



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

2016-2017



Message from the Chairperson

I assumed the position of Chairperson of the Review Committee at the beginning of 2016. Surrounded by amazing co-members and supported by professionals from the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) and the Cree Nation Government with whom we form a multidisciplinary team uniting singular, complementary expertise, I took on the job with passion and determination.

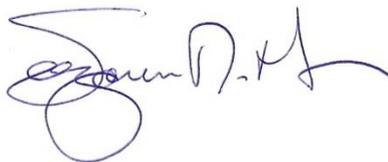
This annual report summarizes our activities in fulfilling our vision and mission in 2016-2017. Unique to Québec law, the Review Committee's mandate flows from Section 22 of the 1975 James Bay and Northern Québec Agreement (JBNQA).

An economic slowdown in 2016-2017 resulted in no new large-scale development projects in the James Bay Territory requiring review by COMEX. However, 15 projects were the subject of multiple follow-ups or requests to amend the certificate of authorization, and one new project received a favourable recommendation from the Review Committee.

COMEX used the situation to take concrete steps to promote a better understanding of the consultation process and the respective roles and mandates of the stakeholder parties normally involved, as well as take action to improve communication with consulted communities. A key achievement of the 2016-2017 Action Plan: To Improve Public Participation was the production of a guidance document for proponents on the Review Committee's expectations with regard to public consultations.

I would like to thank all of the MDDELCC and Cree Nation Government project officers and analysts who helped us duly fulfil our mission and meet the objectives that allow us to honour the guiding principles of the model environmental and social protection regime for the James Bay Territory established in 1975 by Section 22 of the JBNQA.

In closing, I would also like to underline the arrival this year of a new provincial administrator, Marie-Renée Roy, who, along with the regional administrator, Isaac Voyageur, is ultimately responsible for acting on the Review Committee's recommendations. I wish to thank them for their trust in our committee and its members.



SUZANN METHOT
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 Sustainable Development, the Environment and the Fight Against Climate Change. 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 (the Deputy Minister of Sustainable Development, the Environment and the Fight Against Climate Change) 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 remedial measures.

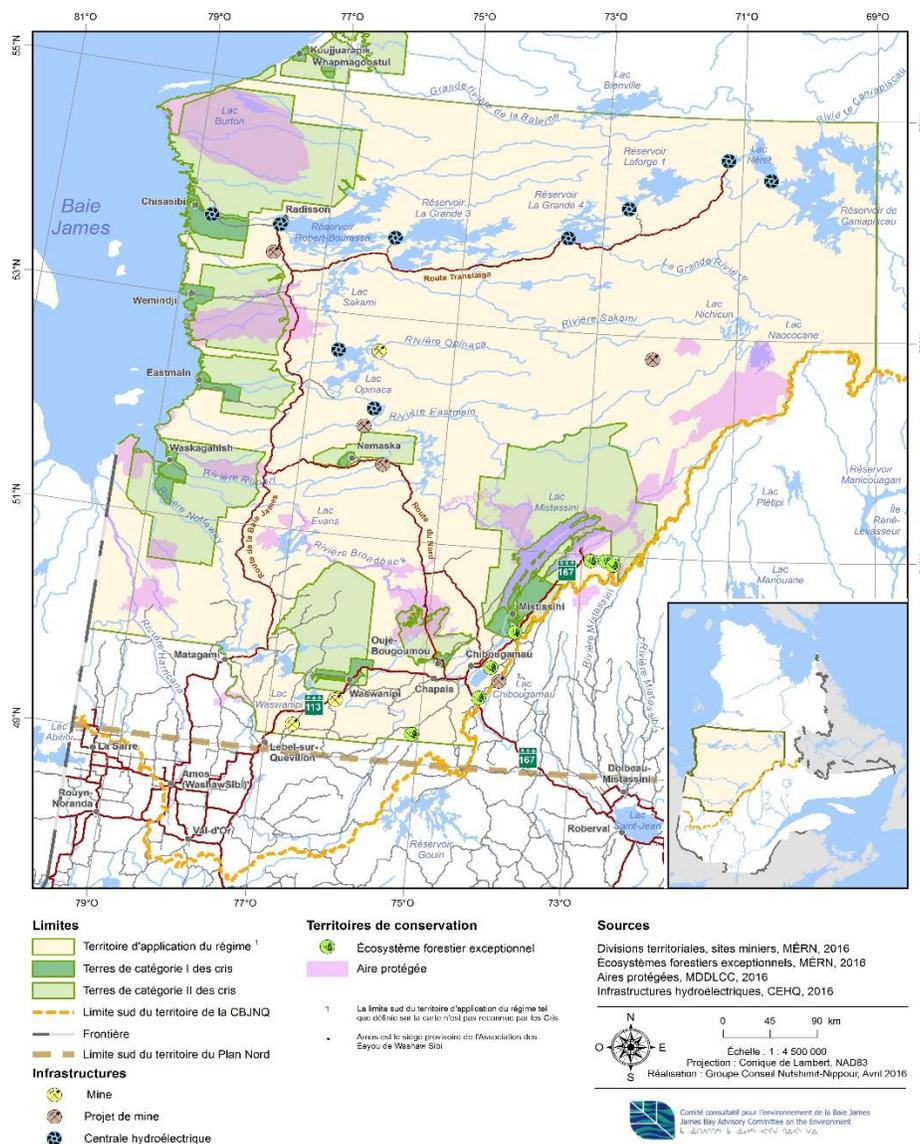
Accordingly, the Review Committee examines every project subject to the environmental and social impact assessment and review procedure, calling on the relevant expertise of the Québec and Cree Nation governments where necessary. The participation of affected communities and other interested individuals and groups plays an important role in the Review Committee's approach, helping it to identify the concerns of people living in the Territory and, in particular, take into account the traditional knowledge held by Aboriginal communities.

In keeping with its mandate, the Review Committee gives due consideration to the following principles:

- a. the protection of the hunting, fishing and trapping rights of Aboriginal people in the Territory;
- 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;
- i. the minimizing of negative environmental and social impacts of development on Aboriginal people and on Aboriginal communities by reasonable means with special reference to those measures proposed or recommended by the impact assessment and review procedure.

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 the lands into three categories. Category I lands are reserved for the exclusive use of the Crees and are the lands in and around 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 licence or permit and without a bag or catch limit, 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.

22.6.1 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.

22.6.2 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 2016-2017 were:

Members appointed by the Québec government:

Suzann Méthot, Chairperson
Daniel Berrouard
Robert Joly

Members appointed by the Cree Nation Government:

Jean-Paul Murdoch
Brian Craik



Figure 1
COMEX members in Waskaganish
Left to right: Brian Craik, Jean-Paul Murdoch, Suzann Méthot, Daniel Berrouard, Robert Joly
Photo: Mélanie Chabot, COMEX

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, 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 provides for three administrators for development projects submitted to impact assessment and review: one for matters respecting provincial jurisdiction, one appointed by the Cree Nation Government for proposed development on Category I land, and one 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 Marie-Renée Roy, 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 posted 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 COMEX 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
Smoking whitefish caught at the traditional fishing site at Smokey Hill, Waskaganish
Photo: Robert Joly, COMEX

Section II: 2016-2017 Action Plan and Achievements

2.1 2016-2017 Action Plan: To Improve Public Participation

The arrival of a new chairperson at the beginning of the year was an opportunity for all of the members to give new consideration to ways of improving the Committee's project reviews. COMEX immediately put together its 2016-2017 Action Plan: To Improve Public Participation,¹ which was adopted on October 27, 2017. Built around two themes and nine actions, the plan enabled the Review Committee to take concrete steps to promote a better understanding of the consultation process and the respective roles and mandates of the stakeholder parties normally involved, as well as take action to improve communication with consulted communities.

2.1.1 Consultations conducted by proponents: the Review Committee's expectations

A centrepiece of the action plan was the document "Consultations Conducted by the Proponent: Expectations of the Review Committee" published in October 2017. The purpose of the document, which is aimed at proponents as well as communities and individuals consulted, is to clarify the needs and expectations of COMEX so that, during its project review, it can properly assess all information gathered during consultations held by the proponent.

2.1.2 Meetings with all stakeholder parties

In 2016-2017, the Review Committee was in regular contact with both administrators as well as all project officers in charge of examining and monitoring on projects reviewed by the Committee. The Chairperson met with the new Provincial Administrator, Marie-Renée Roy, as soon as she took up office.

Realizing that there was a certain lack of understanding of the consultation process, especially the roles, mandates and expectations of the different internal and external stakeholders in the environmental and social impact assessment and review procedure for the James Bay Territory, COMEX initiated more meetings with the assessment and review bodies and key local and industry stakeholders:

- Initial meetings with the analysts from MDDELCC and the Cree Nation Government. It was the first time in the history of the Review Committee that a chairperson had met with Cree Nation Government analysts.
- On July 12, 2016, Suzann Méthot and Jean-Paul Murdoch met with Waswanipi Cree Chief Marcel Happyjack and his natural resource team.

¹ For more information, consult the action plan on the COMEX website at http://comexqc.ca/wp-content/uploads/Plan-actions-participation-publique-VF_EN.pdf

- On September 20, 2016, the Review Committee participated in a cumulative effects workshop organized by the James Bay Advisory Committee on the Environment (JBACE).
- On September 28, the Review Committee met with members of the community of Waskaganish and representatives of the Niskamoon Corporation during a visit to Smokey Hill, a traditional fishing site of cultural significance in Waskaganish. Also present was Cree Grand Chief Matthew Coon Come.
- On January 20, 2017, the COMEX members met with the chairman and the executive director of the Cree-Québec Forestry Board (CQFB) to discuss issues of common interest related to forest planning, more specifically forest roads. It is understood that this will be a statutory meeting.
- On March 1, 2017, the Review Committee met with representatives of the Ministère de la Forêt, de la Faune et des Parcs (MFFP) to discuss matters related to woodland caribou.
- On March 1, 2017, the Review Committee met with members of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) to discuss issues of common interest. It is understood that this could become a statutory meeting.
- On March 16, the Review Committee organized the first meeting between the chairs of the three committees of the environmental and social protection regime, namely, the JBACE, COMEV and COMEX, to discuss issues of common interest that would gain from more effective collaboration between the three complementary bodies. It is understood that this could become a statutory meeting.
- Concerned about the possible repercussions of the reform of the *Environment Quality Act*, the Review Committee initiated a meeting with the MDDELCC's northern environmental assessment branch to shed light on Bill 102's potential impacts on the northern review process.
- On March 23, 2017, the Chairperson and Robert Joly gave a presentation to the Québec Mining Association's Environment Committee on COMEX's expectations in the context of project reviews.

2.1.3 Advertising and communications

To increase public awareness and understanding of the review process, COMEX began advertising in two major regional weeklies: *The Nation* and *Le Jamesien*. It also published two articles in *The Nation* in June² and November,³ 2016.

In addition, the Review Committee identified external information channels and forums for raising awareness about the northern regime and its assessment and review procedure. The Chairperson moderated a discussion panel on natural capital at the ACFAS 2016 conference as well as participated in Québec Mines 2016, where she had an opportunity to present the document on COMEX's expectations of proponents to Plan Nord officials. As a result, the document is now part of the tool kit offered to proponents by the marketing office of the Société du Plan Nord.

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 of 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. All COMEX documents, including meeting minutes, reports and recommendations made to the Administrator concerned, are also available on the website. Where possible, documents are available in PDF format or via a hyperlink to facilitate searches. Between April 1, 2016 and March 31, 2017, 3048 users visited the website, viewing 14 143 pages in 5108 sessions. The average session duration was 2 minutes 28 seconds.

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

² Grant, J. (2016). Balancing Act – COMEX president Suzann Méthot on compromise between environment and economy. *The Nation*, 23, 16, online: <http://www.nationnews.ca/10310-2/>.

³ Craik, B. and S. Méthot. (2016). COMEX looking for your input. *The Nation*, 24, 2.

2.2 Administration

This year, the Review Committee undertook to hold some of its meetings in the Territory in order to get a better feel for it and have a chance to meet with the inhabitants and their representatives. In 2016-2017, the Review Committee held 11 meetings, one in James Bay, to discuss projects submitted to the environmental and social impact assessment and review procedure. The meetings were held on the following dates:

341st meeting: April 28, 2016

347th meeting: October 26, 2016

342nd meeting: June 2, 2016

348th meeting: November 30, 2016

343rd meeting: June 22, 2016

349th meeting: January 20, 2017

344th meeting: July 20, 2016

350th meeting: February 15, 2017

345th meeting: August 26, 2017

351st meeting: March 15, 2017

346th meeting: September 29, 2016

The meetings were held in Montréal, Québec and Waskaganish.

Between April 1, 2016 and March 31, 2017, a total of 31 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/comex-documents/>

2.3 Projects having completed the review process, amended or subject to a monitoring program

Northern development is primarily characterized by mining projects. Fiscal 2016-2017 was marked by an economic slowdown in this industrial sector and, consequently, no new projects to be reviewed. However, the members and the analysts who assist them were kept busy by the myriad requests to amend certificates of authorization already issued, which are often as complex and labour-intensive to review as new projects. The Review Committee recommended authorization of a project to open a new solid waste disposal site in Waswanipi.

As at March 31, 2017, three projects were still under review: the planned construction of forest roads L-209 and E-West by Barrette-Chapais Ltée and the planned construction of a wood pellet facility in Chapais by Rentech Inc.

Numerous projects for which COMEX had already made recommendations and that had been authorized by the Administrator required a new review either to assess planned changes by the proponent or to assess monitoring programs required as a condition of authorization.

The following projects fell into this category in 2016-2017:

- Quarry CA-2 in Chisasibi, transfer of the certificate of authorization
- Forest roads “H” and “I”, monitoring of authorization conditions
- Eastmain 1A/Rupert diversion, amendment to the certificate of authorization
- Eastmain 1A/Rupert diversion, monitoring of authorization conditions
- Langlois Mine, amendment to the certificate of authorization
- Langlois Mine, monitoring of authorization conditions
- Bachelor Mine, amendment to the certificate of authorization
- Bachelor Mine, monitoring of authorization conditions
- Eleonore Mine, monitoring of authorization conditions
- Renard Mine, monitoring of authorization conditions
- Troilus Mine, amendment to the certificate of authorization
- Whabouchi Mine, amendment to the certificate of authorization
- Whabouchi Mine, monitoring of authorization conditions
- Extension of Route 167 by the Ministère des Transports du Québec, monitoring of authorization conditions
- Extension of Route 167 by Stornoway Diamonds, monitoring of authorization conditions

2.4 Projects submitted to public consultation

The Review Committee did not hold any public consultations in 2016-2017.



Figure 3
Stained-glass window in the Band Council room, Waswanipi

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 Québec” (para. 22.6.3). Accordingly, 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 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, drafts 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 updates the COMEX website.

In fiscal 2016-2017, the job of executive secretary was held by Mélanie Chabot and then Marie-Michèle Tessier. A recruitment process was launched at fiscal year-end to fill this important position.

3.2 Finances

As stipulated in paragraph 22.6.3 of the JBNQA, the Review Committee is provided with an adequate staff to fulfil its functions and such staff is maintained and funded by Québec, subject to approval of budget appropriations for that purpose. The following table shows the expenditures incurred by the Review Committee in recent years.

COMEX					
Expenditures*	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Operations	\$160 000	\$173 700	\$69 549	\$47 754	\$43 803
Salaries and wages	\$205 500	\$209 000	\$205 114	\$176 319	\$185 931
TOTAL:	\$365 500	\$382 700	\$274 663	\$224 073	\$229 734

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