



ᑲᑎᑕᑦ ᑩᑕᑎᑕᑦᑎᑦᑕᑦ ᑩᑩᑭᑭᑦ ᑲᑎᑎᑦᑕᑦ
Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

**Brief concerning Bill 81:
An Act to amend various provisions relating to the environment**

Submitted to the Parliamentary Committee on Transportation and the Environment

February 4, 2025

Introduction

The Kativik Environmental Advisory Committee (KEAC) was created pursuant to Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA). It is the preferential and official forum for responsible governments regarding laws and regulations related to the environmental and social protection regime for the territory covered under the JBNQA, north of the 55th parallel. The following brief presents the KEAC's comments concerning *Bill 81: An Act to amend various environmental provisions* (Bill-81).

In recent years, the KEAC has followed the evolution of provincial environmental legislation and provided briefs on the Green Paper in 2015¹, and then on Bill 102² in 2016, which proposed major amendments to the Environment Quality Act (EQA). Many of the recommendations made by the KEAC in these briefs are still relevant today. In these documents, the KEAC emphasized that although the territory of Nunavik is subject to specific rules applicable to activities having an impact on the environment and the social milieu, it is important that communities in the territory of Nunavik benefit from certain advances proposed by updating the EQA. These observations also apply to the Bill-81.

In the context of the measures proposed in Bill-81 regarding the impact assessment process for southern Québec as well as the introduction of the new sectorial or regional environmental assessment procedures, the KEAC would like to highlight the provincial environmental and social impact assessment and review process applicable to Nunavik as per the JBNQA and Title II of the EQA.

The signing of the JBNQA in 1975 established a unique environmental and social protection regime for Nunavik, detailed in Section 23. This regime provides for a specific environmental and social impact assessment and review process designed to minimize the undesirable effects of development on the Inuit and Naskapi, allotting them a special status, ensuring greater participation than is normally provided to the public (23.2.2), as well as protection of their hunting, fishing and trapping rights and guarantees established under Chapter 24³.

Various bodies have been established under this regime to ensure that the territory's particular characteristics are adequately considered for development projects, as well as changes to laws, regulations and government strategies. For example, the Kativik Environmental Quality Commission (KEQC) is responsible for assessing development projects, under provincial jurisdiction, submitted to the environmental and social impact assessment and review process applicable to Nunavik, and participates in the administration and monitoring of the provincial environmental and social impact assessment process for this region⁴.

¹ [KEAC brief on the Green Paper](#)

² [KEAC Feedback and recommendations regarding the modernization of the EQA](#)

³ James Bay and Northern Quebec Agreement, article 23.2.4

⁴ James Bay and Northern Quebec Agreement, article 23.3.1

General comments on Bill 81

The KEAC notes that the majority of the proposed amendments and improvements will broaden environmental protection afforded by Quebec's legal framework. However, the committee would like to point out that the specific characteristics of Nunavik are sometimes overlooked in the proposed amendments, which may lead to issues of inconsistency or applicability in the region.

For example, in Nunavik, project authorizations are signed not by the Minister, but by the Provincial Administrator, following the KEQC's decision. The KEAC suggests evaluating the relevance of mentioning the Provincial Administrator in the articles concerning the Minister's power in relation to authorizations arising from the northern procedure. Similarly, the proposed amendments in Bill-81 repeatedly include references to authorizations issued under section 31.5.1 of the EQA. In Nunavik, authorizations are issued under section 201, which should therefore also be mentioned, as required, when Bill-81 articles refer to section 31.5.1.

The KEAC wishes to reiterate that Quebec should not be subject to a two-tier system of environmental authorizations, and that efforts to modernize the southern procedure should also result in equivalent improvements to the procedure that applies in Nunavik.

Specific comments on Bill 81

Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions

Sections 2 and 4 of Bill 81 introduce an exemption for buses and minibuses and allow the Minister to publish a list of certain types of heavy-duty vehicles exempt from the obligations set out in the *Act to increase the number of zero-emission motor vehicles in Quebec in order to reduce greenhouse gas and other pollutants*.

The KEAC wants to highlight that, in Nunavik, certain types of heavy vehicles are required to meet the essential needs of the communities. Ambulances and fire trucks are obviously needed to meet vital needs, but so are trucks to deliver drinking water and collect wastewater. Since most villages have neither water nor sewage systems, trucks are the only option for supplying water to homes and most public buildings in the communities. In this context, the vehicles needed for road maintenance, such as snowplows, are also considered essential. The reliability of these vehicles and the possibility of maintaining and repairing them in the communities are therefore paramount.

It should also be noted that, as mentioned in our March 8, 2024, letter concerning banning the sale of gas-powered vehicles, almost all the electricity produced in Nunavik comes from fossil fuels, and that analyzing if the transition to heavy-duty electric vehicles could improve the region's carbon footprint is needed before going forward with this new norm.

The KEAC recognizes the importance of increasing the number of zero-emission vehicles in Quebec and reducing emissions of greenhouse gases and other pollutants. However, Nunavik's situation is unique, both in terms of energy sources and the importance of heavy vehicles in essential services. In this context, the KEAC recommends that heavy vehicles needed for emergency and other essential services in Nunavik communities be exempted from the law, in the same way as buses and minibuses.

Environment Quality Act

The KEAC notes that certain advances are proposed by Bill 81 for Chapter I of the EQA concerning environmental assessments and considers they could also be beneficial to the regime applicable to Nunavik.

For example, the KEAC notes the amendments to improve public participation by consulting the public early in the review process to gather concerns and comments on the project and its potential impacts that can later be considered in the nature, scope and extent of the environmental impact study. There is also the new possibility for a person or group of persons to request public consultations or mediation for a project, as well as the creation and publication of a framework for analyzing requests for public consultation. The sections broadening the Minister's powers to terminate the environmental assessment procedure in certain circumstances and clarifying compensation for the alteration or destruction of wildlife habitat also represent improvements that would be positive in northern territories if they were properly adapted to the applicable regime in Nunavik.

Section 98 of Bill-81 introduces sectoral and regional environmental assessments by creating subsection 5 in Division II of Chapter IV of Title I of the EQA. The KEAC considers that Bill 81 is not sufficiently clear regarding the application of this procedure to Nunavik. The KEAC recognizes the importance of developing new environmental assessment approaches that better consider the cumulative effects of different projects on the territory but wishes to emphasize that it is essential that these new approaches be developed in compliance with Section 23 of the JBNQA. The KEAC therefore recommends that section 213 be amended to clarify that sectoral and regional environmental assessments, as created by section 98, do not apply to Nunavik. In the longer term, it would be desirable to work with northern authorities to adapt this new process to the environmental and social impact assessment and review processes applicable to Nunavik.

Finally, the KEAC welcomes the proposed amendments of article 153 of Bill-81 to section 118.5.0.1 of the EQA now provide for documents submitted as part of the Nunavik environmental and social impact assessment and review procedure to be included in the environmental assessment registry available on the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (MELCCFP)'s website. However, the KEAC notes that the provided list of documents in this article is not exhaustive. The KEAC considers that all documents submitted to the Provincial Administrator of the JBNQA by the proponents for projects located in Nunavik should be deposited on the registry. For example, in addition to those already mentioned in article 153, follow-up reports or documents sent in response to authorization conditions should also be published. The decisions of the KEQC and the documents sent to promoters by the MELCCFP should also be included.

Conclusion

The KEAC reviewed Bill-81 with a great deal of interest. Overall, the KEAC has observed that, although the purpose of Bill-81 is not to amend the environmental assessment regime applicable in the north, certain proposed amendments will nonetheless have an impact in Nunavik and, as such, the proposed wording should consider the specificities of the region. The KEAC also noted that certain amendments proposed under Bill-81 would be beneficial if introduced under Title II of the EQA to ensure better environmental and social protection in Nunavik.

Finally, the KEAC would like to indicate its interest in being involved at the appropriate times on any draft regulations arising from Bill-81, or any future legislative amendments concerning environmental and social protection.