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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

October 20, 2025

Terence Hubbard
President
Impact Assessment Agency of Canada

SUBJECT: KEAC Feedback Regarding the “One Project, One Assessment” Collaborative Approach with the Provinces

Mr. Hubbard,

As you are aware, the Kativik Environmental Advisory Committee (KEAC) is the official forum for responsible governments regarding the development of laws, regulations and policies concerning environmental and social protection in the territory governed by the James Bay and Northern Quebec Agreement (JBNQA) and north of the 55th parallel. As such, we thank the Impact Assessment Agency of Canada (Agency) for providing us with information regarding the Government of Canada's co-operation approach, “One Project, One Review”: Co-operation Agreements for the Assessment of Major Projects.

Applicability of the Impact Assessment Act in Nunavik

As established by section 23.5.27 of the JBNQA, one of the KEAC's mandates is to study and make recommendations on the environmental and social impact assessment and review mechanisms and processes that apply in Nunavik. As part of this mandate, the KEAC has on numerous occasions addressed the issue of the multiplication of impact assessment procedures in Nunavik, particularly regarding projects under federal jurisdiction.

The Committee continues to emphasize that Section 23 of the JBNQA recognizes the right of the Inuit and Naskapi of Nunavik to an environmental and social protection regime, and that the JBNQA takes precedence over federal legislation, including impact assessment laws. Additionally, Section 23.7.6 prohibits the implementation of a double federal procedure. The KEAC maintains its opinion that the Federal Administrator, the federal government, and the Agency must respect the terms and overriding nature of the JBNQA's impact assessment regime:

- By giving full effect to the mechanisms and institutions of Section 23.
- By ensuring that the Impact Assessment Act (IAA) clearly recognizes the paramouncy of Section 23 of the JBNQA.
- By working with the signatories of the JBNQA to ensure that the processes framed by Section 23 remain modern and robust.

In 2013, in the context of the Hopes Advance iron mine project, the KEAC contacted the Federal Administrator regarding the duplication of impact assessment procedures in this file. The mine project triggered the provincial process under Section 23 of the JBNQA as well as the review process under the Nunavik Inuit Land Claims Agreement (NILCA). However, the federal government's decision to conduct both the federal assessment procedure under Section 23 of the JBNQA and the Canadian Environmental Assessment Act procedure resulted in four separate impact assessment procedures, leading to a multiplication of communications and consultations, and causing confusion and concern in the community of Aupaluk. In its letter, the KEAC reiterated that the federal procedure set out in Section 23 takes precedence over federal law, and that it would be necessary for projects under federal jurisdiction in Nunavik to be analyzed by COFEX-North, as provided for in the JBNQA.

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In 2019, the adoption of the IAA provided an opportunity to reflect on and propose concrete solutions to the multiplication of impact assessment processes in Nunavik. A working group was formed by the KEAC, Makivvik and the Naskapi Nation of Kawawachikamach (NNK) to study the impact assessment processes found in the JBNQA, the Northeastern Quebec Agreement, the NILCA and the new IAA. After comparing treaty processes and conducting interviews with agencies responsible for environmental assessments to identify the potential implications of the IAA, the working group examined the various options available for adapting this process to the region. In its April 2022 report, the working group identified the preferred implementation options for Nunavik.

The report noted that the option of cooperation and coordination agreements had the greatest potential to respond to the issues flagged in the Working Group's preliminary 2020 report, as well as during interviews with the boards. In addition, it remains the most practical and realistic option in the short and medium term, due to their flexible nature. In contrast, the report noted that the options of delegation and substitution implied blind spots when it comes to addressing issues such as local consultation fatigue and confusion, proponents' extensive and highly technical documentation, and timely trigger of treaty processes.

The report noted the preferred long-term option is non-application of the IAA in Nunavik, which would:

- Reduce the fatigue and confusion associated with consultations.
- Reduce uncertainty regarding the triggering of the federal procedure under Section 23.
- Better adapt impact assessment procedures to the specific context of Nunavik.
- Ensure regional representativeness at all stages of the procedure.

"One Project, One Assessment" Collaborative Approach

Under the IAA, the Minister may, if authorized by regulations, enter into co-administration agreements with:

- An Indigenous governing body, which is defined as a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the Constitution (such as Makivvik).
- Any body, including a co-management body, established under a land claims agreement referred to in section 35 of the Constitution that has powers, duties or functions in relation to the environmental assessment of a designated project (such as Kativik Environmental Quality Commission, COFEX-North and NILCA boards)

As such, the KEAC questions whether the federal government's newest approach for co-operation agreements with the provinces could also be widened to include the above-mentioned jurisdictions (ie. Makivvik and treaty-based review boards).

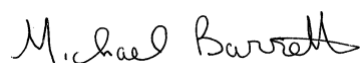
Although the proposed options of issuing an early final decision, substitution or cooperation agreement could indeed help streamline impact assessment processes for the core evaluation phases (i.e., after the screening phase and until the tabling of the IA report), the KEAC recommends further defining the implementation strategy to include integrated and harmonised approaches among the organisations involved. The KEAC believes that, for the cooperation agreement to be an interesting option in the region, several details will need to be clarified. The committee believes, for example, that the Agency should provide resources to ensure boards have the necessary expertise and capacity to undertake the Agency's responsibilities as part of their own processes. The agreements should also highlight how the Agency intends to monitor the conditions of these agreements and application of the substituted process. Lastly, the KEAC believes that a cooperation agreement should include the possibility of a joint decision-making process, so that communities and boards be involved in the final decision to authorize or not the project.

The environmental and social protection regime under the JBNQA provides the Inuit, Naskapi, Cree and other inhabitants of the region with special status and participation in addition to that provided for in procedures involving the general public. This special participation is expressed through consultation or representation mechanisms whenever necessary to protect or give effect to the rights of the Inuit, Naskapi and Cree peoples recognized by the JBNQA and in accordance with it. Cooperation agreements could make it possible to better integrate the contributions of the Inuit

and Naskapi in all stages of impact assessment and strengthen their role in decision-making concerning projects developed on their territory. Whether or not these agreements are deemed relevant to Nunavik, it will be imperative that their negotiations be carried out with the appropriate stakeholders.

The KEAC remain invested in monitoring impact assessment tools in Nunavik, are available to discuss the questions noted in this letter and wish to remain informed if the draft agreement with the province of Québec is available for review.

Regards,

A handwritten signature in black ink, appearing to read "Michael Barrett". The signature is fluid and cursive, with the first name "Michael" and last name "Barrett" clearly distinguishable.

Michael Barrett
Chairperson, KEAC