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Comité consultatif de l'environnement Kativik
Kativik Environmental Advisory Committee

MINUTES OF THE 159TH MEETING OF THE KEAC (ADOPTED)

DATES: March 13, 14 and 15, 2019

LOCATION: Offices of the Kativik Regional Government, Kuujuaq

PRESENT:

Appointed by the Kativik Regional Government (KRG)

Michael Barrett

Mary Pilurtoot

Laina Grey (March 13 and 15, by conference call)

Appointed by the Government of Canada

Alexandre-Guy Côté, Chairperson

Appointed by the Gouvernement du Québec

Paule Halley

Sylvie Létourneau (March 14 and 15, by conference call)

Julie Samson

Executive Secretary

Benjamin Patenaude

Environmental Analyst

Nancy Dea

ABSENT:

Catherine Lapeyrie, member appointed by the Government of Canada

Jean-Yves Savaria, member appointed by the Government of Canada

GUESTS:

Véronique Gilbert, Environmental Specialist, KRG

Élise Rioux-Paquette, Conservation and Education Specialist, Nunavik Parks, KRG

Gail Haarsma, Sustainable Development Policy Division, ECCC

Lauren Sweeny, Sustainable Development Policy Division, ECCC

Adam Gardner, Nunavik Community Climate Change Liaison Advisor, KRG

Stéphanie Bleau, Vulnerabilities, Impacts, and Adaptation Group, OURANOS

Marcelle Chabot, Senior Policy Advisor, CEAA

Susan Winger, Director of Policy, CEAA

Kayla Carmen, Junior Policy Analyst, CEAA

Mark Mills, Indigenous Liaison Specialist, CWS

1. Call to order and adoption of the agenda

The 159th meeting of the Kativik Environmental Advisory Committee (KEAC) began at 2:30 p.m. on March 13, 2019, at the offices of the KRG in Kuujjuaq. The chairperson opened the meeting and invited the members to propose modifications to the agenda. Modifications were made and the 159th meeting took place in accordance with the agenda below:

1. Call to order and adoption of the agenda

2. Adoption of the minutes of the 157th and 158th meetings

3. Administration

- a) Budget
- b) Secretariat
- c) Members
- d) KEAC priorities
- e) Annual report, 2018–2019
- f) Archives
- g) Naskapi Nation of Kawawachikamach – update
- h) Website
- i) Follow-up on the meeting with the federal and provincial administrators
- j) Five-year action plan, 2020–2025

4. Social impacts

5. Presentation by the Canadian Wildlife Service

6. Federal and provincial environmental protection legislation

- a) Modernization of the Québec environmental authorization regime
- b) Presentation on the implementation of *Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*

7. Environmental assessment in Nunavik

- a) Environmental and social impact assessment guide
- b) Public hearings on the proposed Innavik hydroelectric project

8. Mining activity

- a) Aboriginal community consultation policy – MERN

9. Residual and hazardous materials management

- a) Nunavik Residual Materials Management Working Group
- b) Aluminium can collection and recycling
- c) Northern Contaminated Sites Program – federal government
- d) Federal environmental funding programs
- e) Guide to heating oil tanks

10. Miscellaneous

- a) Green Corner Article – *Makivik Magazine*
- b) Letter to the Secrétariat aux affaires autochtones
- c) Public land use plan – MERN
- d) East Hudson Bay /James Bay Regional Roundtable, 2019
- e) Federal Sustainable Development Strategy, 2019–2022
- f) Secretariat of the Kativik Environmental Quality Commission

11. Meeting with the Nunavik Community Climate Change Liaison Advisor

12. Parks and protected areas

13. Dates and location of the next meetings

2. Adoption of the minutes of the 157th and 158th meetings

The minutes of the 157th meeting were adopted following modifications. The adoption of the minutes of the 158th meeting was postponed to a later date.

3. Administration

a) Budget

The members reviewed the expense report for the period from November 2018 to February 2019. As well, the members were informed that the application for the 2019–2020 operating budget was sent to the provincial administrator on February 5, 2019.

b) Secretariat

The members were updated concerning the hiring of a policy and environmental legislation analyst. KEAC staff evaluations were also discussed. It was decided that the administration subcommittee would hold a conference call on this topic.

c) Members

The members thanked Alexandre-Guy Côté for acting as chairperson in 2018–2019. They were informed that Michael Barrett, a KRG appointee, would act as chairperson in 2019–2020.

d) KEAC priorities

The members reviewed a table showing the status of KEAC files since the last meeting and agreed to make a quick revision.

e) Annual report, 2018–2019

The members were informed that a first draft of the 2018–2019 annual report was being prepared, and some initial observations on its content were discussed.

f) Archives

The members continued to discuss the hiring of an archivist to structure and archive the files of the KEAC secretariat. It was decided to solicit the services of a professional archiving firm and, for this purpose, the KEAC will prepare a formal posting.

g) Naskapi Nation of Kawawachikamach – update

The members were updated on the status of the application for judicial review and declaratory judgement filed by the Naskapi Nation of Kawawachikamach in December 2017. The members discussed possible options for obtaining legal advice.

h) Website

The members were informed that maintenance work had recently been performed on the KEAC website.

i) Follow-up on the meeting with the federal and provincial administrators

The members discussed the possibility of organizing new meetings with the federal and provincial administrators in order to address on an annual basis issues of KEAC interest. It was decided that an invitation would be sent to the administrators following the 160th meeting.

j) Five-year action plan, 2020–2025

The members discussed preparation of the next five-year action plan, for the period from 2020 to 2025. It was decided that more focused discussion would take place at the 160th meeting to permit drafting of the plan.

4. Social impacts

An update was presented on the project analysing how social impacts are taken into consideration under the environmental assessment procedures applicable in Nunavik. The members were informed that an access to information request was required to obtain documentation for the study of the provincial environmental and social impact assessment and review procedure and that the administrative delays generated by this request have greatly slowed the project. It was decided to transmit a letter to the provincial administrator in order to propose a solution that would simplify and accelerate the transfer of the documents in question. In addition, in light of the delays encountered, the KEAC will contact the Canadian Environmental Assessment Agency (CEAA) to ask if the funding agreement can be amended.

5. Presentation by the Canadian Wildlife Service

Mark Mills, Indigenous Relations Specialist with the Canadian Wildlife Service (CWS), delivered a presentation on the proposed listing of the eastern migratory caribou population under the federal *Species at Risk Act*. Mr. Mills first provided a description of the Act and the Committee on the Status of Endangered Wildlife in Canada. He explained that caribou population management is currently under provincial jurisdiction. However, when a species is added to the list of wildlife species at risk, the federal government becomes involved in protection and management issues. The Act also stipulates a process for identifying species at risk and for revising these classifications every ten years. Mr. Mills next provided descriptions of “designatable units” and how they apply to caribou populations, as well as of risk levels, and the potential and actual outcomes of classifying caribou as at risk. He concluded his presentation with the consultation schedule for the proposed new listing.

It was decided that the KEAC would take part in this consultation.

6. Federal and provincial environmental protection legislation

a) Modernization of the Québec environmental authorization regime

The members were informed that the Ministère de l'Environnement et de la Lutte contre les changements climatiques (the environment and the fight against climate change, MELCC) has set up a co-creation table for Indigenous groups as part of the regulatory work underway regarding activities eligible for declarations of conformity, exemptions and ministerial authorizations provided for under the *Environment Quality Act*. The KEAC will be invited to participate in the first table session scheduled for early April 2019. It was decided to confirm KEAC participation on the co-creation table as soon as the invitation is received.

The KEAC has also been invited to provide feedback on the MELCC guide entitled *Les changements climatiques et l'autorisation environnementale – Guide à l'intention de l'initiateur de projet*, which will be applicable throughout Québec, including in Nunavik. It was agreed that an MELCC representative should be invited to the KEAC's 160th meeting to deliver a presentation on the proposals contained in the guide regarding how climate change should be taken into account during the environmental assessment of development projects.

b) Presentation on the implementation of *Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*

Susan Winger, Director of Policy with the CEAA, delivered a presentation on Bill C-69 in the context of work with Indigenous groups on the development of the *Impact Assessment Act*. Marcelle Chabot and Kayla Carmen of the CEAA were also present. Ms. Winger noted that the bill is currently in second reading in the Senate. She then provided a background description of Bill C-69 and the objectives that guided the drafting of the *Impact Assessment Act*. She explained that the Act proposes to replace current consultation and assessment bodies with a single agency. Decisions will be based on a project's public interest, its contribution to sustainability, its impacts and mitigation measures, its impacts on Indigenous peoples, as well as the federal government's environmental and climate change commitments. Ms. Winger also pointed out that the *Impact Assessment Act* aims to enhance and promote transparency, public participation, as

well as reconciliation with and commitment to Indigenous peoples. She concluded by explaining that the proposed Act establishes a substitution process and gives precedence to treaties with Indigenous groups.

7. Environmental assessment in Nunavik

a) Environmental and social impact assessment guide

The members reviewed the most recent changes to the *Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik*.

b) Public hearings on the proposed Innavik hydroelectric project

A summary was presented regarding the public hearings on the proposed Innavik hydroelectric project which were held in Inukjuak on March 11, 2019.

8. Mining activity

a) Aboriginal community consultation policy – MERN

The members were informed that follow-up was conducted on February 22, 2019, with the Ministère de l'Énergie et des Ressources naturelles (energy and natural resources, MERN) because the KEAC has not received any reply to its letters dated February 8 and April 4, 2018, concerning the *Aboriginal Community Consultation Policy specific to the Mining Sector*.

9. Residual and hazardous materials management

a) Nunavik Residual Materials Management Working Group

The environmental analyst presented a summary of the meeting of the Nunavik Residual Materials Management Working Group held on January 17, 2019, in the offices of the MELCC in Quebec City.

b) Aluminium can collection and recycling

On February 26, 2019, representatives of RECYC-QUÉBEC, the KRG, the KEAC and the Northwest Company participated in a conference call to discuss the legal obligation of the Northwest Company to accept aluminium beverage cans at Northern Stores in Nunavik for recycling. The members were informed that the Northwest Company intends to comply with its legal obligation and remains open to finding solutions to the current situation.

c) Northern Contaminated Sites Program – federal government

The members were updated on the development of the federal government's action plan for the remediation of contaminated sites in the north.

d) Federal environmental funding programs

Following up on the consultation workshop on the renewal of the Federal Contaminated Site Action Plan (FCSAP) in which the KEAC participated in July 2018 in Montreal, Environment and Climate Change Canada (ECCC) informed the KEAC that, in the near future, the government plans to formally announce funding for the next phase of the FCSAP (2020–2024). ECCC also pointed out that several federal government departments are still studying solutions to remedy the exclusion of Nunavik from some federal funding programs.

e) Guide to heating oil tanks

The members were informed that representatives of the Régie du bâtiment du Québec (building board) and the Kativik Municipal Housing Bureau would assist with the development of a Nunavik guide concerning heating oil tanks.

10. Miscellaneous

a) Green Corner Article – *Makivik Magazine*

The members were informed of the publication dates for the upcoming issues of the *Makivik Magazine*.

b) Letter to the Secrétariat aux affaires autochtones

On February 20, 2019, the KEAC received a reply from Marie-Josée Thomas, Associate Secretary General of the Secrétariat aux affaires autochtones (Indigenous affairs, SAA), to its letter dated August 24, 2018, concerning the Québec government's obligation to consult the KEAC on matters affecting the environmental and social protection regime in Nunavik. Ms. Thomas explained that the SAA recognizes the KEAC's mandate and takes its concerns seriously. The Québec government is striving to ensure the success of various implementation measures provided for in treaties with Indigenous groups and, therefore, intends to check with the government departments cited in the KEAC letter. Ms. Thomas explained that the SAA would contact the KEAC to follow up on the findings of the review and on possible future actions.

c) Public land use plan – MERN

On February 22, 2019, Natalie Langevin was contacted to follow up on the KEAC letter dated November 20, 2018, concerning the MERN's public land use plan.

d) East Hudson Bay / James Bay Regional Roundtable, 2019

The environmental analyst presented a summary of the 2019 East Hudson Bay/James Bay Regional Roundtable which was held on January 30 and 31, 2019, in Timmins, Ontario. The purpose of the roundtable is to facilitate cross-cultural and cross-organizational communication and cooperation in the acquisition of knowledge to protect and improve environmental stewardship for the region.

e) Federal Sustainable Development Strategy, 2019–2022

Gail Haarsma from the ECCC Sustainable Development Policy Division delivered a presentation on the new 2019–2022 Federal Sustainable Development Strategy. She was accompanied by Lauren Sweeny also from the Sustainable Development Policy Division of ECCC. Ms. Haarsma started with a description of the goals and legal framework of the Strategy. She explained that the feedback from public consultations was used to define the targets and goals of the current Strategy. Ms. Haarsma then provided a description of how certain aspects of the Strategy support the United Nations' *2030 Agenda for Sustainable Development* and she explained online initiatives to make the Strategy more accessible to all Canadians. She concluded with descriptions of *Bill C-57, An Act to amend the Federal Sustainable Development Act*, ECCC social media platforms, and the questions used to shape the Strategy.

Following the presentation, the members reviewed their concerns regarding how the Strategy will be implemented in different provinces, as well as biodiversity protection and the exclusion of Nunavik from federal environmental funding programs.

f) Secretariat of the Kativik Environmental Quality Commission

The members were informed that the office of the secretariat of the Kativik Environmental Quality Commission was recently moved to Kangiqsujaq.

11. Meeting with the Nunavik Community Climate Change Liaison Advisor

Stéphanie Bleau from the Vulnerabilities, Impacts, and Adaptation Group at OURANOS delivered a presentation on climate change adaptation research and initiatives in Northern Québec. Ms. Bleau began with descriptions of the current and projected climate trends for Nunavik, the different areas being addressed by her team, the studies that have been completed, and external contributors. She explained that current research priorities are focused on the effects of melting permafrost and the duration of sea ice, as well as access to the land and resources by northerners. Referring to a series of ongoing and recently concluded studies, Ms. Bleau noted that the results would be used to develop a baseline study that can orient government policies and practices. Ms. Bleau concluded by identifying the present gaps in climate change adaptation strategies for Nunavik and proposing possible solutions. Following Ms. Bleau's presentation, Adam Gardner, the Nunavik Community Climate Change Liaison Advisor for the KRG, described current climate change adaptation initiatives and strategies in Nunavik.

In addition, the members met with Véronique Gilbert, the KRG Environmental Specialist, to discuss the implementation in Nunavik of the MELCC climate change action plan for 2020–2023.

Following these meetings and presentations, KEAC members expressed their concerns regarding the specific characteristics of climate change in Nunavik. It was decided to transmit a letter to the provincial administrator to explain these concerns and to request that special attention be focused on these Nunavik characteristics in the MELCC climate change adaptation action plan and related initiatives. It was also agreed that an MELCC representative should be invited to the KEAC's 160th meeting to deliver a presentation on this topic.

12. Parks and protected areas

Élise Rioux-Paquette, Conservation and Education Specialist with Nunavik Parks at the KRG, delivered a presentation on the current state of parks and conservation initiatives in Nunavik. Following an overview of the parks in the region, she explained that follow-up studies on the state of conservation in each park are underway and that the number of park visitors has increased in recent years. Ms. Rioux-Paquette next described certain unique features of the parks and concluded with a description of conservation research initiatives and collaborative work.

13. Dates and location of the next meetings

It was decided that the 160th meeting would be held on June 18 and 19, 2019, in Quebec City. The dates and location of the 161st meeting will be confirmed at a later date.



Benjamin Patenaude
Executive Secretary
June 15, 2019