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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 182ND MEETING OF THE KEAC (ADOPTED)

DATES: November 27 and 28, 2024, and by videoconference on January 22, 2025

LOCATION: Environment and Climate Change Canada, Quebec City Office, Room 701-08

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett
Minnie Grey
Theresa Chemaganish

Appointed by the Government of Canada

Marc-Antoine Giroux
Marie-Noëlle Fournier, vice-chairperson
Pierre-Yves Gagnon

Appointed by the Government of Québec

André-Anne Gagnon, chairperson
Jasmin Bergeron
Paule Halley

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

Environmental Legislation Analyst

Christine Lambert

GUESTS:

Isabelle Simard, Director, Environmental Monitoring Department, Ministry of Environment, Fight against Climate Changes, Wildlife and Parks (MELCCFP)

Annie Cassista, Director of Environmental Monitoring, Abitibi–Témiscamingue and Nord-du-Québec Regional Office, MELCCFP

André Laflamme, Manager, Regional Environmental Response Program, Transport Canada

Emmanuel Chabot, Executive Regional Director, Issues and Program Management, Transport Canada
Tristan Boutin-Miller, Environmental Officer, Fisheries and Oceans Canada
Carla Moffat, Senior Program Officer, Transport Canada

OBSERVERS:

Billy Shecanapish, Environment Officer, Naskapi Nation of Kawawachikamach
Lindsay Richardson, Project Coordinator, Naskapi Nation of Kawawachikamach
Philippe Leblanc-Rochette, Environmental Coordinator, Makivik Corporation

1. Call to order and adoption of the agenda

The 182nd meeting of the Kativik Environmental Advisory Committee (KEAC) began at 9 a.m. on November 27, 2024, at the Quebec City office of Environment and Climate Change Canada. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 182nd meeting took place in accordance with the agenda appearing in appendix.

2. Adoption of the minutes of the 180th and 181st meetings

The members reviewed the minutes of the 180th and 181st meetings. The minutes of the 180th meeting were adopted following modifications. The adoption of the minutes of the 181st meeting was postponed to a later date.

3. Administration

a) Budget

i. Discussion regarding the KEAC operating budget

The members and staff discussed the current state of the KEAC operating budget. An overview was presented of the KEAC's financial affairs and the conclusions reached by representatives of 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) and the Impact Assessment Agency of Canada at a meeting held on November 8, 2024. The KEAC deficit as well as the nature and causes of the financial shortfall were outlined. Several questions were raised as to the origins of these issues. A series of short- and long-term solutions were then identified, and it was decided that the KEAC would no longer assume some of these expenses. These solutions will be included in the financial recovery plan to be submitted to the MELCCFP and applied to the operating budget for 2025–2026 and future fiscal years.

ii. Update regarding the 2025–2026 operating budget

The members were informed that the KEAC's financial recovery plan and the 2025–2026 operating budget application were submitted to the MELCCFP on December 6, 2024, and January 8, 2025, respectively. Next, the steps already taken to remedy the current financial situation were presented.

b) Secretariat

The members were updated on the process to recruit an interim executive secretary for the 2025–2026 fiscal year. Further to an arrangement reached with the current executive secretary, it was decided to withdraw the posting. The importance of maintaining the office of the KEAC secretariat in Nunavik over the coming fiscal year was also discussed.

c) Active files since the 181st meeting, correspondence and housekeeping

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

d) Website

The members were updated on recent work to the KEAC website, including updating of the section on impact assessment. The members are also continuing to experience difficulties accessing the file sharing drive on the secure member-access portal. Tentative solutions to this problem are currently being investigated.

e) Annual report, 2023–2024

The members were informed that the 2023–2024 annual report has not yet been presented to the National Assembly. As a result, its publication and distribution have been delayed.

f) Action plan, 2025–2030

The members reviewed their feedback on the draft 2025–2030 KEAC action plan and discussed different aspects related to its approach, organization and the prioritization of its objectives.

Action item

- Revise the draft action plan and propose a final version at the 183rd meeting.

4. Meeting with the MELCCFP to discuss the monitoring of authorized projects in Nunavik and the enforcement of environmental legislation

Isabelle Simard, Director of the Environmental Monitoring Department of the MELCCFP, delivered a presentation on her department's environmental legislation monitoring and enforcement system. She was accompanied by Annie Cassista, Director of Environmental Monitoring at the Abitibi–Témiscamingue and Nord-du-Québec regional office of the MELCCFP. The presentation opened with a description of the mandate of the environmental monitoring office. The office carries out inspections and reports violations to ensure that proper mitigation measures are implemented, and the violations are corrected. It applies penalties and may intervene in emergency situations. The office also provides environmental emergency reporting and treatment services, and follow-up on complaints.

The presentation continued with a description of the Nunavik activities of the environmental monitoring office.

These activities are the responsibility of the Abitibi–Témiscamingue and Nord-du-Québec regional office, which is also responsible for the administration of the province-wide monitoring, compliance and authorization regime. Inspections conducted recently in Nunavik were described next. It was explained that, following authorization of a project, inspections are conducted to ensure regulatory conformity and authorization conditions. Descriptions were then provided of the monitoring program in Nunavik, annual community inspections, and the block funding agreement with the KRG. The agreement ensures collaboration with the regional office regarding environmental monitoring activities, emergency reporting and inspections in Nunavik. Finally, the presentation explained how violations are followed up through corrective measures as well as administrative and penal procedures.

Following the presentation, discussions revolved around issues such as human health, the processing of declarations of conformity, communication and verification of inspection results, monitoring of remote camps, sampling practices, and inspections at mining sites, as well as the use of funds collected through administrative pecuniary penalties. Environmental emergency reporting, communications with community residents and the role of the Kativik Environmental Quality Commission (KEQC) in implementing monitoring measures were also discussed.

Action items

- **Contact the MELCCFP for information about how mining-site air emissions data is verified.**
- **Contact the Ministère des Ressources naturelles et des Forêts (natural resources and forests, MRNF) for information about monitoring, site inspections and how related conditions are integrated into the land leases that it issues.**

5. Residual materials management

- a) *Regulation respecting a System of Selective Collection of Certain Residual Materials, Regulation respecting the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers, and Regulation respecting the Recovery and Reclamation of Products by Enterprises, MELCCFP*

The members were provided an overview of KEAC feedback on 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*. It was explained that, under these regulations, several changes are proposed, including the creation of a set number of collection points for each administrative region, the addition of tin cans under the selective collection system, and the requirement that collection points be accessible to isolated and remote communities. In addition, the KRG in collaboration with the designated management organizations will study the regulatory changes to ensure they are implemented in Nunavik communities.

- b) Exclusion of Québec Inuit communities from federal funding programs for waste management initiatives

The members reviewed feedback on draft letters addressed to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and the Makivvik Corporation concerning the exclusion of Québec Inuit communities from federal funding programs for waste management initiatives.

c) Remediation work at the former community of Killiniq

An overview was presented of recent meetings concerning remediation work at the former community of Killiniq. It was explained that different components of the site are the responsibility of different government agencies and concern has been expressed with regards to the remediation of the overall site. Furthermore, CIRNAC is presently conducting a study to determine the history and origins of the different components of the site to better understand the roles and responsibilities of the parties involved. The Government of Nunavut is also conducting its own study to determine its role in the remediation project.

6. Conservation and biodiversity

a) Plan Nature 2030, MELCCFP

A summary of the action plan under the MELCCFP's Plan Nature 2030, released on October 7, 2024, was presented. It was explained that several proposed actions target southern Québec specifically and certain indicators are unsuitable for Nunavik. A multidisciplinary working group comprising First Nations and Inuit representatives will eventually be set up to discuss prioritization of the sites to be restored. A discussion table is also planned to facilitate dialogue between the government and Indigenous groups. Even while Plan Nature and its action plan are considered positive developments overall, it remains unclear how the attendant support programs will apply to projects in Nunavik.

b) Focus group on the future of the forests, MRNF

An overview was presented of meetings held with the MRNF to discuss and voice feedback on the focus group on the future of the forests. It was indicated that the next meeting is scheduled for November 29, 2024, and that the KEAC intends to submit feedback following that meeting.

7. Environmental assessment in Nunavik

a) Modernization of Section 23 of the JBNQA

The members discussed their observations regarding modernization of Section 23 of the *James Bay and Northern Québec Agreement* (JBNQA). It was mentioned that the recent revision of both federal and provincial environmental legislation and modernization of Section 22 of the JBNQA provide an opportunity for the KEAC, in line with its mandate, to share information with the signing organizations about the effects of this work on the implementation and administration of the environmental and social impact assessment and review mechanisms and procedures applicable in Nunavik. The members pointed to the current review of the Strange Lake rare earth mining project as an example of these effects. The members decided to continue their discussion on this matter at the 183rd meeting.

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

An overview was presented of KEAC feedback on the discussion paper regarding the *Indigenous Impact Assessment Co-Administration Agreement Regulations*. Feedback included prioritization of the JBNQA processes, as well as involvement of Inuit, Cree and Naskapi in the revision of the impact assessment processes applicable in Nunavik. Furthermore, the findings contained in the April 2022 report of the Nunavik

impact assessment working group were included in the feedback. These touched on reducing consultation fatigue, uncertainty regarding implementation of the federal process under Section 23 of the JBNQA, adaptation of the impact assessment process to the Nunavik context and guarantees of regional representation at all stages of project reviews.

c) Strange Lake rare earth mining project

The members discussed a draft letter addressed to the Provincial Administrator of Section 23 of the JBNQA concerning the review of the Strange Lake rare earth mining project. Since multiple review processes apply to this one project, the participation of Nunavik communities and communication between the review bodies are two areas of concern for the KEAC. The members also have concerns about the coordination of process consultations, public engagement, and compliance with the rights of Nunavik Inuit and Naskapi stipulated under paragraph 23.2.2. c) of the JBNQA.

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

An overview was presented of the 2024 congress of the Association québécoise pour l'évaluation d'impacts (impact assessment association) held on November 19 and 20, 2024, in Quebec City. The purpose of the congress was to share and grow knowledge on the participation of Indigenous communities during the implementation of the environmental and social impact assessment processes. The main issues covered included overlapping assessment processes, consultation timeline flexibility, effective communications, information sharing, access to resources to ensure participation, the use of traditional knowledge, informed consent, as well as the need for respect and accommodation of Indigenous people's rights and cultures in the framework of resource development practices. Participants also expressed concern about the consideration given to cumulative impacts across different review processes and the ways in which territories and communities are affected.

e) Social impacts

The members discussed the review and modification of the report on the social impacts study to better reflect recent legislative amendments to the federal impact assessment process. It was also mentioned that the report could be published on the KEAC website following revision.

f) Government duty to consult in Nunavik

The members discussed a number of files addressed during recent meetings and how they relate to the governments' duty to consult in Nunavik. It was explained that, currently in Nunavik, the review bodies established under the JBNQA have a mandate to fulfil the duty to consult for projects that are subject to impact assessment under Section 23 of the JBNQA. To clarify understanding of this duty, the Secrétariat aux relations avec les Premières Nations et les Inuits (First Nations and Inuit relations) and the MRNF were contacted. According to the MRNF, JBNQA review bodies are responsible authorities in this regard specifically where mineral exploration activities are concerned. Notwithstanding, no consultation mechanism is provided in the JBNQA for mineral exploration activities. The members also discussed sections 2.1 and 14 of the JBNQA and how they affect the delegation of consultation powers and responsibilities in Nunavik as well as how the KEAC might approach this matter with the governing bodies.

g) Update from the Nunavik impact assessment working group

An update was presented on the recent activities of the Nunavik impact assessment working group. It was explained that the working group has undertaken to organize a series of impact assessment community workshops. To ensure the participation of the KEAC's working group members, a funding request to the Impact Assessment Agency of Canada was presented. Furthermore, the members adopted a resolution (no. 2025-01) as required for the application. The resolution was adopted unanimously.

8. Water management

a) Update from the KEAC drinking water management subcommittee

The members were informed that a draft analysis document on drinking water governance issues has been prepared and is available for feedback.

b) Proposed modernization of the regulatory framework for water environments (permanent regime) and proposed framework for flood protection works, MELCCFP

The members were informed that KEAC feedback on the MELCCFP's proposed modernization of the regulatory framework for water environments (permanent regime) and proposed framework for flood protection works was sent on October 17, 2024. It was explained that, once the regulations have been adopted, further analysis will be carried out to determine their scope in Nunavik and to clarify the supports available for their implementation.

c) *Canada Water Act*

An overview was presented of a meeting held on November 7, 2024, with the Makivvik Corporation and the Canada Water Agency (CWA). The purpose of the meeting was to discuss proposed amendments to the *Canada Water Act*. It was explained that, among the proposed amendments, the CWA intends to focus on water management issues related to quality and quantity. Issues related to drinking water access and administration are not included. Nonetheless, the issue of drinking water administration is incorporated into the *First Nations Clean Water Act*, which is currently under development. Furthermore, the Act applies nationwide and does not replace current legislation applicable to Indigenous treaties. Rather, it is intended to facilitate agreements between Indigenous communities on the one hand and provincial, territorial and federal governments on the other hand. The CWA is presently conducting consultations and federal funding programs are in place to support the participation of Indigenous organizations.

d) Second action plan under the Québec Water Strategy (National Water Plan), MELCCFP

The members were informed that the MELCCFP released its National Water Plan on September 17, 2024, and that the KEAC attended a related meeting on November 7, 2024. At the meeting, the Plan's objectives, funding programs, and future actions intended to involve First Nations and Inuit in the Plan's implementation were presented. Notwithstanding, at the moment it is unclear how the Plan will apply in Nunavik.

9. Environmental protection legislation

a) *Bill 81, An Act to amend Various Provisions relating to the Environment*, MELCCFP

An overview was presented of the amendments proposed under *Bill 81, An Act to amend Various Provisions relating to the Environment*. It was explained that the most significant amendments are those under the *Environment Quality Act* related to changes to the environmental impact assessment and review procedure, including expanding the powers of the Bureau d'audiences publiques sur l'environnement (environmental public hearings) through the creation of a consultation application analysis framework and the addition of sectoral analyses to its review process. The KEAC review and analysis of the proposed amendments were then discussed. It was clarified that most of the Bill 81 amendments do not affect Nunavik directly. Further to a series of communications with the MELCCFP, the members discussed different collaborative approaches for improving impact assessment in Nunavik by bringing it in line with Bill 81. Approaches included the addition of sectoral assessments to the JBNQA process as well as potential amendment of section 213 of the *Environment Quality Act* concerning the applicability of legislative amendments to Nunavik.

Action item

- Prepare and send a brief to the Committee on Transportation and the Environment.

10. Mining activity

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

An overview was presented of a meeting held on January 21, 2025, with the MRNF regarding amendments to the *Mining Act* under Bill 63. It was explained that most KEAC feedback was not considered in the final version of the Bill. In addition, some important sections were removed in the final text, including the obligation to hold community information sessions and the sharing of information on mineral exploration activities on the MRNF website. The MRNF power to delegate inspection powers to regional bodies was also removed from section 215.

Bill 63 aims to grant additional powers to the MRNF to set conditions for project authorizations in southern Québec. These powers would not apply in Nunavik since the MRNF considers that the JBNQA has prevalence. Exactly how these amendments will affect Nunavik remains uncertain.

The members were informed that additional consultations are planned in 2025 and will clarify the impacts of the amendments.

b) Québec Superior Court ruling on mining claims

An overview was presented of the Québec Superior Court's ruling dated October 18, 2024, regarding the duty to consult when allocating mining claims. The Court determined that the MRNF failed in its constitutional duty to consult the Mitchikanibikok Inik First Nation (also known as Lac Barrière) when granting mining claims on the territory of the First Nation. According to the ruling, the duty to consult applies prior to approval of any claim designation notice and before mineral exploration activities may be carried out. In addition, the Court concluded that the Québec government and the MRNF must consult the Mitchikanibikok Inik First Nation

retroactively on all claims issued on the territory dating back to 1991. It was explained that, if an MRNF appeal is unsuccessful, this ruling may set a precedent and guide future developments in mining legislation.

11. Presentation on the *Canada Shipping Act*, Transport Canada

André Laflamme, Manager with the Regional Environmental Response Program at Transport Canada, delivered a presentation on the spill response program under the *Canada Shipping Act*. He was accompanied by Emmanuel Chabot and Carla Moffat from Transport Canada and by Tristan Boutin-Miller from Fisheries and Oceans Canada. It was explained that the Program covers only for spills caused by shipping vessels and ensures that those responsible possess response plans, can pay compensation for damages, and have the resources necessary to ensure spill clean-up can be carried out. In other words, the Program adheres to the “polluter pays” principle by requiring ship owners to assume their responsibilities and the cost of compensation.

The presentation continued with descriptions of Transport Canada’s certified response organizations, the regulations and conditions applicable to vessels, as well as fuel handling facilities including those in Nunavik, how they are classified and applicable regulations.

Following the presentation, discussion focused on certified response organizations in Nunavik and the differences between jurisdictions north and south of the 60th parallel. The members were informed that a discussion paper by Transport Canada on the spill response program was recently posted on its website. The members discussed the possibility of providing KEAC feedback on the discussion paper in collaboration with the Makivvik Corporation.

Action item

- Review the Transport Canada discussion paper and request a presentation from the Canada Coast Guard at the 183rd meeting.

12. Miscellaneous

a) Green Corner article

It was decided that the next Green Corner article in *Tarralik* would present the new section on the KEAC website regarding impact assessment and the interactive map.

b) Reflections on the 2004 Haida rights decision and the Crown duty to consult

An overview was presented on a meeting that marked the 20th anniversary of the Supreme Court of Canada decision concerning the protection of the Haida Nation’s treaty rights and the government duty to consult the Nation on development projects in its territory and areas of interest. It was explained that this decision improved communications between the Nation, governments and developers, as well as recognition of official land use development plans and related benefits. The decision furthermore led to the creation of a collaborative authorization system with the province of British Columbia.

13. Next meetings of the KEAC

The members discussed the organization of the 183rd meeting (which was re-scheduled to March 10, 11 and 12, 2025, in Kuujuaq and the 184th meeting planned for May or June 2025 in Quebec City. The possibility of holding the 185th KEAC meeting in September 2025 in Kuujuaapik jointly with the James Bay Advisory Committee on the Environment and the Hunting Fishing and Trapping Coordinating Committee was also discussed.



Benjamin Patenaude
Executive Secretary
September 24, 2025

Appendix – Agenda of the 182nd meeting

1. Call to order and adoption of the agenda

2. Adoption of the minutes from the 180th and 181st meetings

3. Administration

- a) Budget
 - i. Discussion regarding the KEAC operating budget
 - ii. Update regarding the 2025–2026 operating budget*
- b) Secretariat
- c) Active files since the 181st meeting, correspondence and housekeeping
- d) Website
- e) Annual report, 2023–2024
- f) Action plan, 2025–2030

4. Meeting with the MELCCFP to discuss the monitoring of authorized projects in Nunavik and the enforcement of environmental legislation

5. Residual materials management

- a) *Regulation respecting a System of Selective Collection of Certain Residual Materials, Regulation respecting the Development, Implementation and Financial Support of a Deposit-Refund System for Certain Containers, and Regulation respecting the Recovery and Reclamation of Products by Enterprises, MELCCFP*
- b) Exclusion of Québec Inuit communities from federal funding programs for waste management initiatives*
- c) Remediation work at the former community of Killiniq*

6. Conservation and biodiversity

- a) Plan Nature 2030, MELCCFP
- b) Focus group on the future of forests, MRNF

7. Environmental assessment in Nunavik

- a) Modernization of Section 23 of the JBNQA
- b) Federal government consultation on *the Indigenous Impact Assessment Co-Administration Agreement Regulations* and review of the project list
- c) Strange Lake rare earth mining project
- d) 2024 congress, Association québécoise pour l'évaluation d'impacts
- e) Social impacts

- f) Governments' duty to consult in Nunavik*
- g) Update from the Nunavik impact assessment working group*

8. Water management

- a) Update from the KEAC drinking water management subcommittee
- b) Proposed modernization of the regulatory framework for water environments (permanent regime) and proposed framework for flood protection works, MELCCFP
- c) *Canada Water Act*
- d) Second action plan on the Québec Water Strategy (National Water Plan), MELCCFP

9. Environmental protection legislation

- a) *Bill 81, An Act to amend Various Provisions relating to the Environment*, MELCCFP

10. Mining activity

- a) *Bill 63, An Act to amend the Mining Act and Other Provisions*, MRNF*
- b) Québec Superior Court ruling on mining claims

11. Presentation on the *Canada Shipping Act*, Transport Canada

12. Miscellaneous

- a) Green Corner article
- b) Reflections on the 2004 Haida rights decision on the Crown duty to consult

13. Next meetings of the KEAC

*Item discussed during the videoconference held on January 22, 2025.