



ᑭᑎᑭᑦ ᑭᑭᑎᑭᑦᑭᑦᑭᑦ ᑭᑭᑭᑭᑭᑦ ᑭᑎᑭᑦ  
Comité consultatif de l'environnement Kativik  
Kativik Environmental Advisory Committee

## **MINUTES OF THE 181<sup>ST</sup> MEETING OF THE KEAC (ADOPTED)**

**DATES:** September 24 and 25, 2024

**LOCATION:** Kiluutaq School, Room 210, Northern Village of Umiujaq

### **PRESENT:**

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

Michael Barrett  
Minnie Grey  
Theresa Chemaganish

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

Marc-Antoine Giroux (by video conference on September 24)  
Marie-Noëlle Fournier  
Pierre-Yves Gagnon

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

André-Anne Gagnon, chairperson  
Jasmin Bergeron  
Paule Halley (by video conference on September 24 and 25)

#### **Executive Secretary**

Benjamin Patenaude

#### **Environmental Analyst**

Nancy Dea

#### **Environmental Legislation Analyst**

Christine Lambert

### **GUESTS:**

Mack Tookalook, Project Supervisor  
Cornilusie Niviaxie, Project Supervisor  
Bobby Alec Tooktoo, Director, Parc national Tursujuuq

## **OBSERVERS:**

Billy Shecanapish, Environment Officer, Naskapi Nation of Kawawachikamach (NNK)  
Lindsay Richardson, Project Coordinator, Atmacinta Inc., NNK  
Philippe LeBlanc-Rochette, Environmental Coordinator, Makivvik Corporation

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

The 181<sup>st</sup> meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on September 24, 2024, at the Kiluutaq School in Umiujaq. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 181<sup>st</sup> meeting took place in accordance with the agenda appearing in appendix.

### **2. Adoption of the minutes from the 180<sup>th</sup> meeting**

The members reviewed the minutes from the 180<sup>th</sup> meeting and postponed their adoption to a later date.

### **3. Administration**

#### **a) Budget**

The members discussed the KEAC's current budget situation and the financial forecast for the remainder of the 2024–2025 fiscal year.

The expense report for May to August 2024 was also reviewed.

#### **b) Secretariat**

The members were informed that performance assessments had been provided to secretariat staff on September 20, 2024.

#### **c) Members**

The members welcomed Theresa Chemaganish as the newest KRG appointee.

#### **d) Active files since the 180<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 members were informed that the secure member-access portal is now available on the KEAC website. Notwithstanding, some difficulty accessing documents has been experienced and solutions are currently being explored. The members reviewed the updated Impact Assessment section and the interactive map of the various impact assessment processes applicable in Nunavik.

f) Annual report, 2023–2024

The members discussed alternatives to a print version of the 2023–2024 annual report. It was decided that the trilingual version of the document will be published on the KEAC website following approval by the National Assembly and that a card with QR code for digital downloads will be added.

g) Discussion regarding the 2025–2030 KEAC action plan

The members discussed the development of a preliminary draft of the 2025–2030 KEAC action plan. It was decided that a subcommittee will be created for this exercise.

#### **4. Residual materials management**

a) Presentation on the abandoned mineral exploration site rehabilitation project in Nunavik

A video report produced by the KRG on the background and work conducted under the Nunavik abandoned mineral exploration site rehabilitation project was presented.

b) Presentation on the mobile outfitting camp clean-up project in Nunavik

A presentation on the Nunavik mobile outfitting camp clean-up project was delivered by the project coordinator and two project supervisors from the community of Umiujaq. The project was initiated in response to the increased number of abandoned outfitting camps resulting from the decline in caribou populations in recent decades. In 2019, the Québec government announced a strategy to clean up illegal mobile outfitting camps in the region and responsibility for the work was divided between Makivvik, the NNK and the Québec Outfitters Federation, with each developing independent work plans. A description of clean-up work since 2020 as well as the types and quantities of materials recovered was also provided. The presentation concluded with an outlook for the future of the project.

c) First Nations Waste Management Initiative, federal government

An overview of KEAC feedback on the federal government's First Nations Waste Management Initiative was presented. The Initiative supports First Nations to develop sustainable waste management projects through improved infrastructure and operations, as well as training and partnerships. The northern villages and the KRG are ineligible for this federal program, which specifically targets First Nation communities. The members were informed that the Initiative is scheduled for renewal, which may provide an opportunity to introduce desired changes.

#### **Action items**

- **Send a letter to Makivvik so this matter can be raised at the next meeting of the Inuit–Crown Partnership Committee.**
- **Send a letter to Indigenous Services Canada requesting that the eligibility of Nunavik communities be taken into account during the renewal of the Initiative.**

d) Draft regulatory framework concerning fertilizing residual material

An overview of a letter co-authored with the KRG and addressed to the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs (environment, fight against climate change, wildlife and parks, MELCCFP) on the draft regulatory framework concerning fertilizing residual materials was presented. The letter recommended that the use of compost as cover material in northern landfills should not be considered a waste reclamation activity and should be exempt from quality testing. At the very least, the use of compost /cover material should be included in the list of activities exempt from ministerial authorization under the *Regulation respecting the Regulatory Scheme Applying to Activities on the Basis of Their Environmental Impact*.

## **5. Environmental assessment in Nunavik**

a) Government duty to consult in Nunavik

At the 180<sup>th</sup> meeting, a presentation was delivered by the Ministère des Ressources naturelles et des Forêts (natural resources and wildlife, MRNF) on recent changes to the regulatory regime concerning mining activities and their potential impact in Nunavik. Given the Québec government authorization system for mining exploration activities, the MRNF believes that it is not responsible for conducting community consultations; rather, it believes that the environmental and social assessment and review procedure under the *James Bay and Northern Québec Agreement* (JBNQA) applies. This position raises issues regarding the government's duty to consult and how the duty applies in regions governed by modern treaty.

Both the federal and provincial governments have a duty to consult. Although the duty may be adapted and improved through agreements and protocols reached with communities, such agreements can not diminish or exempt governments from their duty to consult. In Nunavik, the scale and classification of a project may affect whether the project is subject to or exempt from the environmental and social impact assessment and review procedures established under the JBNQA. Currently, Nunavimmiut are consulted exclusively by the Kativik Environmental Quality Commission (KEQC) regarding projects in Nunavik. But projects requiring authorizations from any variety of government department that are not subject to environmental assessment by the KEQC are not subject to consultation in the region.

The KEAC also discussed the government's duty to consult when a department is responsible for issuing an authorization, particularly with regard to the Constitution, Crown duty and various decisions of the Supreme Court of Canada.

Subsequent discussion addressed how to improve communications between Québec-government departments and regional organizations established under the JBNQA. It was pointed out that the mandate of the Secrétariat aux relations avec les Premières Nations et les Inuit (First Nations and Inuit relations) is to promote harmonious relations and partnerships between Indigenous people and the government.

b) Revision of Section 23 of the JBNQA and its schedules

An overview of previous KEAC work relating to the revision of Section 23 of the JBNQA and its schedules was presented. It was recalled that the signing organizations first expressed an intention to revise the JBNQA in 1982 and that, in subsequent years, the KEAC prepared recommendations for this exercise. The

recommendations involved modernization of the activities listed in schedules 1 and 2 of Section 23, strengthening of the environmental and social impact assessment and review procedure, enhancement of Inuit and Naskapi participation, as well as the possible integration of a strategic environmental assessment procedure for plans, programs and policies.

The members discussed amendments proposed recently through Bill 81 to modernize the environmental impact assessment and review procedure in southern Québec under the *Environment Quality Act*, implementation of the federal *Impact Assessment Act* and eventual Indigenous impact assessment co-administration agreements, and how JBNQA procedures could be modernized.

c) Update concerning the Nunavik impact assessment harmonization working group

The members were informed that, since publication of the report from the impact assessment harmonization seminar held in November 2023, the working group has continued to work on other actions, including the planning of community engagement workshops in Nunavik aimed at improving awareness of the environmental and social impact assessment and review processes and regional public participation, as well as the development of an interactive map to be published on the KEAC website with details on the impact assessment processes applicable in Nunavik.

d) Federal government consultation on the *Indigenous Impact Assessment Co-Administration Agreement Regulations* and review of the project list

The members were informed that, on July 30, 2024, the Impact Assessment Agency of Canada (IAAC) contacted the KEAC about a series of regulatory initiatives being developed pursuant to the *Impact Assessment Act*. These initiatives include the five-year review of the *Physical Activities Regulations*, changes to the types of projects under the *Designated Classes of Projects Order*, and the draft *Indigenous Impact Assessment Co-Administration Agreement Regulations*. The draft Regulations creates a new tool for integrating Indigenous peoples at all stages of the review process under the *Impact Assessment Act* and ensures harmonization with treaty-based processes. It was proposed that the KEAC, along with the other members of the Nunavik impact assessment harmonization working group, review the draft Co-administration Agreement Regulations and assess their effect on the federal impact assessment processes applicable in Nunavik.

**Action item**

- **Organize a meeting with the members of the Nunavik impact assessment harmonization working group to discuss the future application in Nunavik of the *Indigenous Impact Assessment Co-Administration Agreement Regulations*.**

e) Update on the Strange Lake rare earth mining project

An update was provided on the review of the Strange Lake rare earth mining project. The KEQC received the initial description of the project in May 2023 and issued the directive for the impact study in October 2023. The KEQC is waiting for the project proponent to submit its impact study. For its part, the IAAC is in the process of harmonizing its assessment process with those of the governments of Nunatsiavut and Newfoundland and Labrador. The IAAC published a “summary of issues” in December 2023 following public consultations on the initial project description. It also published in August 2024 provisional versions of the

public participation plan and the joint impact study guidelines for public feedback. The issue of communication between review bodies and regional organizations was also discussed.

**Action item**

- **Draft a letter to the Provincial Administrator of Section 23 of the JBNQA concerning KEAC findings regarding the implementation of multiple impact assessment processes for a single project.**

f) 2024 congress, Association québécoise pour l'évaluation d'impacts

The members were informed that the 2024 congress of the Association québécoise pour l'évaluation d'impacts (impact assessment association) is scheduled to take place on November 19 and 20, 2024, in Quebec City. A main purpose of the congress is to gather with Inuit and First Nations representatives to share information on impact assessment and to discuss their involvement in the planning and decision-making for project reviews. The KEAC has been invited to present the impact assessment processes applicable in Nunavik.

g) Social impacts

At the 180<sup>th</sup> meeting, the Environmental and Social Impact Review Panel (COFEX-North) delivered an update on proposed community capacity-building projects relating to social impact assessment. Possible KEAC support for this exercise was discussed.

In addition, it was proposed that the KEAC social impact study, which has been updated to reflect recent legislative changes to the federal impact assessment process, be published on the KEAC website.

**Action item**

- **Review the update document on the social impact study report to determine whether it should be published on the KEAC website.**

## **6. Environmental protection legislation**

a) Omnibus legislation and regulations, MELCCFP

A summary was provided of the legislative and regulatory amendments recently proposed by the MELCCFP. To begin, the amendments contained in the omnibus legislation were described. Once adopted, these amendments will be incorporated into the *Environment Quality Act*. The members also discussed KEAC feedback on the proposed legislative amendments. Next, the proposed regulatory amendments were similarly presented. The members discussed their effects in Nunavik, including certain proposed amendments to the regulations respecting the reclamation of contaminated soils and air quality.

## **7. Climate change**

### **a) Nunavik climate change risk and resilience assessment report**

The members were informed that Makivvik mandated the environmental firm WSP Global Inc. to conduct a study in Nunavik on climate change risk and resilience. The study report highlights and contrasts climate change risks between Nunavik and southern Québec. The conclusions of the report could be helpful for developing specific legislation to deal with climate change in the region.

### **b) Draft regulation to ban the sale of new gasoline-powered vehicles in Québec by 2035, Québec government**

The letter sent to the MELCCFP on August 22, 2024, outlined KEAC concerns regarding the ban on the sale of light-duty gasoline vehicles in 2035 and the deployment of a public charging network for electric vehicles in Nunavik. The KEAC emphasized that, if the Québec government decides to move forward with the regulation, an implementation plan should be prepared to consider Nunavik realities. Specific topics were addressed including adding all electric-powered vehicles to the extended producer responsibility program, subsidies for Nunavik residents, the development of appropriate infrastructure, new equipment and training required for electric-vehicle maintenance and repairs, as well as the identification of alternative energy sources to replace diesel-generated power.

### **c) Meeting with representatives of the Auditor General of Québec**

An overview was provided to the members of the meeting held on July 16, 2024, with representatives of the Auditor General of Québec. The goal of the Auditor General representatives was to discuss issues affecting Nunavik, including climate warming and natural resource development. The meeting also provided the KEAC with an opportunity to raise concerns related to the lack of monitoring and issues related to regulatory enforcement in remote areas, the multiplication of impact assessment processes, as well as drinking water, wastewater and residual materials management.

The members were informed that the Auditor General's report will be released in the spring of 2025.

## **8. Mining activity**

### **a) Bill 63, *An Act to amend the Mining Act and Other Provisions*, MRNF**

An overview of a draft KEAC brief on the MRNF's Bill 63, *An Act to amend the Mining Act and Other Provisions* was presented. The members provided feedback and discussed possible effects of the Bill in Nunavik.

### **b) Nunavik Mining Workshop, 2024 edition**

An overview was presented on the annual Nunavik Mining Workshop which was held on June 4 to 6, 2024, in Kuujuaq. The purpose of the Workshop is to facilitate and promote communication between Nunavik Inuit and their organizations, on the one hand, and the mining industry and governments, on the other hand, on matters relating to mineral exploration and mining. Participants had an opportunity to learn more about the

state of mining activities, research and development initiatives in the region, as well as to express their questions and concerns to mining industry and government representatives.

c) New authorization system for mineral exploration activities

An update on the implementation of the new authorization system for impact-causing mineral exploration activities was provided. The process for communications between project proponents and regional organizations does not yet appear to be clearly defined. Implementation of the system may generate additional responsibilities for regional organizations, like the KRG. It was mentioned that the Nunavik Mineral Exploration Fund (NMEF) could play a key role in the new authorization system between the MRNF, project proponents and regional organizations, as well as in consultation processes involving communities.

At a meeting on September 11 with the MRNF, KEAC and KRG representatives had an opportunity to reiterate the above-mentioned points.

**Action item**

- **Invite an NMEF representative to a future meeting to deliver a presentation on that organization's mandate and activities.**

**9. Conservation and biodiversity**

a) Sustainable-use protected areas, MELCCFP

A summary of MELCCFP guidelines for sustainable-use protected areas was presented. It was explained that these areas will establish a new kind of protected area status. The status is characterized by natural conditions over a majority of each territory (designated “free-evolution zones”) and “exemplary management zones” where certain natural resource development activities or sustainable uses may be permitted. Permitted and prohibited activities are defined in the conservation management plans for each sustainable-use protected area. The members were also informed that, in Nunavik, these areas will be subject to the discretion of regional organizations.

b) Reflection on the future of the forests, MRNF

The summary of a meeting held on July 15, 2024, with the Minister of Natural Resources and Wildlife was presented. The purpose of the meeting was to present feedback received through the reflection on the future of the forests. Issues covered included exploitation of forestry resources as well as development of and changes to forestry policy and legislation. More specifically, the *Sustainable Forest Development Act* will be amended in cooperation with Indigenous peoples, a consultation guide will be developed, and a strategy for forest management will continue to be developed in the context of climate change adaptation.



## 10. Land use planning and occupancy

### a) Amendments to the *Regulation respecting the Sale, Lease and Granting of Immovable Rights on Lands in the Domain of the State*

The KEAC has submitted feedback to the amendments proposed by the MRNF to the *Regulation respecting the Sale, Lease and Granting of Immovable Rights on Lands in the Domain of the State*. The purpose of the amendments is to establish a system for indexing land leases on an annual basis, to better integrate sustainable development principles into the review of development projects, to update standards in leases for rough shelters, and to adjust fees and the terms of lease transfers, as well as to limit speculation on the costs of random land draws. The KEAC was not included in the consultations conducted by the MRNF in 2020 leading to the proposed amendments, nor during pre-consultations in 2023. The MRNF claims that the consultation mechanisms established under the JBNQA, which in fact identify the KEAC and the James Bay Advisory Committee on the Environment as the preferential forums for consultation, were followed.

In addition, the Regulation amendments will empower the MRNF to include in land leases site restoration obligations for development projects.

### b) *Regulation respecting the Framework for Activities Carried Out by Municipalities in Water Environments and Flood Protection Works*, MELCCFP

An overview was presented on the MELCCFP draft *Regulation respecting the Framework for Activities Carried Out by Municipalities in Water Environments and Flood Protection Works* and the draft framework for flood protection works. The Regulation was developed in response to recent flooding events in southern Québec. It aims to establish a clear regulatory framework for municipalities regarding the types of activities permissible in flood zones, as well as to define municipal roles and responsibilities. While the Regulation is applicable in Nunavik, it is not specifically adapted to the region. The members discussed a draft letter containing KEAC feedback on the Regulation.

### c) *By-Law respecting Land Use and Social and Environmental Protection*, KRG

An update on the KRG *By-Law respecting Land Use and Social and Environmental Protection* was presented. The members were informed that adoption of the Regulation will require amendments to the *Act respecting Northern Villages and the Kativik Regional Government*. The amendments are currently being reviewed by the Ministère des Affaires municipales et de l'Habitation (municipal affairs and housing).

## 11. Water management

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

The members were informed that a document concerning drinking water governance and management issues is under review by the KEAC subcommittee.

b) Second action plan under the Québec Water Strategy, MELCCFP

A draft letter concerning the MELCCFP's second action plan under the Québec Water Strategy was presented and discussed.

## **12. Miscellaneous**

a) Green Corner article

It was decided that the next Green Corner article in *Tarralik* would highlight the latest additions to the Impact Assessment section on the KEAC website.

## **13. Meeting with Nunavik Parks representatives and visit to Parc National Tursujuq**

The members met with the director of Parc National Tursujuq, Bobby Alec Tooktoo. Mr. Tooktoo served as guide for a visit to the Nastapoka Falls.

## **14. Next meetings of the KEAC**

It was decided that the 182<sup>nd</sup> meeting would be held on November 27 and 28, 2024 in Quebec City and that the 183<sup>rd</sup> meeting would be held on February 24 to 26, 2025, in Kuujjuaq.



Benjamin Patenaude  
Executive Secretary  
March 12, 2025

## **Appendix – Agenda of the 181<sup>st</sup> meeting**

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

### **2. Adoption of the minutes from the 180<sup>th</sup> meeting**

### **3. Administration**

- a) Budget
- b) Secretariat
- c) Members
- d) Active files since the 180<sup>th</sup> meeting, correspondence and housekeeping
- e) Website
- f) Annual report, 2023–2024
- g) Discussion regarding the 2025–2030 action plan

### **4. Residual materials management**

- a) Presentation on the abandoned mineral exploration site rehabilitation project in Nunavik
- b) Presentation on the mobile outfitting camp clean-up project in Nunavik
- c) First Nations Waste Management Initiative, federal government
- d) Draft regulatory framework concerning fertilizing residual material

### **5. Environmental assessment in Nunavik**

- a) Government duty to consult in Nunavik
- b) Revision of Section 23 of the JBNQA and its schedules
- c) Update concerning the Nunavik impact assessment harmonization working group
- d) Federal government consultation on the *Indigenous Impact Assessment Co-Administration Agreement Regulations* and review of the project list
- e) Update on the Strange Lake rare earth mining project
- f) 2024 congress, Association québécoise pour l'évaluation d'impacts
- g) Social impacts

### **6. Environmental protection legislation**

- a) Omnibus legislation and regulations, MELCCFP

### **7. Climate change**

- a) Nunavik climate change risk and resilience assessment report
- b) Draft regulation to ban the sale of new gasoline powered vehicles by 2035, Québec government
- c) Meeting with representatives of the Auditor General of Québec

### **8. Mining activity**

- a) Bill 63, An Act to amend the Mining Act and Other Provisions, MRNF

- b) Nunavik Mining Workshop, 2024 edition
- c) New authorization system for mineral exploration activities

## **9. Conservation and biodiversity**

- a) Sustainable-use protected areas, MELCCFP
- b) Reflection on the future of the forests, MRNF

## **10. Land use planning and occupancy**

- a) Amendments to the *Regulation respecting the Sale, Lease and Granting of Immovable Rights on Lands in the Domain of the State*
- b) *Regulation respecting the Framework for Activities Carried Out by Municipalities in Water Environments and Flood Protection Works*, MELCCFP
- c) *By-Law respecting Land Use and Social and Environmental Protection*, KRG

## **11. Water management**

- a) Update from the KEAC drinking water management subcommittee
- b) Second action plan under the Québec Water Strategy, MELCCFP

## **12. Miscellaneous**

- a) Green Corner article

## **13. Meeting with Nunavik Parks representatives and visit to Parc National Tursujuq**

## **14. Next meetings of the KEAC**