

MINUTES OF THE

316th MEETING OF THE REVIEW COMMITTEE

(Adopted)

DATE: March 13, 2014

PLACE: Cree Nation Government office
277 Duke St., room 100
Montreal, Québec H3C 2M2

PRESENT: Philip Awashish, CNG
Daniel Berrouard, Québec
Brian Craik, CNG
Robert Joly, Québec
André Boisclair, Chairperson, Québec

Executive Secretary: Mélanie Chabot

1) Call to order, introduction of Robert Joly and adoption of the agenda

The meeting was called to order at 9:20 a.m. The agenda (Appendix A) was adopted as proposed. Mr. Joly was given a copy of the code of ethics to read and sign.

2) Adoption of the minutes of the 315th meeting

The minutes were adopted with one change. It was suggested that, insofar as possible, people's names not be mentioned and that minutes stick to the essence of discussions and recommendations.

3) Correspondence and follow-up action

It was proposed that the list of correspondence and follow-up action be appended to the notice of the meeting so that the members can go over it beforehand. To avoid needless repetition, the secretary will mention only important or special information during the actual meeting. The members approved the proposal.

The follow-up on correspondence is provided in Appendix B. There were no comments from the members, except mention of one mistake, which was corrected.

4) Bachelor Lake mining project

- a) Analysis of the cyanide destruction test results – questions and comments

As agreed at the last meeting, a final version of the questions and comments regarding the cyanide destruction test results was tabled. The document includes the Québec party's analysis presented on February 6 plus the Cree members' comments. The members agreed to send the final version of the questions and comments to the Administrator.

5) Hydro-Québec power supply for BlackRock mining facilities

- a) Request for a certificate of authorization – draft recommendation

The members completed the review process, as agreed at the last meeting. The final environmental review report for the planned 161-kV power line for the BlackRock Metals mining property was approved. The Cree members had no additional comments. After reviewing the various documents submitted by the proponent, COMEX deems the project socially and environmentally acceptable and, consequently, recommends that it be authorized on the conditions stipulated in the review report. It was agreed to send the document to the Administrator.

6) Route 167 Nord (MTQ)

The Committee discussed the MTQ documents on the Route 167 Nord extension project. The documents deal with:

- environmental follow-up and biophysical characterization of granular deposits;
- the protocol for unimpeded fish movement through culverts;
- the environmental follow-up program for borrow pits less than 75 m from lakes, streams and rivers, the restoration of borrow pits and developed sites, tending of false-mountain willow stands and maintenance of wildlife corridors.

The COMEX members studied the above documents. Further to the discussions held at the last meeting and the comments submitted by the Cree party, the Québec party gave a succinct presentation on the final questions and comments. The matter of woodland caribou monitoring mentioned in the MTQ's letter of December 13 was also addressed. It was agreed that the final document presenting COMEX's assessment of the proponent's follow-up activities would be sent to all of the members soon and then to the Administrator.

It was agreed to check with the Québec analyst to make sure that all of the comments regarding follow-up of borrow pits were incorporated into the questions and comments document. A number of comments were made, including with regard to the frequency of follow-up activities and the failure to submit requested documents on time.

7) Eastmain-1-A/Sarcelle/Rupert project

- a) Presentation by Isabelle Auger (1:45 p.m.), analyst with the MDDEFP, on the environmental follow-up program for 2007-2023 – request to amend the CA

Ms. Auger handed out a summary table of the updated environmental follow-up program for 2007-2023. She pointed out all the changes (shaded in grey) from the original program. The members noted that the majority of changes are minor and that COMEX has already dealt with several of them. Moreover, COMEX had felt that the environmental follow-up plan was in need of updating because it had become difficult to figure out. A single concern was raised: abandonment of the follow-up program on training for 2011 to 2016. Ms. Auger also mentioned that the 2010 report was not received. It was agreed that she would contact the proponent about these two matters. It was also agreed that the Cree members would contact the representatives of the *Monitoring Committee* to get their comments. The members agreed to share this information when it is available and, if the response is favourable, to recommend that the Administrator approve the requested amendment to the certificate of authorization.

- b) Publication of the public consultation report and the Chairperson's signature on the cover letter to the Administrator

The graphic design for the report has been completed. The members were shown the final report in PDF. The report will be printed within the next few weeks. A copy of the report will be sent to the Administrator. It was agreed to mention in the cover letter that the COMEX members are hoping for a wide dissemination of the report and will develop a communications strategy for the report.

- c) Letter from the proponent in response to Condition 9.1 – comments

At first sight, the members have no comments regarding this letter, which was sent to COMEX for information purposes. However, the Cree members would like to consult a representative of the *Monitoring Committee* before closing the file. COMEX will write to the Administrator to say that COMEX has no comments, as the case may be.

8) Renard diamond project (Stornoway)

- a) Presentation by Isabelle Auger

- *Rapport de caractérisation écologique des milieux humides et son plan de compensation*, in accordance with Condition 2.1

Ms. Auger presented an analysis report on this project. The COMEX members noted that no specific compensation program exists for wetland losses and, consequently, the proponent needs to set up the committee referred to in its report as soon as possible. This committee must determine compensation measures rapidly as well as define a timeline. COMEX will recommend that the Administrator amend Condition 2.1 accordingly.

- *Programme de compensation de l'habitat du poisson*, in accordance with Condition 2.12

Isabelle Auger tabled an analysis report on the fish habitat compensation program. The COMEX members noted that the MDDEFP's wildlife branch was consulted very late in the program preparation stage whereas Stornoway mainly discussed the matter with Fisheries and Oceans Canada. Experts from the MDDEFP's wildlife branch have reservations regarding the real gains derived from certain enhancements. However, they think that the compensation program, as presented, is acceptable. The members also noted that the analysis report recommends four conditions.

Certain comments made by the Cree party were discussed. According to the tallyman, the proponent's characterization of a small lake on the site of mining infrastructures does not cover all of the fish species found in the lake. The presence of hydrocarbons on one of the sites at the old Sullivan mine proposed as a walleye spawning ground was also discussed. The information will be verified. Consultations will be held in Mistissini soon. It was proposed that the consultations be taken into consideration.

- *Demande de révision des objectifs environnementaux de rejets (OER)*, in accordance with Condition 2.4

Isabelle Auger gave a brief overview of environmental discharge objectives (EDOs). COMEX noted that some of the MDDEFP experts consulted are comfortable with the proposed revision of EDOs based on a dilution rate of 1:5, whereas other experts have reservations due to thermal stratification in this part of Lake Lagopède. There was consensus on a proposal to allow a dilution rate of 1:5 for the first three years on the condition that the proponent monitors the situation very closely in order to validate dilution assumptions in the receiving body of water.

The members also noted the high phosphorus concentrations in groundwater. The experts consulted would like phosphorus levels to be monitored using trace methods to make sure they do not disturb the ecology of Lake Lagopède.

The members agreed to complete their review before the next meeting in order to take the time to learn more about this issue.

b) Modification of schedule for complying with conditions

Isabelle Auger presented the analysis results regarding modification of the schedule for complying with conditions. COMEX noted that the modification is due in part to the fact that the proponent is behind in its initial funding and construction schedule. COMEX also noted that some of the requested modifications are related to a forthcoming request from the proponent to use natural gas generators instead of diesel generators. The COMEX members agreed to recommend that the Administrator grant the proponent an extension until August 31, 2014 for submitting the additional information requested in relation to conditions 2.3, 2.6, 2.7, 2.9, 2.10, 4.1 and 5.1. More specifically, it was agreed that Condition 2.6 should be amended to allow for one-time measures given that continuous measurement of dissolved oxygen is difficult and that, in principle, it is not a crucial parameter. The members agreed to send recommendations in this regard to the Administrator.

c) Report received:

- *Inventaire archéologique*

There were no comments regarding the archeological survey.

9) JBACE questionnaire on public participation

a) Group interview by Graeme Morin (11:00 a.m.)

Graeme Morin of the JBACE conducted a group interview from 11:00 a.m. to 12:15 p.m. Mr. Morin's wanted to get the COMEX members' views on the public participation process, more specifically in the case of the Matoush project. Their answers to the questionnaire will be used to prepare the report of the JBACE subcommittee on public participation. Mr. Morin agreed to send COMEX a summary of the members' answers to each of the questions asked so that the members can validate the information.

10) Forest roads and request for a meeting from Guy Hétu to discuss MRN's precautionary approach

The members agreed that the letter Mr. Hétu sent to COMEX Chairperson André Boisclair should have been addressed to the Administrator. It was the Administrator who informed COMEX that the discussions between the MRN, the wildlife branch and the CRA regarding the protection of woodland caribou were to continue, which led to a suspension of the assessment of planned forest roads submitted to COMEX. The Cree members mentioned that Crees had participated in an expert panel set up to study this issue. The Cree members wondered whether the outcome of the panel's work had been taken into account. They would like to get the panel's opinion on the MRN's precautionary approach. They would also prefer a more holistic approach, one that includes a comprehensive plan for the future, to a year-by-year approach.

The members agreed to write to the Administrator to explain Mr. Hétu's request and ask for an update on the caribou issue.

11) Request for information

a) Vincent Gérardin, Pekuakamiulnuatsh First Nation

On behalf of the Pekuakamiulnuatsh First Nation, Vincent Gérardin submitted an access to information request to obtain COMEX's report on the BlackRock project. The Mashteuiatsh Innu First Nation had submitted a brief during the public consultations held in Oujé-Bougoumou. Mr. Gérardin wanted to see the consideration given to the Innu's comments.

Further to this request for information, the issue of COMEX's status as a public body was raised. The members wondered what the rules are regarding access to the documents it produces. Depending on the answer, the Committee may have to change its ways. It could seek a legal opinion in this regard. The Cree members pointed out that they are for transparency and would even be in favour of amending the JBNQA in order to have greater transparency. The Chairperson said he would contact the responsible authorities very soon to clarify the matter.

The members agreed to put Mr. Gérardin's request aside until the matter is resolved.

12) Other business

a) Annual planning

It was agreed that it would be worthwhile to prepare an annual plan with deadlines for active projects. That way, COMEX could plan its meetings and general work better as well as keep a closer eye on proponent's respect of project schedules.

13) Date and place of the next meeting

The next COMEX meeting will be held on April 23, 2014, in Montréal. The members said it would be good to hold a meeting in the North, possibly in Némaska, so they can visit the Eleonore mine site, the Whaboushi site and possibly Arctic Fiber.

Appendix A
Agenda

The following agenda was adopted:

- 1) Call to order, introduction of Robert Joly and adoption of the agenda**
- 2) Adoption of the minutes of the 315th meeting**
- 3) Correspondence and follow-up action (Appendix B)**
- 4) Bachelor Lake mining project**
 - a) Analysis of the cyanide destruction test results – questions and comments
- 5) Hydro-Québec power supply for BlackRock mining facilities**
 - a) Request for a certificate of authorization – draft recommendation
- 6) Route 167 Nord extension (MTQ)**
 - a) Approval of follow-up programs – draft recommendation
 - b) Approval of environmental follow-up of operation of borrow pits between kilometres 0 and 143 – questions and comments
- 7) Eastmain-1-A/Sarcelle/Rupert project**
 - a) Presentation by Isabelle Auger (1:00 p.m.) on the environmental follow-up program for 2007-2023 – request to amend the CA
 - b) Publication of the public consultation report and Chairperson's signature on the cover letter to the Administrator
 - c) Letter from the proponent in response to Condition 9.1 – comments
- 8) Renard diamond project (Stornoway)**
 - a) Presentation by Isabelle Auger - recommendations
 - *Rapport de caractérisation écologique des milieux humides et son plan de compensation*, in accordance with Condition 2.1
 - *Programme de compensation de l'habitat du poisson*, in accordance with Condition 2.12

- *Demande de révision des objectifs environnementaux de rejets*, in accordance with Condition 2.4

b) Modification of schedule for complying with conditions

c) Report received:

- *Inventaire archéologique*

9) JBACE questionnaire on public participation

a) Group interview by Graeme Morin (2:30 p.m.)

10) Forest roads and request for a meeting from Guy Hétu to discuss MRN's precautionary approach

11) Request for information

a) Vincent G  rardin, Pekuakamiulnuatsh First Nation

12) Other business

13) Date and place of the next meeting

Appendix B

CORRESPONDENCE AND FOLLOW-UP ACTION

Operation of Quarry CA-02, over 3 ha in size, for development of a high ground park at Chisasibi

- COMEX sent its recommendations to the Regional Administrator on February 7, 2014.
- The Regional Administrator sent the CA to the SEBJ (cc'd to COMEX, received February 11, 2014).

Eastmain-1-A/Rupert project (Hydro-Qu  bec)

- A letter from the proponent in response to Condition 9.1 was received on February 10, 2014 (from Mireille Paul of MDDEFP) – Discussions with Chisasibi and Nemaska regarding possible solutions for reducing cumulative impacts + discussions with Waskaganish regarding the possibility of using another major river.

- MDDEFP sent the amended CA (redevelopment master plan for 2013) to the SEBJ (cc'd to COMEX, received March 3, 2014).

Bachelor Lake mine site (Metanor Resources Inc.)

- COMEX sent its comments on the 2012 annual report to the Provincial Administrator on February 12, 2014.
- An acknowledgement of receipt of COMEX's comments on the 2012 annual report was received from the Provincial Administrator on February 19, 2014.

Eleonore gold mining project (Opinaca Mines Ltd.)

- COMEX sent the Provincial Administrator its recommendations on the Cree land use follow-up program on February 14, 2014.
- An acknowledgement of receipt of COMEX's recommendations on the Cree land use follow-up program was received from the Provincial Administrator on February 19, 2014.
- On February 20, 2014, COMEX sent the Provincial Administrator its recommendations for approval of the amendment to the CA for enlargement of Sandpit A-01, with one condition.
- An acknowledgement of receipt of COMEX's recommendations for approval of the amendment to the CA for enlargement of Sandpit A-01, with one condition, was received from the Provincial Administrator on February 25, 2014.
- The Administrator sent the proponent the amended CA for the Cree land use follow-up program (cc'd to COMEX, received February 25, 2014).
- The Administrator sent the proponent the amended CA for enlargement of Sandpit A-01 (cc'd to COMEX, received March 3, 2014).