
EVALUATING COMMITTEE

Directive for the Kakabat area granular material, access road and crossing of Jibaud river project

Cree Nation of Wemindji

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Introduction

The Cree Nation of Wemindji (CNW) is proposing a project that consists of three components:

- Exploitation of four deposits of granular materials (sand and gravel); one main deposit and three smaller deposits located in area leading to the main deposit;
- Construction of an access road to reach the deposits;
- Construction of a bridge or the installation of a culvert to cross the Jibaud River.

All project components are located within Category I land of the Cree Nation of Wemindji, more specifically, in the VC10 Atsynia and VC11 Kakabat traplines area.

The project expects the lifespan of the main deposit to be over 40 years, with an estimated volume of 5,330,225m³ to provide a year-round access to the deposit. The proposed crossing of the Jibaud River mentions the approximate width of the desired crossing point at 30 meters in width at a shallow part of the river. The Cree Nation of Wemindji's justification of the project is an urgent need for gravel, sand and crushed rock material due to the exhausted existing local material sources in order to address the backlog of approved infrastructure projects planned for the coming years.

The present directive was drafted in response to the document entitled "Kakabat Area Granular Material Project and Crossing of Jibaud River – Wemindji (Quebec)" (September 25, 2015) prepared by Stantec for the Cree Nation of Wemindji. This document of preliminary information was sent to the Regional Administrator and to the Provincial Administrator respectively on November 13, 2015, and November 5, 2015. Because all project components are located on Category I land, only the Regional Administrator will have to decide whether or not the development should proceed and if so upon what terms and conditions. Since the project is automatically subject to the impact assessment and review procedure pursuant to article 22.5.1 of the James Bay and Northern Quebec Agreement, the Evaluating Committee was requested to recommend the scope of the impact study to be done by the proponent. The directive is designed to guide the proponent in drafting a complete environmental and social impact assessment study, by describing a range of relevant information that will be required to fully assess the granular material access, accompanying access road and the bridge or installation of culverts to cross the Jibaud River.

1. Project description

1.1 Context, Objectives and Justification

In order to adequately describe the context, objective and justification of the project (including the three components: four deposits of granular material, access road and the bridge or culvert), the proponent will need to address the following, either by supplementing the preliminary information or, where needed, completing additional research:

- Presentation of the proponent;
- The need that the project is responding to:
 - The current local material sources
 - The projected needs of the community in relation to existing material sources and infrastructures planned.

2.2 Legal framework

The proponent will describe the agreements, laws and regulations related to 1) the exploitation of gravel and sand pits, 2) construction of an access road and 3) construction of bridges or culvert for the four levels of government (local, regional, provincial and federal) and will present the legal framework applicable to the project. The policies and guidelines should also be presented. He will explain how this legal framework will be respected throughout the construction, operation and closure of the project.

2.3 Alternatives and Variants

2.3.1 Alternatives

Present the alternative(s) to the project in relation to the project's objectives and justification (notably the possibility of the expansion of the actual sites). Explain why the proposed project is the preferred alternative. Also, alternatives for the sequence of exploitation of the granular material sites should be presented (e.g. not to exploit the three smaller sites until the larger one is exhausted).

2.3.2 Variants

The proponent will present:

- The variants for the gravel and sand material sites (within Category I and II lands): The technical, environmental (e.g. sensitivity of the James Bay coast, etc.), socio-cultural (e.g. prime community or family hunting or fishing site within the study zone; access, etc.) and economic (e.g. financing available, etc.) criteria used to select the proposed sites for granular material.
- The variants for the access road: The technical, environmental, socio-cultural and economic criteria used to select the proposed location for the access road;
- The choice of the favored structure (bridge or culvert) to cross the Jibaud River: The technical, environmental, socio-cultural and economic criteria used to select the proposed structure;
- The approximate location of variants for the type of structure chosen to cross the Jibaud River: The technical, environmental, socio-cultural and economic criteria used to select the sites for the structure chosen.

All variants should be illustrated with accompanying maps.

2.3.3 Project Description

The proponent will complete the information provided in the preliminary information for the four deposits of granular material, the access road and the bridge or culvert, which should include:

Granular Material:

- The type and quantity of granular material for each site;
- The exact localization and proximity of each site to waterbodies, camps, sites of interest to the Crees, etc.;
- The quantity of overburden that could be recovered for the closure of the sites;
- The lifespan for each site;
- The possibility for extensions of each site;
- The security measures during construction and operation;
- The project schedule for each site;
- The closure plan for each site.

Access road:

- The technical characteristics of the access road (speed conception, right-of-way (clearing), surface width, drainage. etc.);
- The foreseen traffic, potential users, types of vehicles, frequency, etc.;
- The road safety measures (during construction and operation);
- The forest clearing planned;
- The access road to the three small deposit proposed before the proposed access road be built (since the proponent plans to use the materials from the three smaller deposits for the construction of the access road).
- All activities and works needed for the construction and exploitation of the access road, as well as the one for the decommissioning (if planned).

Structure to cross the Jibaud River:

- The description of the activities and works needed and the schedule of works in relation to the construction of the road as well as the decommissioning or continued use of the road for future developments.

3. DESCRIPTION OF THE RECEIVING ENVIRONMENT

The proponent will justify the delimitation of the study zone where the project (all three components) could generate impacts. The study zone may change according to the biophysical or socio-cultural components and impacts studied.

A complete description of the environment including the sensitive coastal marine area is required and should include:

- Local weather conditions;
- The present and post project occupation and use of the territory within the study zone;

- The ambient air (dust) created by the road and the measures for mitigation of this as required;
- The noise and possible mitigation of its consequences (i.e. interruption of hunting schedules, damages or dangers created for traditional camps);
- The vocation of the sector where the granular material sites will be created as well as the future development that is envisaged for this sector (if any);
- The quality and vulnerability of the groundwater to pollution coming from the works or site once it (or they) is in use and any consequences to the river flow from construction or use of the road and gravel pit or pits ;
- The lakes and watercourses network (hydrography) are in risk from being affected by the project;
- The description of the fish species and fish habitat in the Jibaud River and other waterbodies that could be affected by the project;
- The nature of the surface deposits, and sensitive zones to erosion;
- The vegetation cover around the granular material sites and the access road;
- Rare or threatened species that are present within the perimeter and that are in potential risk of being affected by the project;
- The bird species and known nesting sites of migratory birds within the perimeter that risk being affected by the dust and/or noise created during the construction and long-term use of the road;
- The wildlife and wildlife habitat that could be affected by the project;
- The environmental and social value of the sites from the standpoint of the tallymen concerned;
- The Cree land use within the study zone;
- The presence of protected areas within the affected zone;
- The socio-economic importance of this road to the community of Wemindji;
- Archaeological potential of each site (all three components) with accompanying survey results and recommendations for protection or excavation;
- The community's development plan and how the current project fits within it.

4. IDENTIFICATION AND ASSESSMENT OF IMPACTS

The proponent will identify and evaluate the positive and negative impacts on the valued biophysical and social components of the environment described in the section 3 of this Directive. The proponent will prioritize issues and identify the impacts of real concern to be analyzed. The key issues and impacts should be determined taking into account the public concerns. The impacts of the granular material sites, the access road and the structure to cross the Jibaud River and related infrastructures during the construction, operation and closure phases (if it is to be closed) must be identified and assessed, and the methodology used for determining the significance of the impacts will be explained. Notably, the proponent should address and discuss the key issues impacts among the following:

For each of the nuisances, indicate the standards, directives and guidelines in effect, as well as those anticipated, and indicate the extent to which they can be complied with.

- The impact on the land use of the area;
- The impact on the archeological and cultural heritage;
- The social impacts of the project, including the effects on health determinants;
- The modification to ambient noise;
- The modification to air quality (dust)
- The modification to surface water quality and hydrology;
- The modification to underground water quality;
- The disruption of fish and fish habitat;
- The modification to soil drainage and erosion;
- The disruption of wildlife habitat and wildlife;
- The disruption of vegetation, rare or threatened plant species;
- The modification to the landscape;
- The potential major accident scenarios and estimate the consequences, the frequency and the risks. The results will make it possible to determine the steps that need to be taken to minimize these risks and to plan emergency responses in the event of accidents.
- The project's financial impacts for the Community of Wemindji;
- The potential economic spin-offs, the job opportunities, the types of jobs offered, the qualifications required as well as the possibility of awarding contracts to Cree businesses.
- The key issues and impacts as determined through an assessment of public concerns.

4.1 CUMULATIVE IMPACTS

The project may cause changes to the environment that are multiplied or magnified into the future this may occur by its interactions with past, present or future projects. Such consequences are considered to be cumulative impacts. The proponent will justify the delimitation of the study zone where the project could generate cumulative impacts. The proponent must provide comments on the potential interaction of the present project with other such projects and uses of the land with such long term impacts in mind.

The biophysical and social components valued by the community will be used to assess the cumulative impacts caused by the project.

5. MITIGATION MEASURES

The proponent must identify the actions, works, preventive and remedial measures to be taken to maintain an acceptable level of adverse impacts or risks associated with the project. It will identify the period of revegetation and the species used. A schedule for the long term effectiveness of mitigation measures will be presented. Moreover, the study should indicate the nature and extent of the residual impacts of the project after the implementation of mitigation measures.

The proponent should also describe any other measures to be taken in order to enhance any positive impacts of the project.

6. RISK ASSESSMENT AND MANAGEMENT

Given the close proximity of the site to the community and water-bodies including James Bay, the proponent must demonstrate the capacity to fully assess potential risks related to the project in order to eliminate them where possible, or where it is not possible, to prepare strategies for prompt effective action in order to neutralize them. This is necessary to ensure the protection of the land users, the community, and the receiving environment in the event of accidents or other unforeseen events. In doing so, the proponent must address the following:

- Communication with land users about their land use activity and their seasonal access routes to their trapline in or around the project area (VC10, VC11) and cooperate with the land users on measures to remediate inconveniences (parking or passing zones and other measures to avoid accidents);
- Risk of erosion along water bodies that may destabilize seasonal crossings for land users;
- Risk of extreme weather events for both the access road and the structure that will cross the Jibaud River.

7. MONITORING PROGRAMS

The proponent will be required to submit the details of the monitoring program it proposes to put in place in order to ensure that mitigation measures are in place, functioning correctly, and achieving the desired effect. The details of these monitoring programs that will be submitted must include:

- The objectives of the programs;
- The entities responsible for implementing them (if/when the entity in question is not the proponent);
- The specific measures to be applied, and parameters to be measured;
- The sites where these measures will be applied;
- The protocols and schedules to be respected by the monitoring program ensuring a sound, consistent, timely application of the mitigation measures;
- A plan explaining how the details of these monitoring programs will be shared with the community and other interested parties.

8. PUBLIC PARTICIPATION

The proponent should dedicate a section of the study to presenting and analyzing the results of public consultations held concerning this project. The proponent should provide details of these consultations including the methodology used to attract public participation, the dates of consultations, the people and organizations consulted, and the concerns expressed. A special section of the study should be dedicated to consultations with the families on whose traplines the project is located and whose land use could be affected by the project. In all cases the proponent

should be able to clearly and accurately describe the perceptions of the project, including input about mitigations measures.

Finally, the proponent should explain how communication with the public regarding the project will be sustained throughout the construction and operation of the project.

9. PRESENTATION OF THE IMPACT STUDY

The results of the impact study should be presented in a clear, concise, well organized manner. All maps required should be mapped to an appropriate scale, and tables should be used to summarize and clearly present some of the information.

The proponent should evaluate and describe the availability and quality of the data to be used in the impact study. All sources of information will need to be provided in a list of references, and any methodologies used should be presented and explained in sufficient detail to be well understood.

In addition to the impact study itself, the proponent will have to draft a summary document containing enough information to allow for a good understanding of the project. This summary document will be published separately, and will have to include all the maps needed to describe the project as well as the stipulated monitoring program. The impact study and the summary must be available in English.

When tabling the impact study, the proponent will have to provide eight (8) hard copies and electronic copies of all its documents.