerns address the potential impacts of the discharge of mine tailings on subsistence resources and ecosystems, effective communication with regional bodies and communities, monitoring measures, land use, and the harmonization of review processes. The Qiniqtiq Landholding Corporation (Kangiqsualujjuaq) and the Naskapi Nation of Kawawachikamach have also submitted feedback to the IAAC.

### b) Proposals to revise the mining regime and the framework for mining activity, MRNF

The environmental analyst presented an overview of a meeting held on November 3, 2023, with the MRNF concerning its proposed amendments to mining legislation. This meeting was one of a series organized to consult with treaty organizations on the proposed framework. The points raised by the participants included the limitation of nuisance activities, access to information, the identification of impacts caused by mineral exploration activities, the storage and treatment of residual and hazardous materials on claim sites, environmental monitoring, and the enforcement powers of regional bodies. The use of strategic environmental assessments and consideration of cumulative impacts in the review process were also addressed. The members were informed that the MRNF plans move forward in 2024 with amendments to the *Regulation respecting Mineral Substances Other than Petroleum, Natural Gas and Brine* as well as the *Mining Act*. Additional consultations will be scheduled for this purpose.

## **12. Residual materials management**

### a) Strategy for the Reduction and Responsible Management of Plastics in Québec, 2024–2029

The environmental analyst presented an overview of the MELCCFP 2024–2029 Strategy for the Reduction and Responsible Management of Plastics in Québec and of a forum held on November 30, 2023, in Quebec City. An online survey will be completed in collaboration with the KRG to ensure the distinct characteristics of Nunavik are conveyed during this consultation.

## **13. Meeting with the NMRIRB**

Adam Lewis, Executive Director of the Nunavik Marine Region Impact Review Board (NMRIRB), delivered a presentation on the role and mandate of the NMRIRB and the functions of the Nunavik Marine Region Planning Commission (NMRPC) regarding impact assessment. Mr. Lewis first provided an overview of the *Nunavik Inuit Land Claims Agreement* (NILCA) and the area included in the Nunavik Marine Region (NMR). He explained that 80% of the lands in the NMR are owned by the Makivik Corporation on behalf of Nunavik Inuit and the remaining 20% are Crown lands. There are also areas owned jointly with the Inuit of Nunavut and the Cree of the Eeyou Istchee. Mr. Lewis next described the mandate of the NMRIRB and the Nunavik Inuit settlement area. The settlement area is divided into different zones according to jurisdictional responsibility for impact assessment. Notwithstanding, all projects in the settlement area are subject to the NILCA process before an authorization can be granted. Mr. Lewis explained that, under the NILCA, project proponents must submit project proposals to the NMRPC for a decision on whether the project is subject to review by the NMRIRB or exempt from review. The types of activities exempt from review are listed under Schedule 7-1 of the NILCA. Mr. Lewis then described the screening and public consultation processes. The NMRIRB prepares and submits a screening decision report to the authorities responsible for issuing authorizations along with a recommendation on whether the project should be subject to or exempt from review. Where a project is subject to review, the NMRIRB may conduct the review directly (referred to as a Part 5 review). Where a project is subject to review under multiple processes, it may be conducted by a federal environmental assessment panel (referred to as a Part 6 review). The presentation concluded with a description of project monitoring programs and the responsibilities of the concerned parties.

## **14. Conservation and biodiversity**

### a) Presentation on Aboriginal-led protected areas, MELCCFP

Pascale Labbé, Aboriginal Relations Advisor with the Protected Areas Branch of the MELCCFP, delivered a presentation on Aboriginal-led protected areas (ALPA). She was accompanied by Rosalie Champagne-Côté. The presentation began with an overview of the objectives under Plan Nature stemming from the United Nations Biodiversity Conference (COP 15) held in December 2022. One objective adopted at the Conference called for support of Indigenous leadership in biodiversity conservation and spurred the MELCCFP to develop the ALPA initiative. It was explained that, with the modernization of the *Natural Heritage Conservation Act* through Bill 46, there is greater emphasis on process expediency, broadening legislative tools and the involvement of local stakeholders in the creation of protected areas. This has permitted the government to adopt different tools, including ALPAs, and to safeguard conservation-interest zones from industrial development.

The presentation continued with a description of Indigenous protected areas as defined by the International

Union for Conservation of Nature (IUCN) and the Government of Canada. In Québec, ALPAs are in the process of being conferred legal status. This status was introduced through Bill 46 and is covered in sections 4.3 to 4.8 and section 12 of the *Natural Heritage Conservation Act* concerning empowerment of Indigenous governing bodies by the state to identify and manage protected areas. The ICUN's different conservation and management categories were described and how they correspond to ALPAs. This was followed by an overview of the MELCCFP work plan and an enumeration of objectives already achieved or still in progress with a view to the creation of an ALPA guide by 2025. The presentation concluded with a description of the mobilization strategy for Inuit communities aimed at obtaining an understanding of specific needs and concerns with regards to the development of ALPAs in Nunavik.

Following the presentation, discussion took place regarding consultation and communication with Indigenous organizations, connections with conservation objectives under the Plan Nord, background information on protected areas work in Nunavik, and various existing conservation programs. Finally, responsibility for the creation of protected areas in Nunavik was also addressed.

b) Plan Nature 2023, MELCCFP

The environmental legislation analyst presented a summary of the MELCCFP's consultation on Plan Nature 2023 and discussions with the KRG on this topic.

## 15. Miscellaneous

a) Clean energy development consultation, Québec government

The environmental legislation analyst presented an overview of the clean energy development consultation by the Québec government and of the KEAC letter sent on December 4, 2023. The members were informed that the KEAC was not directly consulted but that it should be involved in future discussions regarding clean energy development initiatives.

b) Federal Contaminated Sites Action Plan, 2025–2030

The members were informed that the Government of Canada is currently developing an approach for the 2025–2030 Federal Contaminated Sites Action Plan. The KEAC has been invited to participate in a focus group on incorporation of Indigenous knowledge into the Action Plan. Given the expertise of the environmental analyst and her past experience with this file, it was decided that she would participate in the focus group.

## 16. Meetings in 2024–2025

The members discussed the schedule for meetings in 2024–2025.

### Action item

- **Communicate with Nunavik Parks to determine availability and the best dates for a meeting in a national park.**





Benjamin Patenaude  
Executive Secretary  
May 1, 2024

## Appendix – Agenda of the 178<sup>th</sup> meeting

- 1. Call to order and adoption of the agenda**
- 2. Adoption of the minutes of the 177<sup>th</sup> meeting**
- 3. Administration**
  - a) Budget
  - b) Secretariat
    - i. Human resources
  - c) Members
  - d) Active files since the 177<sup>th</sup> meeting, correspondence and housekeeping
  - e) Website
- 4. Environmental protection legislation**
  - a) Amendment of the *Environment Quality Act*
- 5. Environmental assessment in Nunavik**
  - a) Update on the study of social impacts
  - b) Nunavik impact assessment harmonization seminar
- 6. Meeting with the JBACE and the HFTCC**
- 7. Presentation on the new Arctic region created by the DFO and the CCG**
- 8. Presentation by the MSC on the coastal flooding prediction and alert program**
- 9. Land use planning and occupancy**
  - a) Consultation on the proposed Public Land Use Plan for the Nord-du-Québec region, Kativik component, MRNF
- 10. Water management**
  - a) Regulation concerning Water Property in the Domain of the State, MELCCFP
  - b) Update from the KEAC drinking water management subcommittee
- 11. Mining activity**
  - a) Strange Lake rare earth mining project, Torngat Metals Inc.
  - b) Proposals to revise the mining regime and the framework for mining activity, MRNF
- 12. Residual materials management**
  - a) Strategy for the Reduction and Responsible Management of Plastics in Québec, 2024–2029

**13. Meeting with the NMRIRB**

**14. Conservation and biodiversity**

- a) Presentation on Aboriginal-led protected areas, MELCCFP
- b) Plan Nature 2023, MELCCFP

**15. Miscellaneous**

- a) Clean energy development consultation, Québec government
- b) Federal Contaminated Sites Action Plan, 2025–2030

**16. Meetings in 2024–2025**