

MINUTES OF THE

302nd MEETING OF THE REVIEW COMMITTEE

(Adopted)

DATE: Monday, January 7, 2013

PLACE: Meeting room, James Bay Advisory
Committee on the Environment office
383, rue Saint-Jacques, Bureau C-220

PRESENT: Pierre Mercier, Chairperson, Québec
Daniel Berrouard, Québec
Robert Lemieux, Québec
Brian Craik, CRA
Philip Awashish, CRA

Executive Secretary: Marie-Michèle Tessier

1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The meeting was called to order at 12:20 p.m. and the following agenda was adopted after making changes:

- 1) Call to order and adoption of the agenda
- 2) Adoption of the minutes of the 300th meeting
- 3) Correspondence since the last meeting
- 4) Follow-up on the consultations on the Eastmain 1-A/Rupert project – Writing of the report and work plan
- 5) BlackRock Metals' mining project
 - a) Request for a certificate of authorization
- 6) Follow-up on the Eleonore mining project
- 7) Follow-up on the Route 167 North extension
- 8) Representations made to the Deputy Minister by the Hunting, Fishing and Trapping Coordinating Committee last November
- 9) Other business
- 10) Date and place of the next meeting

2. ADOPTION OF THE MINUTES OF THE 300th MEETING

The minutes of the 300th meeting were adopted as presented.

3. CORRESPONDENCE SINCE THE LAST MEETING

All correspondence received and sent since the last two meetings is appended to these minutes.

4. FOLLOW-UP ON THE CONSULTATIONS ON THE EASTMAIN 1-A/RUPERT PROJECT – WRITING OF THE REPORT AND WORK PLAN

Condition 9.2 of the certificate of authorization reads as follows: “The proponent must collaborate with COMEX to set up a process for consulting the Cree population. This consultation must take place around 2011, namely between the end of the construction period and before the commissioning of the project. The objective of this process is, among other things, to make known the point of view of the Crees on the effectiveness of the mitigation measures put in place and the means that could be envisaged to deal with the project’s residual impacts.” Accordingly, public consultations on the project were held this past November in Mistissini, Nemaska, Eastmain, Chisasibi, Wemindji and Waskaganish.

The transcripts of the public consultation sessions and various background documents were produced, following which the MDDEFP formed an in-house committee to support the COMEX members in drafting the report on the consultations. The members made suggestions as to what should be included in the report:

Introduction

- Explain the background to the three phases of Hydro-Québec’s project, mentioning that this report deals with the last phase.
- Mention that each of the communities consulted adopted a different approach and addressed the project on a different scale. For example, the views and opinions expressed by participants in Mistissini and Nemaska concerned isolated constraints (road maintenance, reforestation, etc.), whereas in Chisasibi, Wemindji and Eastmain, participants talked about the long-term cumulative impacts of the project, i.e. since construction of the La Grande hydroelectric complex. In Waskaganish, participants talked about the project’s regional impacts, such as changes in the use of Rupert Bay, in fishing at Smoky Hill, etc.
- Mention that because the transcripts of the consultation sessions were translated, the content of the report could be skewed if comments were mistranslated or misinterpreted.
- Mention that the transcripts of the public consultation sessions are available from the executive secretary on request.

General aspects to be mentioned in the report:

- Participants complained about and expressed their views on the mitigation and financial compensation measures for the Eastmain 1-A/Rupert project, as well as the impacts of the first phases of the La Grande project, the indirect impacts and future, long-term impacts. All of these aspects should be included in the consultation report.
- Group general or major impacts mentioned more than once (e.g. issues mentioned in three communities), such as water quality, sturgeon or the decline in goose numbers, in a separate section. Then present and summarize the issues raised in each community.
- The fact that Hydro-Québec and the Cree Nation agreed to postpone the public consultations, initially slated for May 2012, may have resulted in lower public participation.
- Influence of the Grand Chief's presence at the consultations in Chisasibi and Waskaganish.
- Adoption of the Agreement Concerning the Re-Appropriation of Territory Affected by the Eastmain-1-A/Sarcelle/Rupert Project and the existence of funds to support Cree initiatives, in particular those administered by Niskamoon Corporation.
- Attendance of consultation sessions by tallymen or not. Few women and young people spoke at the microphone.
- Some comments need to be verified. For example, the impact of the flow rate in Rupert River on fishing at Smokey Hill and cisco catches has not been resolved. Consequently, the effectiveness of mitigation measures and solutions for improving them need to be examined. The flow rate in Pontax River should be checked (comment by James Jonas in Waskaganish). Was the river diverted? Is it possible to verify if the proponent delivered on its promises or not? Recommendations could be made in this regard.

Conclusion

- Difference in mentalities and changes in Hydro-Québec's approach: communities are more involved in decisions now (negotiation and participation) and the proponent no longer imposes its decisions on the communities the way it used to. The community was kept in the loop in this project and told what was going to happen.
- Hydro-Québec is still and will continue to be responsible for meeting condition 9.2 of the certificate of authorization. Accordingly, it must inform the MDDEFP and COMEX of the action it will take to deliver on its commitments, even action taken under the Agreement Concerning the Re-Appropriation of Territory Affected by the Eastmain-1-A/Sarcelle/Rupert Project administered by Niskamoon Corporation.
- The Crees never officially endorsed the project and are the ones who have to live with its impacts. It will take time to accept and adapt to all the changes incurred by the project. Yes, there was an agreement between Hydro-Québec and the Cree community, but not everyone endorsed the project. Accepting a project and endorsing a project are two different things. Even if the project has been completed, it will continue to have impacts. Are the Cree communities truly on the way to re-appropriating the territory?

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- Elders have lost some of their traditional knowledge of the territory. The fact that they can't pass this knowledge on to their offspring affects them.
 - The Crees inhabit and use the James Bay Territory and, therefore, must continue to be involved in decisions concerning the territory.

5. BLACKROCK METALS' MINING PROJECT

A. REQUEST FOR A CERTIFICATE OF AUTHORIZATION

We received the document dealing with the railway line and the responses to the additional questions at the end of November and are still waiting to receive the hydrogeological study from the proponent. The study results will be important to the rest of the project review. We have begun receiving opinions from the other departments and COMEX thinks more questions may need to be asked of the proponent. Depending on when the requested information is received, public hearings could be held in Chibougamau and Oujé-Bougoumou in late March, early April.

6. ELEONORE MINING PROJECT

The recommendation regarding the request to amend the certificate of authorization to permit working of Quarry C-02 will be sent to the administrator.

7. ROUTE 167 NORTH EXTENSION

COMEX will recommend authorization of borrow pits KP-62A, KP-62B, D-84, KP-105, KP-110.4, KP-111, KP-114.4, KP-118, KP-129.9, KP-132, KP-132.8 and KP-136. Additional questions concerning quarries CA-106 and CA-137N will be sent to the proponent.

The MTQ requested authorization to transfer the certificate of authorization for the last section of the road to Stornoway. A request to amend the certificate in order to build a mining road will likely follow.

8. REPRESENTATIONS MADE TO THE DEPUTY MINISTER BY THE HUNTING, FISHING AND TRAPPING COORDINATING COMMITTEE LAST NOVEMBER

The Deputy Minister invited the chairpersons of COMEX, COMEV and the KEQC to a meeting with the HFTCC. The HFTCC has asked to be consulted, systematically if possible, on all development projects in the James Bay Territory. The future website and the MDDEFP's public registry should provide the HFTCC with all the information it needs to submit comments if deemed necessary.

9. OTHER BUSINESS

The MDDEFP just received the impact statement for the Whabouchi project. Additional information will follow. The documents will be sent to the members for their consultation and comments.

As regards the follow-up reports and studies regularly submitted by Hydro-Québec, COMEX will have to take an inventory of those recently received and decide if any follow-up is required.

10. DATE AND PLACE OF THE NEXT MEETING

The next meeting will be held on February 7, in Montréal.

Correspondence and follow-up action: November 7-December 21, 2012

Correspondence received

Date	Sender	Subject
November 1, 2012	Mireille Paul	2011 monitoring report on mercury levels in fish meat submitted in compliance with conditions 5.9, 5.27 and 5.34 of the certificate of authorization for the Eastmain/Sarcelle/Rupert project: sent to COMEX for information purposes
November 1, 2012	Mireille Paul	Monitoring report on fish communities and population dynamics in the Rupert diversion bays submitted in compliance with conditions 5.4 and 5.5 of the certificate of authorization for the Eastmain/Sarcelle/Rupert project: sent to COMEX for information purposes
November 2, 2012	Mireille Paul	Monitoring report on the state of eelgrass beds along the northeast coast of James Bay submitted in compliance with condition 5.35 of the certificate of authorization for the Eastmain/Sarcelle/Rupert project: sent to COMEX for information purposes
November 2, 2012	Mireille Paul	Request to amend the certificate of authorization to perform work on Lot C (km 143 to 195): watercourse crossings, access to sandpits and waste disposal areas for the Route 167 North extension project
November 7, 2012	Mireille Paul	Copy of the amendment to the certificate of authorization for access roads to Cree camps and traplines under the Eastmain-1-A powerhouse and Rupert diversion project
November 7, 2012	Mireille Paul	Copy of the amendment to the certificate of authorization for the 2012 master plan for redevelopment work under the Eastmain-1-A powerhouse and Rupert diversion project
November 15, 2012	Mireille Paul	Request to amend the certificate of authorization for the industrial effluent discharge point, capacity of the waste rock dump, access road to the tailings site and ore transfer area for the Eleonore Mine project
November 16, 2012	Paul Letendre	Acknowledgement of receipt of the recommendation for the bridge, borrow pit and access road project in Mistissini

Date	Sender	Subject
November 19, 2012	Mireille Paul	Additional information - Request to amend the certificate of authorization to enlarge Quarry C-02 for the Eleonore mining project
November 23, 2012	Mireille Paul	Copy of the amendment to the certificate of authorization for the cyanide destruction system for the project to extract and process 900 000 MT of gold ore from the Bachelor mine site
November 28, 2012	Paul Letendre	Acknowledgement of receipt of the recommendation for the Renard mining project – Mining of a diamond deposit by Stornoway Diamond Corporation
November 29, 2012	Mireille Paul	Supplement to the impact statement for the BlackRock mining project concerning construction of a new railway trunk
November 29, 2012	Mireille Paul	Supplement to the impact statement for the BlackRock mining project (changes to the project)
December 17, 2012	Mireille Paul	Request to amend the certificate of authorization for the Route 167 North extension project – supply strategy

Correspondence sent

Date	Addressee	Subject
November 7, 2012	Isaac Voyageur	Recommendation regarding the bridge, borrow pit and access road project in Mistissini
November 7, 2012	Diane Jean	Recommendation regarding the bridge, borrow pit and access road project in Mistissini
November 7, 2012	Isaac Voyageur	Recommendation regarding the renovation and increase in capacity of the wastewater treatment plant in Waswanipi
November 21, 2012	Diane Jean	Recommendation regarding the Renard mining project – Mining of a diamond deposit by Stornoway Diamond Corporation
December 20, 2012	Diane Jean	Recommendation regarding the capacity of the waste rock dump, access road to the tailings site and ore transfer area for the Eleonore mining project
December 20, 2012	Céline Belzile	Thank-you for her participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	André Tessier	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Lloyd Mayappo	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Johnny Saganash	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	René Dion	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Philippe Mora	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project

Date	Addressee	Subject
December 20, 2012	Jean Matte	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Johanne Savard	Thank-you for her participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Robert Beaudouin	Thank-you for his participation in COMEX's public consultations on the Eastmain-1-A/Rupert project
December 20, 2012	Rodney Mark	Thank-you for the public consultation held in his community
December 20, 2012	Gordon J. Blackned	Thank-you for the public consultation held in his community
December 20, 2012	Matthew Wapachee	Thank-you for the public consultation held in his community
December 20, 2012	Richard Shecapio	Thank-you for the public consultation held in his community
December 20, 2012	Edward Gilpin	Thank-you for the public consultation held in his community
December 20, 2012	Davey Bobbish	Thank-you for the public consultation held in his community