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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 179TH MEETING OF THE KEAC (ADOPTED)

DATES: February 26, 27 and 28, 2024

LOCATION: Nunavik Research Centre (Makivvik Corporation), Kuujuaq

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett, vice-chairperson

Appointed by the Government of Canada

Marc-Antoine Giroux

Marie-Noëlle Fournier

Pierre-Yves Gagnon (by videoconference on February 26 and 27)

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

Minnie Grey, KRG appointee

GUESTS:

Thomas Joe, Indigenous Policy Branch, IAAC

Kayanna Brown, Indigenous Policy Branch, IAAC

Kirsten Sellers, Indigenous Policy Branch, IAAC

Peter May, Nunavik Research Centre, Makivvik Corporation

Louis Breault, Aboriginal Affairs Branch, MRNF

Andréanne Brière, Aboriginal Affairs Branch, MRNF

Thomas Faguy-Bernier, Aboriginal Affairs Branch, MRNF
Simon St-Georges, Aboriginal Affairs Branch, MRNF
François Dupuis, Aboriginal Affairs Branch, MRNF

OBSERVERS:

Billy Shecanapish, Environment Officer, Naskapi Nation of Kawawachikamach
Lindsay Richardson, Project Coordinator, Atmacinta Inc.
Camille Legal-Payne, Coordinator, Marine Issues and Protected Areas, Makivvik Corporation
Jasmin Bergeron, Coordinator and Team Leader for Mining Projects, Industrial and Mining Projects
Environmental Assessment Branch, MELCCFP

1. Call to order and adoption of the agenda

The 179th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 2:30 p.m. on February 26, 2024, at the Nunavik Research Centre in Kuujuaq. The vice-chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 179th meeting took place in accordance with the agenda appearing in the appendix.

2. Adoption of the minutes of the 178th meeting

The members reviewed the minutes of the 178th meeting. Adoption of the minutes was postponed to a later date.

3. Administration

a) Budget

The expense report for December 2023 to January 2024 was discussed.

b) Secretariat

i. Human resources

The members were informed that the final version of the KEAC *Human Resources Management and Remuneration Policy* is now available. They also discussed the Executive Secretary's upcoming leave and the possibility of hiring a replacement for that period.

Action item

- **Contact a human resources firm to develop a workplan and cost estimate for hiring an interim executive secretary.**

c) Members

The members welcomed Jasmin Bergeron who is to be appointed shortly to the KEAC by the Québec government to replace Vanessa Chalifour. The KEAC chairpersonship for 2024–2025 was also discussed.

d) Active files since the 178th 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) Update on the objectives of the 2020–2025 Action Plan

The environmental analyst presented an update on implementation of the objectives under the KEAC's 2020–2025 Action Plan. The members discussed the first three objectives under the Action Plan and how the recent reference decision of the Supreme Court of Canada concerning the *Impact Assessment Act* is impeding progress towards these goals. The members also discussed implementation of other objectives under the Action Plan related to development of a social impact study, legislative amendments relating to environmental assessments and mining activities, residual materials management, public awareness-building initiatives, and matters related to KEAC visibility in Nunavik.

f) Website

The members were informed that the digital archives have been re-organized. The incorporation of these archives into the secure member-access portal was discussed.

g) Next meeting with the administrators

It was decided that the federal and provincial administrators of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA) will be invited to attend the KEAC's 180th meeting. The members discussed possible items for discussion with the administrators.

Action item

- **Invite the federal and provincial administrators of Section 23 of the JBNQA to the 180th meeting.**

h) Annual report, 2023–2024

The members discussed the contents of the 2023–2024 annual report. A draft bilingual version will be sent to the members for review in the coming months.

4. Environmental protection legislation

a) Amendments to the *Environment Quality Act*, MELCCFP

The environmental legislation analyst presented an overview of the amendments proposed to the *Environment Quality Act* by the ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP).

5. Environmental assessment in Nunavik

a) Update from the social impacts subcommittee

The environmental legislation analyst presented an overview of the latest activities of the social impacts subcommittee. The members were informed that talks were held with the Impact Assessment Agency of

Canada (IAAC) regarding the consideration given to social impacts under the current *Impact Assessment Act* and the former *Canadian Environmental Assessment Act, 2012*. It was also proposed that the secretariat staff prepare a summary of legislative changes pertaining to the consideration given to social impacts since 2019.

b) Presentation on the reference decision by the Supreme Court of Canada regarding the *Impact Assessment Act*, IAAC

The members met with Thomas Joe, Director of Indigenous Policy with the IAAC, who presented the Agency's proposed amendments to the *Impact Assessment Act* in response to the reference decision by the Supreme Court of Canada concerning the constitutionality of the Act. He was accompanied by Kayanna Brown and Kirsten Sellers of the IAAC Indigenous Policy Branch. The presentation began with an explanation of the reference decision, of the steps taken by the IAAC to rectify the situation, and of the Agency's desire to establish greater certainty in its process. Mr. Joe explained that the main issue raised in the reference decision related to jurisdiction and that the IAAC intends to respond to the observations made by bringing the content of the Act in line with the Court's definition of constitutional. On October 26, 2023, the IAAC transmitted a series of guidance criteria to its partner agencies to explain how the Act would be amended. Mr. Joe next described the changes that have been proposed to the wording of the Act as well as the broadening of its scope in areas of federal jurisdiction following up on the reference decision. He explained that provisions of the Act regarding Indigenous peoples will remain untouched. He cited a few examples of federal jurisdictions and explained that the IAAC is primarily focused on the processes and how they are implemented. Mr. Joe then described sections of the Act related to the designation and screening of projects and how these criteria must be improved and clearly rooted in federal jurisdiction. The IAAC is currently looking at ways to enhance cooperation with the provinces and Indigenous communities for projects under shared jurisdiction. Mr. Joe concluded by setting out the timeline for amending the *Impact Assessment Act*, noting that the IAAC expects to have a more detailed proposal ready by the spring of 2024.

Following the presentation, the members discussed the designation of projects, alignment with federal jurisdictions, the role of the federal process under Section 23 of the JBNQA, the harmonization of different processes, exemptions, as well as sections concerning effects and implementation at the federal level.

6. Climate change

a) Initiative to ban the sale of new gasoline-powered motor vehicles in Québec by 2035, Québec government

The environmental analyst provided a summary of a meeting held with the MELCCFP on January 19, 2024, at which the proposed regulation to ban the sale of new gasoline-powered motor vehicles in Québec by 2035 and the 2023–2030 Québec Electric Vehicle Charging Strategy were presented. These documents are part of the Québec government's efforts to comply with international agreements to reduce greenhouse gases. The purpose of the meeting was to obtain feedback from regional bodies on the challenges posed by implementation of the regulation in Nunavik. A draft letter summarizing the challenges raised by local stakeholders was presented and discussed.

Action item

- **Finalize the letter and transmit it to the MELCCFP.**

7. Mining activity

- a) Proposals to revise the mining regime and the framework for mining activity, MRNF

The environmental analyst presented an overview of amendments to the *Mining Regulation* (formerly entitled the *Regulation respecting Mineral Substances Other than Petroleum, Natural Gas and Brine*) recently published by the Ministère des Ressources naturelles et des Forêts (natural resources and wildlife, MRNF) and of the newly added authorization framework for impact-causing exploration activities. The members were informed that the KEAC recommendations to include road construction and maintenance, exploration camps and the management of hazardous materials on the list of impact-causing activities were not incorporated into the new authorization framework. It was pointed out that the KRG made similar recommendations. The members discussed how KEAC concerns raised during previous consultations could be addressed by the MRNF through amendments to the *Mining Act*.

Action item

- **Invite MRNF representatives to the 180th meeting to discuss KEAC feedback on the *Mining Act* and address outstanding issues.**

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

The environmental analyst provided an update on the various impact assessment processes triggered by the Strange Lake rare earth mining project by Torngat Metals Inc. The Kativik Environmental Quality Commission has issued the guidelines for the project under the JBNQA's provincial process and the IAAC is at the screening phase under the *Impact Assessment Act* process for which it has received feedback from regional bodies and the public.

8. Conservation and biodiversity

- a) Aboriginal-led protected areas, MELCCFP

The environmental legislation analyst provided an overview of talks with the First Nations of Québec and Labrador Sustainable Development Institute concerning the Aboriginal-led protected areas file of the MELCCFP. The members were informed that the Institute has been working with the MELCCFP on this file since November 2022. During talks between the two parties and First Nation communities, it was expressed that a guide should be developed regarding the creation of Aboriginal-led protected areas. The Institute has also proposed to establish a community-based network for the creation of Aboriginal-led protected areas. The KRG intends to address this matter with its parks planning team and regional partners.

- b) Consultation on the mechanism for creating northern conservation areas, MELCCFP

The members were provided information on MELCCFP efforts to develop a mechanism for creating northern conservation areas. The file has not yet advanced to the consultation phase. The MELCCFP nonetheless intends to hold to the 2035 deadline set out in the 2023–2028 action plan of the Société du Plan Nord (SPN). It remains unclear if the mechanism for creating northern conservation areas will permit the SPN to meet its conservation objectives.

Action item

- **Request additional information from the provincial administrator of Section 23 of the JBNQA at the next KEAC meeting.**

9. Water management

a) Update from the KEAC drinking water management subcommittee

The environmental legislation analyst presented an overview of a meeting held with representatives of the Environmental Health Service at the Nunavik Regional Board of Health and Social Services (NRBHSS) concerning drinking water delivery and management issues in Nunavik. The issues discussed included the jurisdictions and roles of the provincial and federal governments, the northern villages and the KRG, as well as matters related to public health interventions. The NRBHSS has created a document outlining drinking water regulations in Nunavik.

For its part, the KEAC drinking water management subcommittee is developing a guide on drinking water management roles and responsibilities in Nunavik.

10. Residual materials management

a) Nunavik Residual Materials Management Working Group

The environmental analyst presented an overview of the latest meeting of the Nunavik Residual Materials Management Working Group held on January 26, 2024. The main points discussed at the meeting included the status of contaminated sites and the management of contaminated soil, the implementation of the new selective collection and deposit-refund regulations, the extended producer responsibility program, objectives and projects under the *Nunavik Residual Materials Management Plan*, as well as programs under the SPN 2023–2028 action plan. It was noted that the KRG is currently developing a waste materials management guide for construction companies. The guide will also cover restrictions that apply under municipal bylaws.

b) Update on the Federal Contaminated Sites Action Plan

The environmental analyst provided an update on the Federal Contaminated Sites Program and its action plan, and summarized a meeting held on January 31, 2024, in Winnipeg on the integration of Indigenous traditional knowledge into the Program. A letter providing KEAC feedback on the meeting was sent to Environment and Climate Change Canada on February 16, 2024.

c) Update on the Mid-Canada Radar Line clean-up project

The executive secretary presented an update on the Mid-Canada Radar Line clean up project. The members were informed that the MELCCFP is continuing its restoration pilot project at seven sites and that site visits were carried out by Cree, Inuit and Naskapi community representatives in 2023. A work plan for the restoration of two of these sites has been received from the KRG. Similar work plans are being prepared for the Cree communities of Chisasibi and Whapmagoostui and the Naskapi Nation of Kawawachikamach. The work plans will be included in the administrative agreements signed between the MELCCFP and the respective nation or organization. With regards to the clean-up of the remaining 34 sites, a contribution agreement between the federal and Québec governments was approved in July 2023. The MELCCFP has submitted the large-scale project to the concerned environmental review boards for analysis and authorization.

Action item

- **Invite MELCCFP representatives to present an update at the 181st meeting.**

11. Tour of the Nunavik Research Centre

Peter May, Senior Wildlife Technician and Deputy Director of the Nunavik Research Centre at the Makivvik Corporation, gave a tour of the facilities and described different projects in which the Research Centre participates.

12. Presentation on the reflection on the future of the forest, MRNF

Louis Breault, Director at the Aboriginal Affairs Branch of the MRNF, delivered a presentation on his department's reflection on the future of the forest. He was accompanied by Andréanne Brière, Thomas Faguy-Bernier, Simon St-Georges and François Dupuis of the MRNF. Mr. Breault began the presentation with a description of the objectives of the reflection and of the consultation process with Indigenous communities and partner organizations. Next, he described the participant handbook used to guide the reflection process. The handbook focuses on five main themes: sustainable management and forest productivity, wood supply, conciliation of land uses, economic development and regional benefits, as well as partnerships with Indigenous peoples. The presentation continued with a description of the sustainable management and forest productivity theme as well as its legislative basis and approach. Mr. Breault explained that forest management practices are an essential element in the fight against climate change and that the MRNF chief forester recommends that management practices be adapted for this purpose.

Mr. Breault then gave a general description of wood supply theme. He recognized that, even though not applicable in Nunavik, certain elements such as forestry rights might be of interest. For its part, the theme related to conciliation of land uses in public forests is a complicated issue due the diversity of users, their activities and interests. Next, Mr. Breault reviewed the legislation adopted by the MRNF since 2010 and how it aims to overcome this issue under the current reflection process. He provided a description of the types of land uses in Québec public forests and the measures taken to harmonize these uses. The presentation then addressed the theme of economic development, the economic contributions of Quebec's forests, the role played by forests to mitigate carbon emissions, forestry product and industry innovations, and the parties and agreements involved in forest management. The presentation concluded with a description of MRNF Indigenous partnerships and the involvement of Indigenous communities in the consultation process.

Following the presentation, the members discussed Indigenous management practices, forestry resources, forest fires and the consultation framework.

13. 180th and 181st meetings

It was decided that the 180th meeting would be held on May 28 and 29, 2024 in Quebec City. The dates and location of the 181st meeting will be confirmed at a later date. Furthermore, the possibility of holding a future joint meeting with the James Bay Advisory Committee on the Environment and the Hunting Fishing and Trapping Coordinating Committee was also discussed.



Benjamin Patenaude
Executive Secretary
May 29, 2024

Appendix – Agenda of the 179th Meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 178th meeting

3. Administration

- a) Budget
- b) Secretariat
 - i. Human resources
- c) Members
- d) Active files since the 178th meeting, correspondence and housekeeping
- e) Update on the objectives of the 2020–2025 Action Plan
- f) Website
- g) Next meeting with the administrators
- h) Annual report, 2023–2024

4. Environmental protection legislation

- a) Amendments to the *Environment Quality Act*, MELCCFP

5. Environmental assessment in Nunavik

- a) Update from the social impacts subcommittee
- b) Presentation on the reference decision by the Supreme Court of Canada regarding the *Impact Assessment Act*, IAAC

6. Climate change

- a) Initiative to ban the sale of new gasoline-powered vehicles in Québec by 2035, Québec government

7. Mining activity

- a) Proposals to revise the mining regime and the framework for mining activity, MRNF
- b) Strange Lake rare earth mining project, Torngat Metals Inc.

8. Conservation and biodiversity

- a) Aboriginal-led protected areas, MELCCFP
- b) Consultation on the mechanism for creating northern conservation areas, MELCCFP

9. Water management

- a) Update from the KEAC drinking water management subcommittee

10. Residual materials management

- a) Nunavik Residual Materials Management Working Group
- b) Update on the Federal Contaminated Sites Action Plan
- c) Update on the Mid-Canada Radar Line clean up project

11. Tour of the Nunavik Research Centre

12. Presentation on the reflection on the future of the forest, MRNF

13. 180th and 181st meetings