



April 16, 2026

Ian Morissette
Deputy Minister of Mines
Ministry of Natural Resources and Forests (MRNF)
5700, 4th Av. West, office D 327
Quebec City, QC
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Subject: The KEAC's comments on the Draft Regulation Amending the Mining Regulation

Dear Mr. Morissette,

On March 10, 2026, the Kativik Environmental Advisory Committee (KEAC) was advised of the draft *Regulation amending the Mining Regulation* (Regulation) published in the Official Gazette of Quebec on March 4, 2026. The proposed changes to the Regulation stem from the adoption, in November 2024, of the *Act to amend the Mining Act and other provisions* (Bill 63) aimed at modernizing the framework for mining exploration and operating activities in Quebec. The KEAC provided its comments on Bill 63 in September 2024 and took part in the pre-consultation meeting regarding the proposed modifications to the *Mining Regulation* on June 5, 2025. Following this meeting, the committee sent its comments to the Ministère des Ressources naturelles et des Forêts (MRNF) in July 2025. Many of the observations made during those correspondences remain relevant.

Awareness Training for Exclusive Mineral Rights Holders and Exploration Companies

The proposed addition in article 2 of the Regulation states the conditions required to obtain a mining right in accordance with Article 18.1 of the Act. At the June 2025 pre-consultation, participants were informed that proposed conditions would include the completion of an awareness program regarding the legal and regulatory requirements for mining rights as well as relations with municipalities, local communities, First Nations and Inuit. However, this condition does not appear in the proposed regulatory modifications. The KEAC is of the opinion that the absence of an awareness training may result in issues with social acceptability and risk causing undue delays from lack of knowledge of the proper processes.

Beyond the aforementioned training, the KEAC notes that the Native Community Consultation Policy Specific to the Mining Sector and the Promoter's Guide for Authorization of Impact-Causing Exploration Work could be important awareness-raising tools for projects in Nunavik. These documents could present the roles for both the MRNF and exclusive exploration right (EER) holders regarding consultations with Inuit and Naskapi communities and provide an opportunity to better understand the respective rights of these Nations under the James Bay and Northern Québec Agreement (JBNQA) and Northeastern Québec Agreement (NEQA). As such, the KEAC reiterates its recommendation to revise the 2019 consultation policy, in collaboration with First Nations and Inuit communities, to provide tools and background information for EER holders to effectively communicate with Indigenous communities and ensure they are kept adequately informed according to their expectations.

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Harvesting rights on the JBNQA territory

The KEAC welcome the proposed addition of article 65.1 in which “the holder of a lease to mine surface mineral substances may not refuse access to the parcel of land that is subject to the holder's lease to any person who holds a right...”. It should be noted that Section 24 of the JBNQA established a Hunting, Fishing and Trapping Regime, which exists to recognize, protect and prioritize native harvesting on the territory. The regime grants Cree, Inuit, and Naskapi beneficiaries the right to harvest any species of wildlife at anytime and anywhere in the territory. Accordingly, the KEAC understands this added article will oblige EER holders to respect the rights as per the JBNQA and NEQA.

Economic assessment by exclusive exploration right holder

The KEAC notes the addition of a preliminary economic assessment component to the list of works that a holder of an EER shall carry out listed in article 69 the Regulation. The Committee understands this type of assessment determines the potential viability of a mine and can present key indicators of the lifespan and production potential of a mine. Ultimately, a viable mining project can create jobs and economic opportunities, but there is a sensitive, complex relationship between mining development and traditional Inuit and Naskapi life, with concerns regarding impacts on the land and wildlife. As such, the KEAC recommends this type of assessment be paired with an evaluation of economic impacts specific to the local communities.

Community consultation

As this Regulation's goal is to modernize the framework for mining activities in the province, it would also be pertinent to improve consultation with First Nation and Inuit communities. These consultations should focus on Free, Prior, and Informed Consent, enhanced Indigenous capacity, and long-term partnership rather than mere information sharing. As such, the KEAC recognizes the addition of information sessions with local and Native communities for the purposes of section 65.1 of the Mining Act or sections 12 and 13 of the Regulation but wish to make several observations.

Article 65.1 of the Act states that the holder of an EER shall transmit an annual work planning to the representatives of every local municipality located in the region of the land subject to the right, and every Indigenous nation or community concerned, at least 30 days before exploration work begins. The KEAC interprets this as including the KRG, Makivvik as well as the Nunavik northern village (community) and Landholding Corporation most impacted by the planned activities and as such the annual work plan should be transmitted to all these organizations.

Furthermore, the KEAC is of the opinion that 30 days before the planned work commences does not provide sufficient time for these organizations to fully understand the scope of the work nor to ask questions or raise concerns in a fair exchange of information with the EER holder, as is required under Article 12 (f) of the regulation.

Additionally, Article 65.1 of the Mining Act notes that the EER holder shall publish on the holder's website or by any other means of publication authorized by the Minister the annual work planning and, if applicable, a summary of the information session. The KEAC believes that for this information to truly be public and easy to access, it should be provided on a government website, like GESTIM. As previously advocated for, the KEAC recommends that all the information concerning mining projects should be publicly available and regrouped in a registry on the MRNF's website. Also, the KEAC is requesting further details regarding how information found in the exchange report and resulting from information sessions are verified by the MRNF or my regional stakeholders, before an authorization is issued.

Furthermore, the KEAC would like to better understand the criteria regarding the information to be provided in the annual work plan required under articles 12 and 13 of the Regulation and Article 65.1 of the Mining Act. The form provided by the MRNF for the EER holder to provide this information is very general in nature and does not include consideration for impacts on the rights of the Indigenous communities on the JBNQA territory. This consideration is important to ensure a sustainable coexistence of the different land uses and as such, input from the communities and

land users must, therefore, be adequately understood by both the EER holder and the MRNF. The KEAC recommends that the MRNF develop a separate form for projects located in Nunavik in collaboration with the KRG, which already requires proponents to obtain a certificate of conformity from the Kativik Regional Government (KRG) before conducting work in the region.

We would like to take this opportunity to recall that the rights recognized and enshrined in the JBNQA are guaranteed and protected under Section 35 of the Constitution Act, 1982. The Mining Act also extends this recognition by stipulating: *"This Act applies subject to the Act respecting the Land Regime in the James Bay and New Québec Territories (chapter R-13.1), the Act approving the Agreement concerning James Bay and Northern Québec (chapter C-67) and the Act approving the Northeastern Québec Agreement (chapter C-67.1)"* As such, the obligation to consult with Native communities under the *Mining Regulation* must also be extended to the communities in Nunavik. The KEAC recommends the MRNF consult with Nunavik representatives directly, rather than relying solely on information provided by the proponents, to impose appropriate conditions and requirements in authorizations issued to EER holders.

The KEAC will continue to monitor the MRNF's collaborative processes with Nunavik communities and regional stakeholders to ensure conservation and protection of Nunavik's natural resources while respecting the rights of the Inuit, Naskapi and Cree peoples.

Best regards,



Pierre-Yves Gagnon
Chairperson, KEAC

cc.

Ms. Maggie Emudluk, President, KRG