



la Convention  
de la Baie James  
et du Nord québécois

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

Environmental and Social Impact  
Review Committee

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## **DIRECTIVE ON THE PUBLIC PARTICIPATION**

**Text adopted on February 5<sup>th</sup>, 2015 on the occasion of the 325<sup>th</sup> regular meeting of the COMEX.**

The concept of public participation rests on three elements: information, consultation, and hearing.

### ***INFORMATION***

The foundation for any public participation process depends on providing the public with information that is complete and accessible. At the Environmental and Social Impact Review Committee (COMEX), this means making publicly available all information related to the Review Committee's mandate, procedures and working methods, and also information about projects that are under review or that have been through the review process.

On its website, the Review Committee posts a Project Sheet on every project that undergoes the review process. Each of these project sheets includes the identity of the proponent, the geographic location, and a summary of the project. All documents relevant to the social and environmental analysis sent to or from the administrators for Quebec or the Cree Nation are arranged chronologically. Also available on the website are all requests for authorization, official correspondence, impact studies, any additional information submitted by proponents in response to a request from the COMEX, and authorizations issued. The website also contains documents produced by the Review Committee such as minutes of meetings, reports, and recommendations addressed to the Administrators. To facilitate research and whenever possible, the documents are made available via a PDF or hyperlink.

The Review Committee also expects proponents to take steps to inform and consult the public and to gather the opinions of concerned communities, groups and individuals. The guidelines for these consultations are dictated by the impact study directive issued by the relevant Administrator, which is based on the recommendations of the Evaluating Committee (COMEV). Proponents must also supply the Administrator with a report on any consultations they conduct.

Proponents should pay particular attention to ensuring that documents aimed at local populations are clear and understandable.

Finally, documents will be prepared in French, but proponents are invited to translate some documents and to produce document summaries in Cree and/or English.

## **CONSULTATION**

In the consultation stage, the Review Committee seeks views and opinions on the project under review. It also welcomes comments on its working method. As soon as the COMEX website announces that a project is 'under review' and throughout the review process, any interested party may, using the COMEX website, submit their comments and opinions. Written comments can also be sent directly to the COMEX Secretariat.

Also, according to the provisions of the *James Bay and Northern Quebec Agreement (JBNQA)*, "the interested Cree community or communities through their local or regional government may make written representations to the Review Committee." If this requires a meeting, the meeting will be public. Article II of the *Environment Quality Act* requires, moreover, that "the Minister may, according to the circumstances, authorize other modes of public consultation."

It is important for individuals, groups and communities to participate in the review of a project that may have significant social and environmental impacts. This enables the Review Committee to properly assess the concerns of the people in the territory and to incorporate the traditional knowledge of aboriginal communities in their review of a project.

## **HEARING**

The hearings process consists of an information and consultation session, held in a community at a designated time, to collect comments and opinions on a particular project or on any changes to be made to a project. The process includes exchanges between the public, the project proponent, and Review Committee members. All Review Committee hearings are public.

### **Determining the need for a hearing**

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.

The public hearing is announced within 30 days of the Review Committee's determination that the information is sufficient to properly inform the public on all aspects of the project.

### **Choice of venue and dates**

The Review Committee determines the place or places where the hearings will be held and the dates that will best accommodate the parties concerned. Hearings are organized in collaboration with local and regional authorities. A period of 30 days is required between the official announcement of the hearing and the hearing itself.

The hearings must be held in a location or locations that are accessible to the affected populations. Unless otherwise specified, participants must pay any expenses related to their participation.

### **Public announcement of hearings**

The public announcement of a hearing is issued via a press release, which is sent to local and national media. It is also announced on the Review Committee's website and through its social media.

The announcement specifies the date, location(s) and hours of the hearing. It explains the various ways to participate in the hearings. It contains a hyperlink to the information on the project contained on the COMEX website

The announcement is issued in French and, if necessary, in one or more of the languages commonly used in the local communities.

### **Submissions**

Any group or individual may make a submission to a public hearing by sending it to the Review Committee Secretariat prior to the hearing; they can, if they wish, summarize the submission orally at the hearings. However, it is not necessary to make a submission in order to participate in a public hearing.

### **Participation in public hearings**

Public hearing sessions are open to individuals and groups who wish to express their views, make suggestions about the project under consideration, or make a submission. Observers are welcome at any time. Anyone wishing to express a personal opinion or the views of people s/he represents is required to register with the secretary of the

hearing before the start of the consultation session or at any time during the hearing. Statements can be presented orally or in writing. All submissions filed and all statements made before the Review Committee are public information. Individuals can express their views in writing to the Review Committee even if they do attend the sessions by doing so in writing or in an email no later than 30 days after the end of the public hearings.

To encourage the participation of as many people as possible, participants are invited to be precise in their presentation. However, a participant may register again to make one or more additional statements.

### **Procedure for a hearing**

Participants can contribute to the hearings in the language of their choice. Simultaneous translation is provided if necessary.

The Chairman of the Review Committee oversees the hearings and ensures their smooth operation and order. The Chairman introduces the hearings by providing an overview of:

- the legal framework and general mandate of the Review Committee and its members;
- the project and the steps in the review process already completed;
- the procedure for the information and consultation process;
- the requirement for registering in order to make an oral statement;
- any specific or special elements of the file under consideration.

The public hearings are divided into two distinct phases.

In the first, the proponent outlines the project and the anticipated social and environmental impacts, both positive and negative. Depending on the quality of the information supplied in advance by the proponent, this phase may be combined with the consultation phase. The length of this phase is also a function of how well the participants understand the project. Once the proponent's presentation is complete, the members of the Review Committee and participants may ask questions. These questions must be addressed to the Chairman Review Committee, who will direct them to the persons most likely to provide an answer.

At the end of this first phase, the Chairman suspends the proceedings briefly before opening the consultation phase. At this point, participants who would like to share their comments and suggestions with the Review Committee are invited to register with the COMEX secretary, if they have not already done so.

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When the second phase of the hearing opens, the Chairman invites the participants -- in the order that follows -- to make their submissions:

- Representatives of Cree or municipal governments;
- Public groups, organizations and institutions;
- Individuals.

Oral statements are addressed to the Chairman, who is responsible for obtaining from the proponent the appropriate responses and/or clarifications.

An audio recording of the hearing is made available on the COMEX website.

### **Assessment Report**

The Review Committee includes a report on the consultation and on how it took account of submissions to the public hearings in its social and environmental impacts assessment report, which it adopts and then submits the appropriate Administrator. The assessment report is made public on the COMEX website after the Administrator has rendered a decision on the project, but at the latest, 45 days after it has been adopted by the Review Committee. However, within this period, the Administrator may request a 30-day extension.