



la Convention
de la Baie James
et du Nord québécois

Comité d'examen des répercussions
sur l'environnement et le milieu social

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ANNUAL REPORT

2015-2016

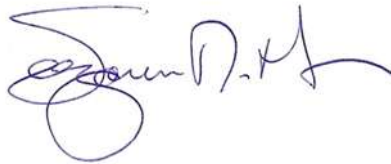


Message from the Chairperson

The 2015-2016 annual report covers our activities during the past year. The mandate of the Review Committee (COMEX) is unique in Québec law in that it springs from Section 22 of the James Bay and Northern Québec Agreement (JBNQA) signed in 1975.

Through COMEX, Crees and Quebecers work together to protect human health and the environment as well as the economic and social well-being of the inhabitants of the territory south of the 55th parallel governed by the JBNQA.

I took over from the previous chairperson, André Boisclair, at the end of this year. This annual report bears witness to the outstanding work done by Mr. Boisclair during his tenure as chairperson since December 2014, firmly supported by my new colleagues, the members and executive secretary of COMEX. I would be remiss not to underline the quality of the work they do, with assistance from the team at the Direction de l'évaluation environnementale et stratégique of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques and the analysts from the Cree Nation Government. The disciplined manner in which they fulfil their mandate, some for over 30 years now, is the best measure of our competency and relevance.

A handwritten signature in blue ink, appearing to read 'Suzann Méthot', with a large, stylized flourish at the end.

SUZANN MÉTHOT
Chairperson

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Section I

About the Review Committee

1.1 Mission

The Environmental and Social Impact Review Committee (Review Committee – COMEX) is an independent body reporting to the Minister of Développement durable, Environnement et Lutte aux Changements climatiques. Its mission is to contribute to the protection of human health and the environment and to the economic and social well-being of the peoples inhabiting the territory south of the 55th parallel governed by the James Bay and Northern Québec Agreement (JBNQA).

1.2 Mandate

The Review Committee was established pursuant to Section 22 of the JBNQA and Chapter II of the *Environment Quality Act* (EQA). Its mandate is to review development projects submitted to the environmental and social impact assessment and review procedure and then make recommendations to the Provincial Administrator) or the Cree Regional Administrator as to whether or not the project should be authorized and under what conditions. Where necessary, the Review Committee stipulates the appropriate preventive or remediation measures.

Accordingly, the Review Committee examines every project submitted to impact assessment and review as prescribed in Chapter II of the EQA, calling on the relevant expertise of the Quebec and Cree Nation governments where necessary. The participation of affected communities and other interested individuals and groups plays an important role in the Review Committee's approach, helping the Committee to identify the concerns of people living in the territory while taking into account the traditional knowledge held by Aboriginal communities and their rights under the JBNQA.

In keeping with its mandate and the guiding principles set out in Section 22 of the JBNQA, the Review Committee pays particular attention to the following principles:

- a. the protection of Aboriginal hunting, fishing and trapping rights;
- b. the protection of the natural and social environments;
- c. the protection of Aboriginal people, societies, communities and economies;
- d. the protection of wildlife resources, physical and biological environments and ecosystems;
- e. the rights and guarantees of the Aboriginal people within Category II lands;
- f. the involvement of the Crees in the application of the environmental and social protection regime;
- g. the rights and interests of non-Aboriginal people, whatever they may be;
- h. the right to develop by natural and legal persons acting lawfully in the Territory.

1.3 Territory covered by the Review Committee's mandate

The Review Committee's mandate covers the territory south of the 55th parallel of latitude and west of the 69th meridian of longitude, as defined in paragraph 22.1.6 of the JBNQA, and including the lands of Whapmagoostui, a Cree community just north of the 55th parallel. The land regime established by the JBNQA divides these lands into three categories. Category I lands are reserved for the exclusive use of the Crees and are located near their communities. Category II lands are public lands where the Crees have exclusive hunting, fishing and trapping rights. Category III lands are public lands where Aboriginal people have the right to hunt, fish and trap at any time without a permit or catch limits, subject to the principle of conservation.



1.4 Composition of the Review Committee

The Review Committee and its composition were established by paragraphs 22.6.1 and 22.6.2 of the JBNQA.

An Environmental and Social Impact Review Committee (hereinafter referred to as “the Review Committee”) is established which shall be the review body respecting development projects in the Territory involving provincial jurisdiction.

The Review Committee shall have five (5) members. Quebec shall appoint three (3) members and the Cree Regional Authority shall appoint two (2) members. The Chairman shall be appointed by the Lieutenant-Governor in Council from among the members appointed by the Provincial Government. The remuneration of a member and his expenses shall be paid for by the body that appoints such a member. However, the expenses of the Cree representatives shall be part of the costs of the secretariat.

The members of the Review Committee in fiscal 2015-2016 were:

Members appointed by the Québec government:

André Boisclair, Chairperson (until March 28, 2016)
Suzann Méthot, Chairperson (since March 29, 2016)
Daniel Berrouard
Robert Joly

Members appointed by the Cree Nation Government:

Philip Awashish (until August 16, 2016)
Jean-Paul Murdoch (since August 17, 2016)
Brian Craik



Figure 1: COMEX members at one of their meetings
Photo: Brian Craik

1.5 Ethics and professional conduct

COMEX is a public body and its members are deemed to be public office holders within the meaning of the *Public Administration Act*. In the performance of their duties, Review Committee members are required to respect the ethical principles and the rules of professional conduct set out in the *Regulation respecting the ethics and professional conduct of public office holders*, as well as the code of ethics and professional conduct adopted by the Review Committee. In case of discrepancy between the texts, the more stringent rules and principles apply. The *Déclaration de valeurs de l'administration publique québécoise* also guides members in the performance of their duties.

The Review Committee's code of ethics, signed by every member, is available on the COMEX website at <http://comexqc.ca/en/a-propos/ethique-deontologie/>.

1.6 Review Committee recommendations

The JBNQA establishes three administrators for development projects submitted to impact assessment and review: an administrator appointed by the Cree Nation Government for proposed development on Category I lands, and an administrator for matters respecting federal jurisdiction. Projects falling under federal jurisdiction are submitted to the Federal Review Panel (COFEX).

The Review Committee forwards its recommendations to the Administrator responsible for Section 22 of the JBNQA. It is up to the Administrator to decide whether or not to authorize a project and, if so, under what conditions. If the Administrator is unwilling or unable to accept any recommendations of the Review Committee or wishes to modify its recommendations, he or she must consult with the Review Committee to explain his or her position (para. 22.6.17, JBNQA).

The current Administrator appointed by the Québec government is Christyne Tremblay, Deputy Minister of the MDDELCC. The appointee for the Cree Nation Government is Isaac Voyageur, Director of Environment and Remedial Works.

1.7 Public participation in the Review Committee's work

In 2014-2015, following a 45-day public consultation period, the Review Committee revised and unanimously adopted a directive on public participation. The directive is available for consultation on the COMEX website.

The Review Committee's concept of public participation has three components: information, consultation and hearings. First, project-related information made available to the public must be both complete and accessible. This is the bedrock of any public participation process. In the Review Committee's case, this means releasing information on its mandate, procedures and working methods as well as information on projects that are undergoing or have completed the review process. Accordingly, all of this information is published on the COMEX website. Second, at the consultation stage, the Review Committee solicits comments and opinions on the projects under review. As soon as COMEX announces on its website that a project is 'Under Review—and then throughout the review process—any interested party may submit views and opinions on the project, either online through the COMEX website or by mailing or emailing them to the Review Committee's secretariat. Third, the public hearing process consists in holding

information and consultation sessions in a community, at a designated time, to solicit views and opinions on a new project or changes to an existing one. The consultation stage is an opportunity for the public, the project proponent and the Review Committee members to share information and discuss the project. All COMEX hearings are public. Sound recordings and written submissions made during public hearings are posted on the COMEX website. In accordance with the Directive on Public Participation, “The Review Committee determines whether a public hearing is needed after taking into account the social and environmental impacts of a project, initiatives undertaken by the proponent, and the comments and concerns it hears during the consultation process.”



Figure 2: Getting ready for a public hearing
Photo: Stéphane Cossette

Section II

Achievements

2.1 Administration

In 2015-2016, the Review Committee held 15 meetings, on the following dates, to discuss projects submitted to the environmental and social impact assessment and review procedure:

328th meeting: April 30, 2015

334th meeting: November 20, 2015

329th meeting: June 4, 2015

335th meeting: December 9, 2015

330th meeting: June 18, 2015

336th meeting: December 18, 2015

331st meeting: July 29, 2015

337th meeting: March 3, 2016

332nd meeting: August 26, 2015

338th meeting: March 16, 2016

332nd-B meeting: September 16, 2015

339th meeting: March 21, 2016

333rd meeting: October 2, 2015

340th meeting: March 24, 2016

333rd-B meeting: October 13, 2015

On October 2, 2016, the Review Committee held a working meeting with the James Bay Advisory Committee on the Environment (JBACE) to discuss the latter's report entitled *Recommendations Concerning Public Participation During Environmental and Social Impact Assessments and Reviews*.

A meeting with Matériaux Blanchette was held on October 13, 2015 to discuss the preparations for the public hearing on its planned construction of forest roads "H-Section West" and "I".

Between April 1, 2015 and March 31, 2016, a total of 42 decisions were adopted and entered in the Decisions Register and in the various meeting minutes, all of which are available on the COMEX website at: <http://comexqc.ca/en/documents-du-comex/>

2.2 Communications

The COMEX website has been online since November 15, 2014. It includes fact sheets on all projects under review, including the name of the proponent, the geographic location and a summary of the project. All relevant documents sent to or by the administrators for Quebec and the Cree Nation and used in the environmental and social impact review process for a project are posted online, listed in chronological order. Requests for authorization, official correspondence, impact studies, additional information requested from the proponent by the Review Committee, and authorizations issued are also posted on the website. The Review Committee also makes available all of the documents it produces, including meeting minutes, reports and recommendations made to the administrators concerned. Where possible, documents are available in PDF format or via a hyperlink to facilitate searches. Between April 1, 2015 and March 31, 2016, 6926 users visited the website, viewing 20 974 pages in 9195 sessions. The average session duration was 1 minute 48 seconds.

The Review Committee also publishes some information on its Facebook and Twitter accounts to reach a wider public.

2.3 Projects reviewed

The Review Committee recommended authorization of four new projects submitted to environmental and social impact assessment: Nemaska Lithium Inc.'s Whabouchi project to develop and operate a spodumene deposit in the James Bay region; the Waskaganish First Nation's project to develop natural aggregate deposits on Category II land; Phase II of the project to increase the Eastmain Cree community's water supply; and Matériaux Blanchet Inc.'s project to build forest access roads "H, Section West" and "I".

As of March 31, 2016, three other projects were still under review: the proposed construction of a wood pellet facility in Chapais by Rentech Inc.; the planned construction of forest road L-209 Nord by Barrette-Chapais Ltée; and the planned construction of forest road E-West by Barrette-Chapais Ltée.

2.4 Projects that were amended or subject to a monitoring program

Numerous projects that had been the subject of recommendations by the Review Committee and authorized by the Administrator in recent years had to be reviewed anew to evaluate changes required by the proponent or assess the monitoring programs required as a condition of authorization.

The following projects fell into this category in 2015-2016:

- Eastmain-1-A and Rupert Diversion Project (Hydro-Québec);
- Route 167 North Extension Project (Ministère des Transports);
- Route 167 North Extension Project (Stornoway);
- Operation of a Spodumene Deposit (Nemaska Lithium);
- Eleonore Mining Project (Opinaca Mines Ltd.);
- Troilus Mining Project (FQM Akubra inc.).

2.5 Projects submitted to public consultation

On January 19, 2016, the Review Committee held a public consultation in the Cree community of Waswanipi to hear the community's views, opinions and concerns regarding the planned construction of two forest roads, "H, Section West" and "I", by Matériaux Blanchette Inc., on behalf of four other forest companies. Over 100 members of the community attended the hearing. Of that number, 18 voiced their concerns about the project. In addition, nine briefs and four letters were submitted. COMEX also received more than 9000 letters opposing the forest roads projects "H, Section West" and "I" through the *Save the Broadback* website set up by Greenpeace in cooperation with the community of Waswanipi.

The Review Committee sent its recommendation on the project to the Provincial Administrator on March 24, 2016.



Figure 3: Public hearing held in Waswanipi
Photo: Stéphane Cossette

Section III

Resources

3.1 Human resources

The JBNQA stipulates that the Review Committee “shall be provided with an adequate staff to fulfil its functions and such staff shall be maintained and funded by Quebec” (para. 22.6.3). Thus, the Ministère du Développement durable, de l’Environnement et de la Lutte contre les changements climatiques (MDDELCC) handles the operations and associated costs of the Review Committee’s secretariat. It also appoints some of its employees to assist in the analysis of projects being reviewed by COMEX.

The secretariat is based in the city of Quebec, at 675, boul. René-Lévesque Est, Édifice Marie-Guyart. The executive secretary manages the official documents of the Review Committee, sees to the organization of meetings and writes up the minutes. She also keeps track of official correspondence, prepares draft decisions and recommendations and is the point person for members, analysts, Cree and Jamesian communities and project proponents. The executive secretary provides technical assistance in the assessment and review of projects, assists the chairperson and members in fulfilling their mandates and posts regular updates on the COMEX website and social media accounts.

The executive secretary during fiscal 2015-2016 was Marie-Michèle Tessier up until December 18, 2015 and, since February 1, 2016, Mélanie Chabot.

3.2 Finances

The following table shows the expenditures incurred by the Review Committee in recent years.

COMEX*				
Expenditures	2012-2013	2013-2014	2014-2015	2015-2016
Operations	\$160 000	\$173 700	\$69 549	\$47 754
Salaries and wages	\$205 500	\$209 000	\$205 114	\$176 319
TOTAL:	\$365 500	\$382 700	\$274 663	\$224 073

*Total expenditures funded by the Québec government. Expenditures paid by the Cree Nation Government are not included.

The chairperson of the Review Committee has an office at 201, avenue du Président-Kennedy, room PK-2840, Montréal. That is usually where the Committee holds its meetings.