



la Convention  
de la Baie James  
et du Nord québécois

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

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**MINUTES OF THE  
361<sup>st</sup> MEETING OF THE REVIEW COMMITTEE (COMEX)  
(ADOPTED)**

**DATE:** March 1<sup>st</sup>, 2018

**PLACE:** COMEX office  
800, rue Square-Victoria, suite 25.30  
Montréal (Québec) H4Z 1J2

**PRESENT:** Suzann Méthot, Chairperson, Québec  
Daniel Berrouard, Québec  
Robert Joly, Québec  
Brian Craik, CNG  
  
Vanessa Chalifour, Executive Secretary

**ABSENT:** John Paul Murdoch, CNG

**1) Call to order and adoption of the agenda**

The agenda was adopted with the addition of the following three matters:

- a. Eastmain 1-A/Rupert diversion hydroelectric project
  - a. Niskamoon Corporation annual reports for 2013 to 2017
  - b. Monitoring of navigation conditions, Rupert River sector, 2014 – Lot 6: Consultation of non-Cree users – Final report; Monitoring of navigation conditions, Rupert River sector – Lots 2 to 5 and 7 – 2014 – Final report
- b. Draft regulations under the EQA
- c. *Le Jamésien*

**2) Adoption of the minutes of the 360<sup>th</sup> meeting**

The minutes of the 360<sup>th</sup> meeting were adopted as presented.

**Action: Translate and file the 360<sup>th</sup> meeting minutes**

**3) Correspondence and follow-up action**

Correspondence and follow-up action from February 2 to 28, 2018 are presented in Appendix A.

**4) Rose Lithium – Tantalum mining project, Critical Elements Corporation**

**REF. No.: 3214-14-053**

- a. Updated environmental impact study
  - For discussion

The project is still under review at the MDDELCC and the Cree Nation Government. COMEX should be able to work on the first set of questions and comments at the April 6, 2018 meeting.

**5) Construction of forest roads “H, Section west” and “I”, Matériaux Blanchet**

**REF. No.: 3214-05-075**

- a. Updated characterization program for the natural environment – Condition 4
- b. Measures to protect threatened or vulnerable wildlife species – Condition 6
  - For recommendation

WHEREAS on January 19, 2018, COMEX received, for recommendation, the proponent’s responses to the questions and comments sent in COMEX’s letter of July 31, 2017 concerning Condition 4 (characterization program) and Condition 6 (measures to protect threatened or vulnerable wildlife species) of the project to build forest roads “H, Section west” and “I”;

WHEREAS the COMEX members reviewed the documents sent by the proponent and believe that the proponent's new characterization program and its answers to COMEX's questions are adequate on a technical level. COMEX is thus satisfied with the proposed update. However, COMEX is disappointed that collaboration between the Cree community of Waswanipi and the proponent is difficult. Nevertheless, considering that the life cycle of species is such that field work must begin soon, COMEX is moving forward with its recommendation to update the environmental characterization program. It also recommends that the proponent continue its efforts to establish communication with the Cree community of Waswanipi and set up the monitoring committee, as stipulated in Condition 9 of the certificate of authorization.

In addition, COMEX wishes to remind the proponent that the two characterization reports mentioned must be submitted to COMEX for recommendation and must be approved by the MDDELCC, which means that two more amendments must be made to the certificate of authorization before the proponent can undertake construction work. In addition to conditions 7 and 8, the characterization reports must take into account conditions 2, 5 and 6.

CONSEQUENTLY, the COMEX members decided:

**#2018-0301-01:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the documents sent by the proponent and find that the proposed new characterization program (Condition 4) including Condition 6 meets COMEX's expectations.*

**Action: Write to the Provincial Administrator**

**Action: Get a courtesy English translation**

- c. Supplementary information – Archeological potential study (Condition 8) and Monitoring committee (Condition 9)
  - For recommendation

WHEREAS on February 9, 2018, COMEX received, four recommendation, the proponent's responses to the questions and comments sent in COMEX's letter of July 31, 2017 concerning Condition 8 (archeological potential study) and Condition 9 (monitoring committee) of the project to build forest roads "H, Section west" and "I";

WHEREAS the COMEX members reviewed the documents sent by the proponent and believe that the archeological potential study protocol is adequate and that the proponent can proceed with the study before building roads “H, Section west” and “I”. However, COMEX has doubts that the archeological potential study will be completed given that collaboration between the proponent and the Cree community of Waswanipi is difficult, as testified by the exchanges between the proponent and the Cree community of Waswanipi;

Furthermore, COMEX recommends that the archeological potential study be conducted by an experienced archeologist and identify culturally sensitive areas that should not be touched by the roads’ construction.

In COMEX’s opinion, the feasibility of the proposed protocol and the quality of the archeological potential study depend on open cooperation and ongoing dialogue between the proponent and the Cree community of Waswanipi. That is why COMEX is once again recommending that the proponent continue its efforts to establish communication with the Cree community of Waswanipi and set up the monitoring committee, as stipulated in Condition 9 of the certificate of authorization.

CONSEQUENTLY, the COMEX members decided:

**#2018-0301-02:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the documents sent by the proponent and believe that the archeological potential study protocol is adequate and that the proponent can proceed with the study.*

**Action: Write to the Provincial Administrator**

**Action: Get a courtesy English translation**

- d. Monitoring of the Nottaway and Assinica caribou herds (Condition 3)
  - For recommendation

WHEREAS on February 20, 2018, COMEX received, for recommendation, the monitoring program for the Nottaway and Assinica caribou herds (Condition 3) for the project to build forest roads “H, Section west” and “I”;

WHEREAS the COMEX members reviewed the document sent by the proponent and learned that talks are continuing with the MFFP to reach an agreement on the proponent’s contribution to the MFFP’s caribou monitoring program, that is, a financial contribution to the deployment of radio collars on caribou and radio-tracking for a period of five years. COMEX is in favour of such a contribution and recommends that, insofar as possible, the collars be fitted on individuals that are most likely to range in the impact area of the project. In addition, COMEX would like to be informed of MFFP’s

caribou monitoring activities, the results and the causal links between caribou behaviour and construction of the forest roads.

Furthermore, COMEX is of the opinion that Cree stakeholders must be involved, to the extent they wish, in knowledge acquisition programs conducted in the territory of Eeyou Istchee James Bay. Therefore, COMEX wishes to be informed of the efforts made to promote Cree involvement in the MFFP's woodland caribou monitoring and of the monitoring results.

CONSEQUENTLY, the COMEX members decided:

**#2018-0301-03:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the document sent by the proponent and are in favour of the proponent's contribution and recommend that, insofar as possible, the collars be fitted on individuals that are most likely to range in the impact area of the project.*

**Action: Write to the Provincial Administrator**

**Action: Get a courtesy English translation**

#### **6) Eastmain 1-A/Rupert diversion hydroelectric project**

**REF. No.: 3214-10-017**

- a. Monitoring of the lake sturgeon spawning grounds developed in the Rupert forebay and at KP 290 on Rupert River – 2015
  - For information

WHEREAS on September 13, 2017, COMEX received, for information purposes, the 2015 report on monitoring of the lake sturgeon spawning grounds developed in the Rupert forebay and at KP 290 on Rupert River for the Eastmain 1-A/Rupert diversion hydroelectric project;

WHEREAS the purpose of the monitoring was to verify the integrity and use of spawning grounds developed for lake sturgeon and whereas this was the last year of monitoring of the integrity of the spawning grounds developed at KP 333 on Rupert River and KP 30.5 on Misticawissich River. The monitoring results confirmed that the physical integrity of both spawning grounds remains intact. Use of both spawning grounds will continue to be monitored in 2017 and 2020;

WHEREAS the COMEX members reviewed the monitoring report and find that, to date, the data collected during the 2015 monitoring campaign meet the set objectives;

CONSEQUENTLY, the COMEX members decided:

**#2018-0301-04:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the monitoring report and find that, to date, the data collected during the 2015 monitoring campaign meet the set objectives.*

**Action: Write to the Provincial Administrator**

- b. Monitoring of the integrity and use of the multispecies spawning grounds developed in Rupert River – 2015 and results for 2011-2015

- For information

WHEREAS on April 5, 2017, COMEX received, for information purposes, the 2015 study report and monitoring results for 2011-2015 for the integrity and use of the multispecies spawning grounds developed in Rupert River for the Eastmain 1-A/Rupert diversion hydroelectric project;

WHEREAS the purpose of the monitoring was to verify the physical integrity of the fish habitat enhancements in the reduced-flow reach of Rupert River as well as their use by suckers, walleye, lake whitefish and brook trout;

WHEREAS the COMEX members reviewed the monitoring report and find that, to date, the data collected during the 2015 monitoring campaign meet the set objectives. Overall, it appears that the integrity of the developed spawning grounds remains intact and that the target species use the spawning grounds to varying degrees;

The 2015 monitoring campaign marked the final year of monitoring of the multispecies spawning grounds developed in Rupert River under the 2007-2023 environmental follow-up program. However, further to the remedial work done at KP 170 on Rupert River, the COMEX members would like to remind the proponent of its obligations under conditions 1 and 2 of the amended certificate of authorization issued on May 18, 2017:

**Condition 1:** The proponent must preserve the information exchange mechanisms established with the Crees during the construction phase of the Eastmain 1-A powerhouse/Rupert diversion project during construction of KP 170. Upon completion of the work, the proponent must submit a report on all discussions to the Administrator for information purposes.

**Condition 2:** The 2007-2023 environmental follow-up program must be enhanced with the addition of two more years of monitoring, in 2018 and 2020, of the physical integrity and use of the multispecies spawning ground developed near the hydraulic structure at KP 170 on Rupert River. This monitoring must encompass the natural spawning area located downstream from the hydraulic structure at KP 170 on Rupert River.

CONSEQUENTLY, the COMEX members decided:

**#2018-0301-05:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the monitoring report and find that, to date, the data collected during the 2015 monitoring campaign meet the set objectives.*

**Action: Write to the Provincial Administrator**

- c. Waterfowl monitoring 2014 – Respondents’ answers to Cree questionnaire
  - For information

WHEREAS on November 9, 2017, COMEX received, for information purposes, the respondents’ answers to the Cree questionnaire on waterfowl monitoring in 2014 – Canada goose surveys for the Eastmain 1-A/Rupert diversion hydroelectric project;

WHEREAS the COMEX members reviewed the respondents’ answers to the Cree questionnaire and have no comments, but recommend that, in future, a summary of such consultations held with the Crees be presented in table form;

In addition, the Cree representatives on COMEX informed the other members that the detailed answers to the questionnaire are confidential. COMEX therefore undertakes to keep this information confidential and will ask the proponent to inform COMEX of such every time it sends the committee confidential information.

CONSEQUENTLY, the COMEX members decided:

**#2018-0201-06:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the respondents’ answers to the Cree questionnaire and have no comments, but recommend that, in future, a summary of such consultations held with the Crees be presented in table form.*

**Action: Write to Provincial Administrator**

- d. Monitoring of navigation conditions, Rupert River sector – Lots 2 to 5 and 7 – 2014 – Final report  
Monitoring of navigation conditions, Rupert River sector, 2014 – Lot 6: Consultation of non-Cree users – Final report
  - For information

WHEREAS on September 20, 2016, COMEX received, for information purposes, the 2014 report on monitoring of navigation conditions in the Rupert River sector – Lots 2 to 5 and 7 – Final report, and the 2014 report on monitoring of navigation conditions in the Rupert River sector – Lot 6: Consultation of non-Cree users – Final report, for the Eastmain 1-A/Rupert diversion hydroelectric project;

WHEREAS the purpose of this monitoring was to assess navigation conditions in the reduced-flow reach of Rupert river, identify non-Cree users' concerns about changed navigation conditions and find out how satisfied they are with the mitigation measures implemented (whether or not they are effective);

WHEREAS the COMEX members reviewed the monitoring reports and find that the results confirm the proponent's initial assumptions that almost the entire reduced-flow reach of the Rupert is still navigable following partial diversion of the river;

As regards the interviews of non-Cree users conducted in 2014, none of the 23 businesses and 3 individuals contacted who canoe and kayak have canoed or kayaked on Rupert River since the diversion. However, COMEX took note of the fact that business representatives expressed an interest in looking at nautical charts to evaluate the possibility of planning another outing on Rupert River within the next few years. The study revealed that few members of the broader paddling community were informed of the work undertaken by Hydro-Québec to maintain the river's navigability. In COMEX's opinion, this information might be useful to the regional tourism authorities.

CONSEQUENTLY, the COMEX members decided:

**#2018-0201-07:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the monitoring reports and find that the results confirm the proponent's initial assumptions.*

**Action: Write to the Provincial Administrator**



- e. Niskamoon Corporation annual reports for 2013 to 2017
  - For information

WHEREAS on January 10, 2018, COMEX received, for information purposes, five Niskamoon Corporation annual reports (2012 to 2017) for the Eastmain 1-A/Rupert diversion hydroelectric project;

WHEREAS the COMEX members reviewed and were pleased with the content of the five annual reports, as it gives a good idea of the tangible benefits of the Corporation's establishment;

CONSEQUENTLY, the COMEX members decided:

**#2018-0201-08:** *to write to the Provincial Administrator to inform him that the COMEX members reviewed the annual reports received and that COMEX has no comments. However, COMEX wishes to continue receiving the Niskamoon Corporation's annual reports when available.*

**Action: Write to the Provincial Administrator**

#### **7) Iron-vanadium mining project, BlackRock Metals Inc.**

**REF. No.: 3214-14-050**

- a. Request to amend the general CA
  - For discussion

The project is still under review at the MDDELCC and the Cree Nation Government. COMEX should be able to work on the first set of questions and comments at the April 6, 2018 meeting.

Given the magnitude of the requested amendment, COMEX will review it as though it were a new project. After another series of questions and comments has been sent to the proponent, COMEX will want to receive a consolidated document covering the whole project and containing the proponent's responses to future questions and comments.

Vanessa Chalifour informed the members of a discussion she had had with Chibougamau Mayor Manon Cyr, who said that she would like more information on the requested amendment and that the Ville de Chibougamau might even request public hearings.

The proponent's representative confirmed that project-related documents will be made available on the company's website and the link will be sent to COMEX so that it can post it on its website.

**Action: Follow-up with Jacqueline Leroux of BlackRock Metals to obtain public access to e-documents**

**8) Other business**

**a. Letter from the Cree Nation Government: Route B**

Isaac Voyageur wrote to Chantiers Chibougamau Itée regarding construction of Route B. According to the reply received from Chantiers Chibougamau, the road will not be built; rather, it is a question of roads used in winter, not permanent roads. The MFFP also replied to Mr. Voyageur's letter. There is no need for COMEX to reply.

**b. MTMDET – Regional climate portrait: COMEX representation on the working committee**

In keeping with the goal of greater integration of climate change in infrastructure development in the James Bay territory, the MTMDET wants to establish a climate portrait of James Bay and is aware that the data could be of interest to COMEX and that COMEX's expertise could inform the MTMDET's project. COMEX was therefore invited to be part of the working group the MTMDET will be setting up to develop the regional climate portrait. On the COMEX Chairperson's recommendation, the JBACE was also invited to be part of the working group, which will hold its first meeting in April.

**c. Quarry in Chisasibi: amendment of CA?**

COMEX has not heard back from the Regional Administrator about a requested extension of the quarry project in Chisasibi. The quarry is apparently still in operation, in which case the new holder of the CA is acting unlawfully because it has not submitted an application for a certificate of authorization.

**Action: Brian Craik will contact Lucas Del Vecchio at the Cree Nation Government to get an update**

**d. Trench landfill in Waswanipi**

Brian Craik will contact Lucas Del Vecchio at the Cree Nation Government to get an update.

**e. Draft regulations under the EQA**

Suzann Méthot, Robert Joly and Daniel Berrouard attended a presentation on the new draft regulations implementing the amendments to the EQA, which were recently released for consultation.

More specifically, COMEX wondered what impact the *Regulation respecting ministerial authorizations and declarations of compliance in environmental matters* would have on its reviews and, from what we can tell, it will have no impact. However, there is still a question as to development projects in the Eeyou Istchee James Bay territory that are covered by an attestation of exemption. In addition, the text of the Regulation confirms that documents submitted in the context of applications for a certificate of authorization under section 22 of the EQA, including documents related to projects authorized further to a COMEX review and recommendation, are public records.

Among other things, that means that as of March 23, 2018, COMEX will no longer be required to obtain the proponent's authorization to publish documents submitted as part of an application for a certificate of authorization.

We still don't know whether documents following up on conditions of project authorization are public records. And unlike in the case of projects submitted to the assessment and review procedure for southern Québec, public records related to northern projects will not contain sector-based and departmental expert opinions.

**f. *Le Jamésien***

The last ¼ page was used to announce the request to amend the CA for BlackRock's mining project as well as the Rose Lithium-Tantalum mining project. It was published in the March 5, 2018 issue of *Le Jamésien*.

**9) Next meetings**

- a. April 6, 2018, Montréal
- b. May 9, 2018, Montréal
- c. June 13, 2018, Montréal

**Appendix A**  
**Correspondence and follow-up: February 2-28, 2018**

<b>Project</b>	<b>From</b>	<b>To</b>	<b>Document</b>	<b>Date</b>	<b>Action - Comments</b>
Eastmain-1-A/Rupert diversion project, Hydro-Québec Ref. No.: 3214-10-017	Suzann Méthot COMEX	Patrick Beauchesne Deputy Minister MDDELCC	Monitoring of the multispecies spawning ground developed downstream of the Sarcelle generating station – 2015	Sent: February 6, 2018 Acknowledgement of receipt: February 8, 2018	
	Mireille Paul MDDELCC	Benoît Gagnon Hydro-Québec	Monitoring of the multispecies spawning ground developed downstream of the Sarcelle generating station – 2015	Sent: February 21, 2018 Received by COMEX: February 22, 2018	
Eastmain-1-A/Rupert diversion project, Hydro-Québec Ref. No.: 3214-10-017	Mireille Paul MDDELCC	Benoît Gagnon Hydro-Québec	List of flow, water level and temperature measuring stations in operation in 2014 and 2015	Sent: February 21, 2018 Received by COMEX: February 22, 2018	
Eastmain-1-A/Rupert diversion project, Hydro-Québec Ref. No.: 3214-10-017	Suzann Méthot COMEX	Patrick Beauchesne Deputy Minister MDDELCC	Monitoring of spawning grounds developed at KP 203 and 207 on Eastmain River –2014; Monitoring of the fish pass at KP 207 on Eastmain River –2013 and 2014; Monitoring of fish populations between KP 193 and 217 on Eastmain River – Increased-flow section – 2015	Sent: February 6, 2018 Acknowledgement of receipt: February 8, 2018	
	Mireille Paul MDDELCC	Benoît Gagnon Hydro-Québec	Monitoring of spawning grounds developed at KP 203 and 207 on Eastmain River –2014; Monitoring of the fish pass at KP 207 on Eastmain River –2013 and 2014; Monitoring of fish populations between KP 193 and 217 on Eastmain River – Increased-flow section – 2015	Sent: February 21, 2018 Received by COMEX: February 22, 2018	

**Appendix A**  
**Correspondence and follow-up: February 2-28, 2018**

<b>Project</b>	<b>From</b>	<b>To</b>	<b>Document</b>	<b>Date</b>	<b>Action - Comments</b>
Eastmain-1-A/Rupert diversion project, Hydro-Québec Ref. No.: 3214-10-017	Suzann Méthot COMEX	Patrick Beauchesne Deputy Minister MDDELCC	Request to amend certificate of authorization Permanent housing complex on the site of the temporary workcamp for Eastmain 1	Sent: February 9, 2018 Acknowledgement of receipt: February 12, 2018	
Construction of forest roads “H, Section west” and “I”, Matériaux Blanchet Ref. No.: 3214-05-075	Alexis Deshaies EnviroCree	Patrick Beauchesne Deputy Minister MDDELCC	Characterization program for the natural environment, Responses to questions and comments (English)	Sent: January 29, 2018	
	Mireille Paul MDDELCC	Suzann Méthot COMEX	Characterization program for the natural environment, Responses to questions and comments (English)	Sent: February 5, 2018	<i>For recommendation</i>
	Alexis Deshaies EnviroCree	Patrick Beauchesne Deputy Minister MDDELCC	Supplementary information – Archeological potential study (Condition 8) and monitoring committee (Condition 9)	Sent: February 1, 2018	
	Mireille Paul MDDELCC	Suzann Méthot COMEX	Supplementary information – Archeological potential study (condition 8) and monitoring committee (condition 9)	Sent: February 9, 2018 Received by COMEX: February 9, 2018	<i>For recommendation</i>
	Alexis Deshaies EnviroCree	Patrick Beauchesne Deputy Minister MDDELCC	Responses to questions and comments (condition 4)	Sent: February 9, 2018	
	Mireille Paul MDDELCC	Suzann Méthot COMEX	Responses to questions and comments (condition 4)	Sent: February 14, 2018 Received by COMEX: February 15, 2018	<i>For recommendation</i>
	Alexis Deshaies EnviroCree	Patrick Beauchesne Deputy Minister MDDELCC	Compliance with authorization conditions (condition 3)	Sent: February 14, 2018	
	Mireille Paul MDDELCC	Suzann Méthot COMEX	Compliance with authorization conditions (condition 3)	Sent: February 16, 2018 Received by COMEX: February 20, 2018	<i>For recommendation</i>

**Appendix A**  
**Correspondence and follow-up: February 2-28, 2018**

<b>Project</b>	<b>From</b>	<b>To</b>	<b>Document</b>	<b>Date</b>	<b>Action - Comments</b>
Whabouchi project, Nemaska Lithium Ref. No.: 3214-14-052	Suzann Méthot COMEX	Patrick Beauchesne Deputy Minister MDDELCC	Request to change location of final effluent discharge point	Sent: February 6, 2018 Acknowledgement of receipt: February 8, 2018	
Whabouchi project, Nemaska Lithium Ref. No.: 3214-14-052	Suzann Méthot	Patrick Beauchesne Deputy Minister MDDELCC	Environmental and social monitoring program – revised report (v1)	Sent: February 9, 2018 Acknowledgement of receipt: February 12, 2018	
Wood pellet production plant in Chapais, Les Entreprises Barrette Ltée Ref. No.: 3214-23-005	Suzann Méthot COMEX	Patrick Beauchesne Deputy Minister MDDELCC	COMEX's recommendation	Sent: February 7, 2018 Acknowledgement of receipt: February 8, 2018	
	Mireille Paul MDDELCC	Benoit Barrette Barrette Chapais Ltée	Certificate of authorization	Sent: February 26, 2018 Received by COMEX: February 26, 2018	
Project to build Route B Nord	Isaac Voyageur Regional Administrator	Marco Trudel, MFFP Pascal Morissette, Chantiers Chibougamau Ltée cc. Suzann Méthot, COMEX	Project to build Route B Nord	Sent: February 12, 2018	<i>For information</i>
	Pascal Morissette Les Chantiers Chibougamau Limitée	Gloria Blacksmith Cree Nation Government	Project to build Route B Nord	Sent: February 16, 2018	<i>For information</i>
	Marco Trudel MFFP	Isaac Voyageur Regional Administrator	Project to build Route B Nord	Sent: February 23, 2018	<i>For information</i>