

July 6, 2022

Ms. Nathalie Campeau
Assistant Deputy Minister for Water and Air Expertise and Policies

Mr. Jean Bissonnette
Assistant Deputy Minister for Environmental Assessments and Authorizations

Ministère de l'Environnement et de la Lutte contre les changements climatiques
Government of Quebec
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Dear Assistant Deputy Ministers,

As you know, this past June 9, the Honourable Steven Guilbeault, Minister of Environment and Climate Change, sent a letter to the Quebec Minister de l'Environnement et de la Lutte contre les changements climatiques, Mr. Benoit Charrette, in which he confirms the intention of the Government of Canada to enter into an agreement or arrangement with the Government of Quebec, respecting the joint establishment of a committee to conduct the Regional Assessment of the St. Lawrence River Area, and the terms of reference and conditions respecting this assessment, including the selection of its members, as provided in section 93 of the *Impact Assessment Act* (the Act).

In his letter, Minister Guilbeault specifies that the draft agreement or arrangement that will be prepared jointly by our teams will provide, in particular, that the cooperation of our two governments related to the conduct of the regional assessment will be done under the structure and governance provided by the St. Lawrence Action Plan (PASL), all in compliance with the requirements of the Act.

Since fall 2021, the representatives of the Impact Assessment Agency of Canada (the Agency) have been working on this matter in collaboration and consultation with those of the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC). Parallel to this, the Agency has held several meetings with First Nations and other parties interested in participating in the regional assessment, in order to enable their meaningful participation and their collaboration in the process.

Under the PASL, I understand that the representatives of the Agency and the MELCC will continue their exchanges for the joint preparation of a project sheet that will be submitted to the "Sustainable Use" issue committee of the PASL. This sheet will result in the creation of an intergovernmental working group for the purposes of the regional assessment. This working group will be responsible for the development of the above-mentioned draft agreement or arrangement, including the manner in which the assessment is to be conducted, the drafting of the terms of reference of the committee in charge of conducting the Regional Assessment of the St. Lawrence River Area, and the selection criteria of its members. It will also ensure the alignment and implementation of the joint collaborative actions necessary to support the planning, conduct and follow-up of the results and recommendations of the Regional Assessment of the St. Lawrence River Area.

In its final report, the committee mandated to conduct the regional assessment will make recommendations to which the governments may respond. Any follow-up program will pertain to the recommendations the governments will decide to implement.

As part of this regional assessment, I also wish to mention the importance of continuing to collaborate with First Nations, at every stage of the process, including the Mohawk Council of Kahnawà:ke (MCK), which is the initial requestor.

To ensure that the regional assessment complies with all the requirements of the Act, you will find attached the essential elements, which will serve as principles to guide the work of our teams during the planning, conduct and follow-up of this regional assessment, including the development of the draft agreement or arrangement that will specify the manner in which the assessment is to be conducted and the terms of reference of the committee in charge of conducting the regional assessment, and the project sheet.

The Agency wishes to go ahead and continue the work initiated jointly with the MELCC on the project sheet and the terms of reference of the committee in charge of conducting the regional assessment, and start writing a draft intergovernmental agreement or arrangement that will have to be ratified by our two governments.

Please accept my best regards.

Terence Hubbard

Attachments

c.c.

Mr. Ian Courtemanche, Director General of Environmental and Strategic Assessment, Ministère de l'Environnement et de la Lutte contre les changements climatiques

Ms. Julie Bordeleau, Quebec Co-Secretary of the St. Lawrence Action Plan (PASL), Ministère de l'Environnement et de la Lutte contre les changements climatiques

Mr. Yvon Boilard, Co-Chair of the Issue Committee on Sustainable Use of the PASL, Ministère des Forêts, de la Faune et des Parcs

Mr. Jean Pruneau, Associate Regional Director General – Quebec and Federal Co-Chair of the St. Lawrence Action Plan, Environment and Climate Change Canada

Mr. Badrane Erhioui, Federal Co-Secretary of the St. Lawrence Action Plan, Environment and Climate Change Canada

Ms. Nancy Rousseau, Administrative Assistant, Ministère de l'Environnement et de la Lutte contre les changements climatiques

Mr. Éric Osmani, Executive Assistant, Ministère de l'Environnement et de la Lutte contre les changements climatiques

Proposed principles of Canada–Quebec cooperation for the Regional Assessment of the St. Lawrence River Area

A regional assessment serves to assess the effects, both positive and negative, of existing or future physical activities in a given region.¹ The results and recommendations of such an assessment may serve to enlighten and guide the assessment of subsequent designated projects and the management of the cumulative effects, whether under the *Impact Assessment Act* (the Act) or the Quebec *Environment Quality Act*.

The following elements are proposed as principles to ensure that the intergovernmental cooperation related to the Regional Assessment of the St. Lawrence River Area, and governed by the PASL, respects the requirements and objectives of the Act and the Agency's orientations contained in its Regional Assessment's National Program. The main objective of the regional assessments is to inform and improve the effectiveness and efficiency of the impact assessments of future designated projects in a given region.

General principles referring to the Act, and applicable to guide this regional assessment.

- Ensure respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982* and to fostering reconciliation and working in partnership with them (*Preamble*)
- Recognize the importance of regional assessments in understanding the effects of existing or future physical activities (*Preamble*)
- Promote communication and cooperation with Indigenous peoples (*Purposes*)
- Ensure that opportunities are provided for meaningful public participation during regional assessment (*Purposes*)
- Encourage the assessment of the cumulative effects of physical activities in a region (*Purposes*)

And more specifically:

- With respect to engagement approaches for Indigenous communities and the public:
 - The Agency, in collaboration with the MELCC, will ensure regular follow-up with the Mohawk Council of Kahnawà:ke, and the development of an approach for its involvement during the planning, conduct and follow-up of the regional assessment.
 - The Agency, in collaboration with the MELCC, will develop a First Nations participation and engagement approach for the planning, conduct and follow-up of the regional assessment.
 - The Agency, jointly with the MELCC, will develop a public engagement approach for the planning, conduct and follow-up of the regional assessment.
 - The engagement approaches for First Nations and the public will also be developed in collaboration with all parties interested in the regional assessment.
 - The committee may adopt engagement and procedure approaches adapted to its mandate.
- The regional assessment will be conducted by committee.

¹ Fact sheet: Regional Assessment under the *Impact Assessment Act*: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/regional-strategic-assessments/regional-assessment-impact-assessment-act.html>

- The federal Minister and the Quebec Minister will jointly approve the appointment of the members of the committee (five members).
 - The selection of the committee members will account for the criteria and recommendations of First Nations and the public.
 - The committee members must be impartial and have no conflict of interest regarding existing and reasonably foreseeable projects in the region that will be defined for the regional assessment. They must also have relevant knowledge and experience concerning the effects of the projects undertaken in this region, or regarding the interests and concerns of Indigenous communities in the region. The committee will be supported by a secretariat composed of staff from the Agency and the MELCC and will receive information and advice from advisory committees and forums.
 - The committee will have the powers provided in section 53 of the Act, which are those of a review panel, particularly in matters of non-disclosure of confidential information and immunity.
- The committee's terms of reference will be approved by the federal Minister and the Quebec Minister.
 - The Agency and the MELCC will develop the terms of reference transparently and fostering collaboration with the First Nations involved in the process.
 - The Agency and the MELCC will collaborate to develop a draft version of the terms of reference. They will be seeking comments from the public and First Nations in the development and drafting of the terms of reference, including with respect to its purpose, objectives, scope, activities and structures.
 - The Agency and the MELCC will collaborate to finalize the terms of reference following a public comment period on the draft.
- The committee's terms of reference must specify:
 - that the committee will take into account any scientific information and Indigenous knowledge, particularly the knowledge of Indigenous women, provided with respect to the assessment;
 - that the committee will ensure that the information that it will use when conducting the assessment is available to the public;
 - that the committee will ensure that the public is provided with an opportunity to participate meaningfully; and
 - the timeline in which the regional assessment must be completed.
- The manner in which the regional assessment is to be conducted with respect to its objectives, scope, results, structure and procedures, will be defined in the terms of reference, taking into account the results of the First Nations and public engagement.
- On completion of the regional assessment, the committee must provide its report to the federal and Quebec Ministers.
 - The report shall present the results and recommendations specific to the committee's terms of reference.
 - The report will indicate how the committee took into account and used the Indigenous knowledge provided with respect to the assessment.
 - There will be a public consultation period on the draft version of the report.