



Challenges of the multiplication of Impact Assessment processes in Nunavik

Abstract

Multiple impact assessment processes may be simultaneously triggered by a project in Nunavik, depending on its nature and the jurisdiction of its activities and impacts. This multiplication is a recurring problem in the region. Despite various efforts over the decades to identify lasting solutions to the harmonization of these processes, there is still no formal mechanism in place and advances in coordination have struggled to be sustained over time.

Résumé

Plusieurs procédures d'évaluations environnementales peuvent être déclenchées en parallèle pour un même projet au Nunavik, en fonction de la nature du projet et de la juridiction de ses activités et de ses effets. Cette multiplication des procédures est un problème récurrent dans la région. Malgré plusieurs tentatives dans les dernières années pour identifier des solutions durables visant à harmoniser de ces différentes procédures, il n'y a à ce jour aucun mécanisme formel en place, et les avancées qui ont déjà été observées pour améliorer la coordination n'ont pas réussi à se maintenir dans le temps.

Introduction

In 1975, the Inuit and Cree negotiated a historic agreement to address major issues related to hydroelectric development in northern Québec. The James Bay and Northern Québec Agreement (JBNQA) was the first modern treaty signed in Canada. It established a legal and constitutional framework for land management, environmental protection, local self-governance, and the preservation of traditional ways of life¹. The Naskapi Nation of Kawawachikamach joined the JBNQA by signing the Northeastern Québec Agreement (NEQA) in 1978².

Section 23 of the JBNQA establishes an environmental and social protection regime, which includes an environmental and social impact assessment and review procedure aimed at minimizing the negative environmental and social impact of development projects on Indigenous Peoples and the wildlife resources of the territory where it applies. The regime also provides for the protection of the rights of the Indigenous People of the region and recognizes their special status³.

The Kativik Environmental Advisory Committee (KEAC) was established under Section 23 of the JBNQA to oversee the environmental and social protection regime for Nunavik and serve as the preferential and official forum for governments and regional

¹ Canada, Québec. 1976. The James Bay and Northern Québec Agreement. Montréal : Éditeur officiel du Québec.

² Canada, Québec. 1978. Northeastern Québec Agreement and Complementary Agreements: Éditeur officiel du Québec.

³ Ibid 1.

organizations regarding laws, regulations and policies relating to environmental and social protection north of the 55th parallel. Monitoring the environmental and social impact assessment and review procedures applicable in Nunavik has been central to KEAC's activities since its inaugural meeting in 1980. The Committee has also advocated resolutely for legislative improvements and for collaboration among regional stakeholders regarding impact assessments⁴. In 2020, a Working Group was formed by representatives from the Makivvik, the Naskapi Nation of Kawawachikamach and the KEAC, with the mandate to analyze the various impact assessment processes applicable north of the 55th parallel in the province of Québec⁵ and the issue of multiplication.

Applicable Processes in the Region

Section 23 of the JBNQA establishes both a provincial and a federal process that are independently triggered depending on the jurisdiction of the project. Consequently, when projects have impacts on both provincial and federal jurisdictions these processes can be triggered simultaneously.

In addition, the federal Impact Assessment Act applies to “major projects that are the most likely to have significant adverse effects in areas of federal jurisdiction”, such as impacts on fish habitat, on federal lands or on Indigenous Peoples⁶. Also, in 2006, the Nunavik Inuit Land Claims Agreement (NILCA) was signed between the government of Canada and Makivvik. Section 7 of this agreement established impact review procedures for the Nunavik Marine Region, including specific provisions for overlapping areas with the Eeyou Marine Region and Nunavut⁷ (see Map 1).

Even if article 23.7.6 of the JBNQA states that “[...] a project shall not be submitted to more than one impact assessment [...] unless such a project falls within the jurisdictions of both Québec and Canada”, many projects fall within the exception and result in multiple impact assessment procedures being triggered. For example, between 1998 and 2012, the marine infrastructure projects in the 14 northern Inuit villages of Nunavik each triggered three impact assessment processes: the provincial and federal JBNQA processes and the 1992 Canadian Environmental Assessment Act (now the Impact Assessment Act).

The lack of an official and systematic mechanism for collaboration is an ongoing issue in Nunavik. For example, in 2012, a mining project near the community of Aupaluk triggered several IA processes, including that of the NILCA, the provincial JBNQA process and the 2012 Canadian Environmental Assessment Act. Once preliminary information was

⁴ Kativik Environmental Advisory Committee. 2026. KEAC 25-Year Retrospective: 2011–2026. Kuujjuaq, Québec. https://keac-ccek.org/wp-content/uploads/2026/05/KEAC-25-year-retrospective-2001-2026_EN.pdf

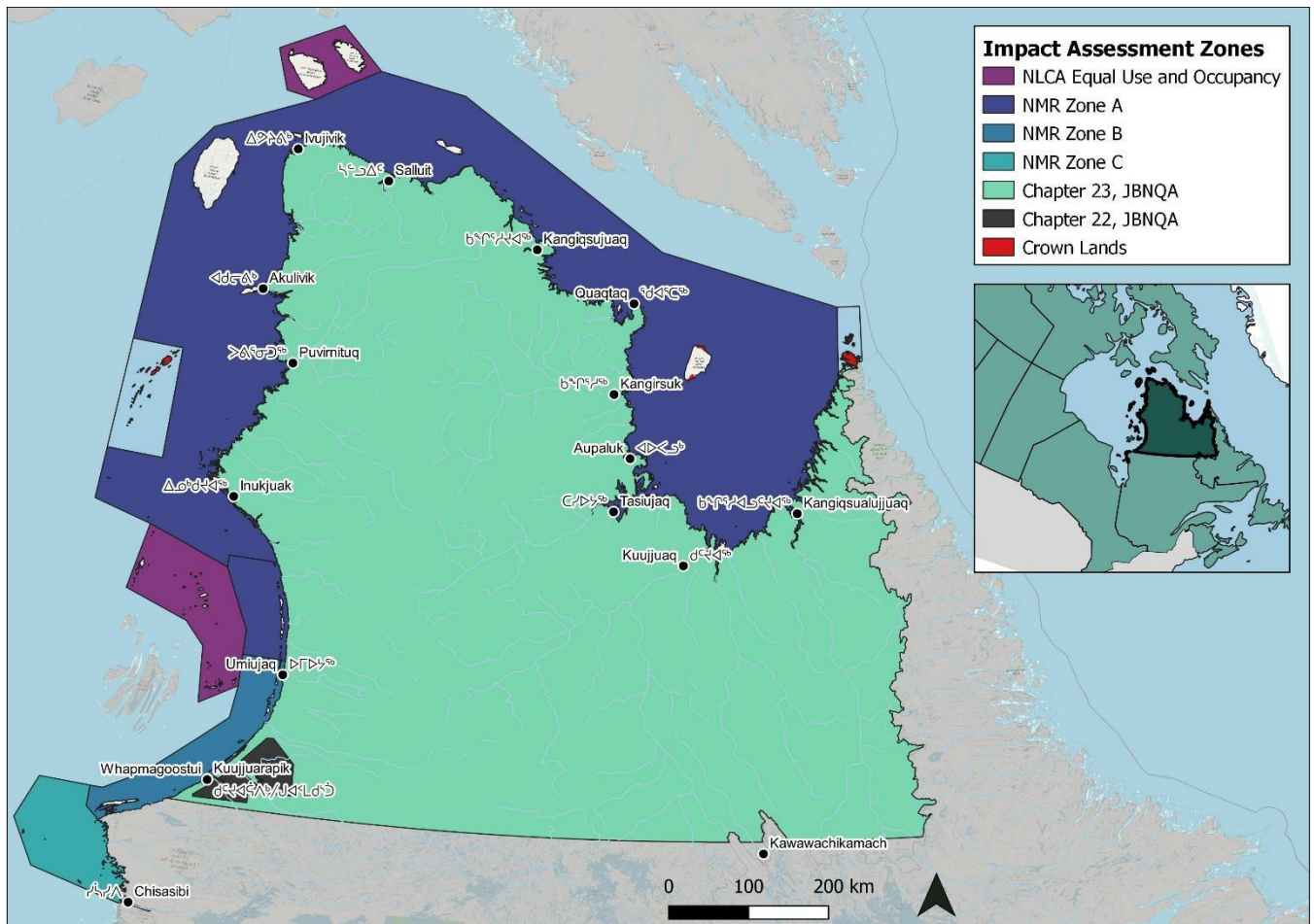
⁵ Fréchette, C., Beaupré, L., Dea, N., Richardson, L. 2022. Implementation of the 2019 Impact Assessment Act (IAA) in Nunavik and the Nunavik Marine Region. Nunavik Impact Assessment Working Group. https://keac-ccek.org/wp-content/uploads/2024/01/20220429_IAA-Analysis-Nunavik_Full-Report.pdf

⁶ Canada, 2025. Purpose and benefits of impact assessments. [website] <https://www.canada.ca/en/impact-assessment-agency/programs/impact-assessments-101/purpose-benefits-impact-assessments.html>

⁷ Canada, 2006. Nunavik Inuit Land Claims Agreement. [Nunavik Inuit Land Claims Agreement](#)

submitted by the project proponent, the Canadian Environmental Assessment Agency (now the IAAC) began its consultations without coordinating with the processes under the JBNQA and NILCA⁸. This created confusion and concerns among community members. Similar issues are being observed with the currently ongoing review of a rare earth mining project located in the Naskapi-Inuit Area of Common Interest, in the southeastern portion of Nunavik near the Labrador border. This project has triggered the provincial process under the JBNQA, the Impact Assessment Act and the impact assessment process from the governments of Labrador and Nunatsiavut. The lack of clear communication in these two examples fuelled rumours and opposition in the communities and increased distrust in the applicable processes.

⁸ KEAC, 2016. Environmental assessment applicable to the Hopes Advance iron mining project. Letter sent to the Provincial Administrator. [Lettre mine de fer Hopes Advance](#)



Map 1: Impact Assessment Zones in Nunavik

In some instances, a certain level of harmonization between impact assessment processes was observed. For example, during the assessment of the marine infrastructure projects, the JBNQA boards responsible for the provincial and the federal assessment procedures agreed to organize joint community consultations. However, coordination efforts with the Canadian Environmental Assessment Agency, now the Impact Assessment Agency of Canada, were more complex and, unfortunately, did not succeed in streamlining the overall impact assessment process nor improving its efficiency. Although the experience did improve relationships with federal partners, it did not lead to the implementation of a formal and systematic mechanism for collaboration. During the assessment of the mining projects cited above, there were no harmonization efforts between the JBNQA process and that of the relevant federal legislation⁹.

⁹ Ibid 5

Issues with the multiplication of processes

The absence of a clear harmonization procedure for overlapping impact assessment processes is at the root of many issues regarding project review in Nunavik, as documented in the Working Group's 2020 and 2022 reports¹⁰ as well as during the 2023 Impact Assessment Seminar¹¹, and the community workshops held in 2025–2026¹²:

- Consultation fatigue in the communities: Communities are asked to review documents from different boards and review bodies, and to take part in multiple consultations concerning a single project.
- Review bodies may not consider the same issues nor evaluate them equally: As no common guidelines or decision-making framework are shared between review bodies, the valued component may differ between assessments, and their consequences on approval or authorization conditions may be different from one process to the other.
- Uncertainty when divergent decisions are taken, or communicated in an uncoordinated manner: As the calendar for each process is not harmonized, and might increasingly be misaligned with recent proposed changes to the federal process, approval from one review body or decision-maker can be given months, if not years, before other processes have been completed. This weakens the perceived legitimacy of ongoing processes and leads to confusion for both the community and the proponent.
- The quantity of documentation can be overwhelming for communities: It is not uncommon that project documents are unavailable in Inuktitut or Naskapi, and that some documents are not even available in English. When multiple processes are triggered at the same time, this problem is amplified, as each process will provide its own documentation.
- Financial and time costs for the proponents: Not all processes have the same requirements or follow-up questions. As such, proponents may be asked to duplicate some of their studies or use different methodologies in order to respect the requirements of each process.
- Inefficient use of public funds: Public hearings in Nunavik are costly as no road network connects the communities themselves nor with southern Québec. Transportation and logistic costs are significant and multiple public hearings for the same project can lead to an even greater cost. The analysis done by several review bodies also adds to the cost, as multiple analysts are paid to evaluate the same project.
- Inadequate implementation of processes provided for by the treaties: For some projects assessed in Nunavik, the federal government unilaterally decided to apply the Impact Assessment Act (or the 1992 CEEA) instead of the federal process provided for in Section 23 of the JBNQA. This goes against the intention behind

¹⁰ Nunavik Impact Assessment Working Group, 2020. Treaty-based Impact Assessment Regime in Nunavik: A joint report between Makivvik, the Naskapi Nation of Kawawachikamach and the Kativik Environmental Advisory Committee. [IA Seminar—Booklet](#)

¹¹ Nunavik Impact Assessment Working Group, 2024. Report on the 2023 Nunavik Impact Assessment Harmonization Seminar. [available upon request].

¹² Nunavik Impact Assessment Working Group, [under review]. Community Workshop Report.

the environmental and social protection regime created specifically for the region, and weakens the role of the review bodies created by the treaty.

Potential Solutions

While no single solution is likely to solve the aforementioned issues, many potential improvements have been identified and are coherent with discussions and sessions from the IAIA 2026 conference. Improvements within review bodies and governments are required but support and resources are equally important needs for communities. Here are examples of solutions that were highlighted throughout the Working Group's activities:

Improving community engagement

Nations should be meaningfully included from the earliest stages of any project review or impact assessment, and their knowledge, concerns, and decisions must be genuinely considered and upheld. Information should be shared openly, clearly, and in formats that are understandable and accessible to all community members. Cultural considerations must also be prioritized, including the consistent availability of interpreters and documentation in the preferred language of the affected Nation(s) including concise and accessible summary documents, available throughout all stages of any process.

Communities require adequate funding, technical expertise, and human resources to meaningfully participate in impact assessment and consultations. The establishment of a local liaison coordinator or team would support local participation, facilitate dialogue between the community, proponents and review bodies and ensure community priorities are effectively represented throughout project reviews.

Communities should be supported in undertaking independent analyses of proposed projects, which would strengthen trust in project information and improve community confidence in the reliability of the data being presented. Support is also needed to conduct community-led baseline studies and monitoring activities.

Improving collaboration

The preferred solution would be to draft a formal harmonization mechanism that would clarify the roles and responsibilities of each review body involved. Pending such an understanding, different short- and medium-term options could still significantly improve the situation.

Improved communications between the authorities responsible for each process would most likely decrease confusion and allow for better collaboration. It would at least limit the "silo" effect, and potentially increase overall coherence between the different processes. The creation of harmonized guidelines, methodologies and aligned timelines between the different review bodies would facilitate coordinated impact assessments and reduce confusion. Agreements and memorandums of understanding could be signed between review bodies to help define relationships, key requirements for transboundary projects, timelines or administrative procedures, for example. Overall flexibility in the processes is also needed to improve adaptability and help with any harmonization efforts. The KEAC

would also like to insist that all governments and review bodies should respect the modern treaties and give precedence to impact assessment processes provided for in the JBNQA, NEQA and NILCA.

Conclusion

In conclusion, the absence of a formal process to harmonize impact assessment procedures in Nunavik is contributing to a diminished of trust, as well as ongoing challenges related to communication and the spread of misinformation during project reviews. While more formal solutions are needed in the future to sustainably improve the situation, many short term and accessible options could make significant positive changes in the way projects that trigger multiple impact assessment processes are assessed. The KEAC and the Working group will continue their work to ensure such improvements are known and adopted by review bodies, governments, and proponents in the near future.