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**282<sup>nd</sup> MEETING OF THE PROVINCIAL REVIEW COMMITTEE  
(COMEX)**

**DATE:** September 28, 2011

**PLACE:**

**PRESENT :**

Pierre Mercier (P.M), Chairperson, Québec  
Daniel Berrouard (D.B.), Québec  
Robert Lemieux (R.L.), Québec  
Brian Craik (B.C.), ARC  
Philip Awashish (P.A.), ARC

Nathalie Girard (N.G.), Executive Secretary

**1. CALL TO ORDER AND ADOPTION OF THE AGENDA:**

The meeting was called to order at 9:30 a.m. and the following agenda was adopted:

- 1) Call to order and adoption of the agenda;**
- 2) Adoption of the minutes of the 280<sup>th</sup> and 281<sup>st</sup> meetings;**
- 3) Business arising from the 281<sup>st</sup> meeting and correspondence;**
- 4) Opinaca Mines - Eleonore mining project;**
  - 4.1 Update on the project report from Pierrette Vincent
  - 4.2 C-05 Quarry (request for winter road modification)
  - 4.3 Withdrawal of the proponent's application for a separate authorization for the proposed road
  - 4.4 Tailings site: expert opinion from MDDEP
  - 4.5 Cooperation Agreement, Opinica Mines & the Wemindji Band Council and Cooperation Agreement Opinaca Mines & Hydro-Québec for the use of roads and infrastructure
  - 4.6 Documents received from Gold Corp.
  - 4.7 Request for a bypass to OA-02 dike
  - 4.8 Projected schedule
- 5) Route 167-Nord project;**
  - 5.1 Report on the technical meeting of September 22, 2011
  - 5.2 Projected schedule
- 6) Albanel-Témiscamie-Otish park project;**
  - 6.1 Progress report
  - 6.2 Projected schedule
- 7) Forest roads;**
  - 7.1 Response of Deputy Minister to COMEX letter of late August, 2011
- 8) Eastmain 1-A Rupert;**
  - 8.1 Transmittal of recommendation for construction of ATV trail between KP280 and KP290.
  - 8.2 Receipt of documents regarding monitoring program (for information)
  - 8.3 Developments regarding meetings planned for Eastmain and Chisasibi
  - 8.4 2012 Round of visits
- 9) Troilus – Tailings site;**
  - 9.1 Recommendation

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**10) Other business;**

10.1 Projects expected for autumn

10.2 Transmittal of COMEX minutes to the JBACE

10.3 Receipt of COMEX documents

**11) Date and place of next meeting.**

**2. ADOPTION OF MINUTES OF THE 280<sup>TH</sup> AND 281<sup>ST</sup> MEETINGS;**

The minutes from the 280<sup>th</sup> and 281<sup>st</sup> meetings were modified slightly and then adopted.

**3. BUSINESS ARISING FROM THE 281<sup>ST</sup> MEETING AND CORRESPONDENCE;**

Correspondence received since the 281<sup>st</sup> meeting:

-Received September 1, 2011, Request for modification to the certificate of authorization for proposed construction of temporary winter road – OA-2 dike of Eleonore mineral deposit.

-Received September 20, 2011, for information, in response to Condition 5.1, a report titled: Biefs Rupert amont et aval – Débris ligneux et navigation – Consultation, survol et campagne de navigation [Upstream and downstream of the Rupert diversion bays – wood debris and navigation -- consultation, fly-over and expedition].with the tallymen. Hydro-Québec and the Société d'énergie de la Baie James, February 2011. **Eastmain-1-A/Sarcelle powerhouses and Rupert diversion project.**

-Received September 20, 2011, for information, in response to Condition 6.23, a report titled: Biefs Rupert amont et aval – Débris ligneux et navigation. [Upstream and downstream from Rupert diversion bays – wood debris and navigation] Hydro-Québec and Société d'énergie de la Baie James, June 2011. **Eastmain-1-A/Sarcelle powerhouses and Rupert diversion project.**

-Received September 21, 2011, The English version of the document responding to questions and comments from COMEX (August, 2011) in connection with the proposed project to **extend Route 167-Nord.**

-Received September 21, 2011, additional information regarding operation of the C-05 quarry for the proposed construction of a temporary winter road, **Eleonore mining project**, Opinaca Mines.

**4. OPINACA MINES - ELEONORE MINING PROJECT;**

**4.1 Progress report update from Pierrette Vincent**

At the request of PM, D.B. explained why the preliminary review report sent to the members this week was not complete. He said steps have been taken to remedy the situation and he expects to have the complete report for October 15.

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4.2 Quarry C-05 (request for modification to the winter road)

D.B. reported that last September 20<sup>th</sup>, the MDDEP received new information about the C-05 quarry, which would decrease from 12 ha to a little below 3 ha. The MDDEP treats such a request as a project modification. Impacts related to the creation of this quarry appear to be minimal. All members agreed to recommend authorization of the quarry.

4.3 Withdrawal of proponent's request for a separate authorization of the projected road

D.B. told COMEX that the MDDEP had received a letter to the effect that the proponent wanted to withdraw the request for a separate authorization for the proposed road included in the current description of the mining project under consideration. This request was processed by the MDDEP. P.M. confirmed having received the same information from the Deputy Minister at MDDEP, Jacques Dupont, during a verbal discussion.

4.4 Tailings site: expert opinion from the MDDEP

An expert opinion from the MDDEP regional office has been received at MDDEP main offices, and D.B. planned to send a copy to members. According to D.B., the opinion comes down to the fact that the site proposed by the proponent, Site C, represents a compromise and is thus acceptable as a location for the tailings. However the opinion also states that the proponent should make more effort with regards to documentation of the alternate tailings sites so as to comply better with the MDDEP's approach to wetland protection (avoid, minimize, mitigate). Other than the impermeability of the site, more attention also has to be paid to impacts on the landscape as a selection criterion. Taking this opinion into account, the COMEX decided to recommend that Site C be retained, as long as there are conditions in place governing the installation of the membrane, and the modeling of the hydrological conditions at the site. Regarding the surface area of the wetlands that would be affected, D.B said that the conditions should require an approach of "minimizing" by protecting Stream 5 and "mitigating" by asking the proponent to present the Administrator with a plan for creating or rehabilitating a wetland.

R.L. supported the choice of Site C as proposed by the proponent as long as there are conditions governing the permeability of the site, mitigation measures for the loss of habitat, and measures taken to protect Stream 5.

B.C asked for details about the characteristics of the tailings to be deposited at Site C. D.B. replied that the most contaminated wastes (acidogenic and leachable sulfides) would be redirected underground in the form of paste backfill. The desulfurized residues would be disposed of at the tailing site after treatment to destroy cyanides.

D.B reminded the members that during the public hearings on this topic, the community of Wemindji had identified Site C as the best of the possible locations suggested by the proponent. However, the fact remained that members and analysts are still disappointed by the lack of effort that appears to have been devoted to finding a tailings site that completely steers clear of wetlands. Thus there should be some mitigation measures for the loss of habitat and measures to ensure that the site is adequately sealed.

In addition, the members requested that a condition be added for the protection of lake sturgeon spawning grounds, as the company had already anticipated when they filed the project.

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B.C. wondered how the sturgeon could be kept in the Opinaca River and reservoir. D.B. replied that this would be done by respecting the effluent discharge objectives (EDOs). He pointed out that Hydro-Québec already monitors lake sturgeon in the sector (as part of the Eastmain-Rupert project) and that it might be possible to consider a coordination of efforts between the two proponents. P.M. proposed a condition to provide for the arrival of other projects. For example, this condition would ensure access to certain infrastructures (landing strips, roads, etc.) in case there were other projects in future around the Eleonore project. D.B. agreed with this comment

It was agreed that members would refine these proposed conditions once they have received the review report.

4.5 Cooperation Agreement (Opinaca Mines & the Wemindji Band Council) and Cooperation Agreement (Opinaca Mines & Hydro-Québec) for the use of roads and infrastructure

Members were to receive a copy of the agreement with Hydro-Québec before the end of the day's meeting. As for the agreement with Wemindji, B.C. advised caution. He stressed that for the moment, the contents of the agreement between Opinaca and the Cree village of Wemindji appeared satisfactory, but he was of the opinion that there should be some way to ensure that workers and their families remain satisfied into the future. To accomplish this, he suggested that the satisfaction level of the workers and people of Wemindji be assessed on a regular basis by an independent consultant. R.L. did not agree. He pointed out that the COMEX does not know the contents of the agreement between Wemindji and Opinaca. He thought this would make it difficult to measure the satisfaction of people with this agreement. B.C. replied that this meant COMEX needs the contents of the agreements, and he would renew his efforts to obtain them.

4.6 Documents received from Gold Corp.

The electronic version of the documents received following the technical meeting of June 29, 2011 are now available from the COMEX secretariat.

4.7 Request for a bypass to dike OA-02

D.B. explained the reason behind the request for a modification to the winter road proposal that had already been authorized. Basically, the proponent has put forward the alternative they would like in order to avoid using the road that passes close to the OA-02 dike. Impacts from this proposed change appear to be minor. A potential problem is the fact that the proposed alternative road would pass through a piece of land allocated to Hydro-Québec for work on the Sarcelle powerhouse. R.L. said that he was in agreement with this proposal as long as the proponent comes to an agreement with Hydro-Québec to be able to build the alternate route on land allocated to Hydro-Québec. B.C. was pleased that the proposed alternative road would pass through an area that had already been disturbed.

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The members recommended that this request be accepted on the condition that there was an agreement made with Hydro-Québec and also that the old road be rehabilitated. This rehabilitation should take the needs of Hydro-Québec and the tallyman into account.

#### 4.8 Projected schedule

The members agreed that based on the available information, COMEX could recommend authorization of the Eleonore project. The goal was to complete the review report by the middle of October so that members could familiarize themselves with it before the next meeting, and make a final recommendation.

### **5. ROUTE 167-NORD;**

#### 5.1 Report of technical meeting, September 22, 2011

The proponent still had not submitted the information promised to COMEX at the technical meeting of September 22. Most members believed that the majority of concerns could be handled by means of conditions in the certificate of authorization. R.L. said he was in favour of development of the road. For his part, B.C. said he was not satisfied with the answers from the proponent, especially regarding the terms for wildlife protection, police services, emergency services and protection of woodland caribou. He finds the situation unacceptable especially with regards to protection of the caribou. B.C. said that there still had been no response to the concerns raised by the Mistissini Band Council during the public hearings in Mistissini last August 30. For this reason, he could not agree to recommend the project as long as there was no clear commitment from the department of transport on each of the issues raised earlier. This would require appropriate coordination between the different departments involved, which didn't seem to be the case at the moment.

P.M. and R.L., however, reiterated that there was coordination between the various government departments and that B.C.'s concerns were probably a matter of perception. In search of a compromise, it was proposed that the MTQ be asked to create an interdepartmental committee to facilitate discussion between the departments involved with the concerns of the population of Mistissini and the Mistissini Band Council. Finally, the members agreed that B.C. would draft conditions reflecting his concerns with regards to the points raised.

With regard to the protection of the woodland caribou, B.C. agreed that a compromise could be reached to move ahead on the proposed extension of Route 167-Nord without having the protection plan for the caribou in place. B.C. intended to propose conditions that would, among other things, refuse authorization for logging, the development of secondary roads, and cottage construction in the area that becomes accessible due to the road extension. Also, B.C. was going to propose a moratorium on caribou hunting by non-aboriginals.

On this last point, D.B. suggested that it would be more appropriate to recommend to the Hunting, Fishing and Trapping Coordinating Committee to address the issue of a moratorium of caribou hunting by aboriginals.

D.B. said he thinks the MRNF would not offer private vacation lots along the extensions of Route 167-Nord. He promised to verify this with the MRNF and at the same time find out if CAFFs allocated or plans for logging operations in the territory made accessible by the extension of Route 167-Nord.

According to R.L., the fact that the COMEX was delaying making a decision on forest road development could be detrimental because the fact remains that logging is still going on.

B.C. proposed that a rehabilitation plan be submitted to COMEX within 2 years of the end of road construction.

P.M. concluded that there would be a positive recommendation accompanied by conditions that would respond to the concerns B.C. had raised. P.A. repeated that he agreed with the views of B.C.

## 5.2 Projected schedule

The members asked to have the final review report so they could send a recommendation to the Administrator by the end of October. P.M. stressed that this report should address the concerns raised by B.C and P.A. To this end, P.M. asked that B.C. transmit, as soon as possible, his proposal and the wording for the conditions. He also stressed that he expected to have the information requested from the MRNF before the end of October. This would provide guidance for the review report.

## **6. ALBANEL-TEMISCAMIE-OTISH PARK PROJECT**

### 6.1 Progress Report

The review report was currently being prepared by the analysts at MDDEP. At the last COMEX meeting, it was decided that a letter be written to the Administrator to facilitate a response to the letter from Chief Shecapio. However DB suggested that this was no longer necessary because the MDDEP had prepared a letter of response to the Chief informing him that neither the MDDEP nor the MRNF intended to review the proposed park boundaries in consideration of any mining project in the sector. DB will see to informing the committee regarding the follow up done on this file by MDDEP.

### 6.2 Projected schedule

The report was supposed to be ready for comments within 2 weeks, with a final version ready to be proposed for final recommendation at the next COMEX meeting.

## **7. FOREST ROADS;**

### 7.1 Response from Deputy Minister to COMEX letter of late August, 2011

No letter had arrived at COMEX to date.

## **8. EASTMAIN 1-A RUPERT;**

### **8.1 Transmittal of recommendation for construction of ATV trail between KP280 and KP290**

As proposed during the last meeting, the letter of recommendation had been sent to the proponent.

### **8.2 Receipt of documents regarding monitoring program (for information)**

The Executive Secretary informed members of documents received.

- Received September 20, 2011, for information in reply to Condition 5.1, report titled: Up- and downstream from the Rupert diversion bays – wood debris and navigation – consultation, fly-over and expedition [translation] with the tallymen. Hydro-Québec and the Société d'énergie de la Baie James, February 2011. **Eastmain-1-A/Sarcelle powerhouses and Rupert diversion project**

- Received September 20, 2011, for information in reply to Condition 6.23, a report titled: Up- and downstream from Rupert diversion bays – Wood debris and navigation. [translation] Hydro-Québec and the Société d'énergie de la Baie James, June 2011. **Eastmain-1-A/Sarcelle powerhouses and Rupert diversion project.**

### **8.3 Developments regarding meetings planned for Eastmain and Chisasibi**

The members requested that the meetings planned for Eastmain and Chisasibi be organized for the same time frame as the next visit to the James Bay region and the Hydro-Québec and SEBJ meetings. This would be to minimize travel costs and also to make maximum use of travel time. The Executive Secretary would try to organize the meetings with Hydro-Québec accordingly. This meant the members would leave October 25 and return October 28.

N.G. said she had contacted the Chisasibi and Eastmain Band Councils to set up meetings, but only recently, and so had not heard back yet. P.A. offered to give N.G. a hand and contact the Chiefs of the two Bands.

Members went over their objectives for these meetings and the particular points they wanted to cover during the visits.

Regarding the meeting with Hydro-Québec on the status of mitigation and development measures for the village of Waskaganish in connection with the Eastmain-1-A/Sarcelle powerhouses and Rupert diversion project, the members asked N.G. to contact Mme Tétreault at Hydro-Québec, to ask that the updates on the various Hydro interventions in the sector be available before the meeting, ideally by mid-October.

### **8.4 2012 round of visits**

There were no new developments on this topic.



## **9. TROILUS – TAILINGS SITE**

### **9.1 Recommendation**

D.B. provided a report on the documents he had received on this file since the last meeting. The COMEX is currently awaiting the positions of the MDDEP regional office and the MRNF. P.M. asked that the MDDEP regional office be notified that the response from the MRNF was expected by October 15.

## **10. OTHER BUSINESS;**

### **10.1 Projects expected for the autumn**

According to D.B., this fall COMEX should receive the environmental impact assessment for the Stornoway diamond mine project. There should also be an environmental impact assessment for the Black Rock mining project and the Bachelor mining project.

### **10.2 Transmittal of COMEX minutes to the JBACE**

P.M. clarified that out of respect for the Administrator, the minutes from COMEX cannot be transmitted to the JBACE as the contents provide details of COMEX recommendations. The minutes from COMEX meetings become public once the Administrator has made a decision on all the topics covered in the minutes. This is why the minutes are sometimes not made public for several months. This led to a discussion of the COMEX code of ethics.

Currently, COMEX minutes are publicly available on the website of the JBACE. N.G. suggested that COMEX have its own website. This proposition was discussed. N.G. was asked to determine the costs related to this proposal before the next meeting, so everyone would understand the implications. Once this information was known, P.M. would see if the funds would be available for a COMEX site.

### **10.3 Receipt of COMEX documents**

N.G. asked who among the members would prefer to receive COMEX documents in electronic format rather than paper copies. Most of the members said they preferred a paper copy of each document. This being said, members appreciated that in some circumstances, sending an electronic copy would be more practical.

## **11. DATE AND PLACE OF NEXT MEETING.**

The next COMEX meeting is scheduled for October 18 in Montreal.