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May 27, 2019

Mr. Marc Croteau

Deputy Minister and Provincial Administrator for Section 22
of the James Bay and Northern Québec Agreement

Ministère l'Environnement et de la Lutte contre les changements climatiques

Mr. Isaac Voyageur

Regional Administrator for Section 22
of the James Bay and Northern Québec Agreement

Cree Nation Government

Dear Mr. Croteau and Mr. Voyageur:

On behalf of the members of the Environmental and Social Impact Review Committee (COMEX), I am pleased to send you the report of activities for the year ended March 31, 2019.

Yours truly,



Vanessa Chalifour

Executive Secretary
For the members of COMEX
Environmental and Social Impact Review Committee

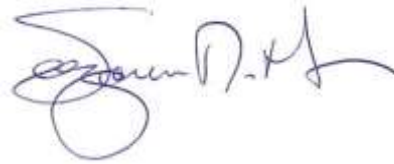
Message from the Chairperson

My term as chairperson of COMEX ended on March 31, 2019 and it is with a sense of accomplishment that I join the members in reporting on our activities during this past year. Once again, I want to stress the importance of remembering the visionary leadership shown by the signatories of the James Bay and Northern Québec Agreement in 1975 by providing for environmental and social protection under sections 22 and 24 of the agreement. That same vision and spirit, forever etched in our collective memory, continues to guide the members of COMEX in fulfilling their mandate.

The increase in the number of impact statements submitted to COMEX in 2018-2019, compared to the two previous years, no doubt reflected a slight upturn in development activities in the Eeyou Istchee James Bay territory, especially in the mining sector. It gave COMEX an opportunity to apply the approach developed for taking climate change into account when reviewing projects submitted to the committee for its consideration and comments. Coupled with COMEX's recent recommendations to require businesses to develop an energy transition plan to achieve zero carbon emissions by 2050, we can wholeheartedly say that from now on, following COMEX's recommendations, new projects in the

Eeyou Istchee James Bay territory that are subject to the review procedure will meet the most stringent emission requirements in North America.

I would like to thank the analysts at the Ministère de l'Environnement et de la Lutte contre les changements climatiques, the experts from the other departments concerned by our reviews, as well as the experts from the Cree Nation Government, without whom it would be impossible to duly fulfil our mandate. I also wish to thank the members of COMEX whom I have had the privilege of working with on such an inspiring mandate over the last three years. Finally, I would like to acknowledge and thank the Québec government and the Cree Nation Government for the trust they showed in me throughout my term of office.



Suzann Méthot
Chairperson
Environmental and Social Impact
Review Committee

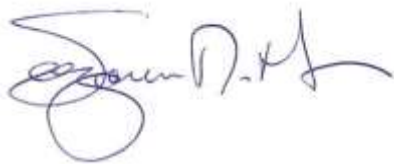
Chairperson's Statement

To the best of my knowledge, the Annual Report 2018-2019:

- accurately describes the Review Committee's mission, areas of activity, strategic directions and priorities;
- provides accurate and reliable data covering all of the Review Committee's activities and indicates the degree of achievement of its goals.

In accordance with its mandate, the Review Committee maintained a system for sharing information with the MELCC throughout the fiscal year to ensure sound management of its operations and accountability for the undertakings ensuing from its strategic directions and its goals for 2018-2019.

I am satisfied with the practices and methods used to produce the information contained in this annual report of activities.



Suzann Méthot
Chairperson
Environmental and Social Impact Review
Committee

List of Acronyms

| | |
|-------------|--|
| AQEI | Association québécoise pour l'évaluation d'impacts |
| AQPER | Association québécoise de la production d'énergie renouvelable |
| CNG | Cree Nation Government |
| COFEX-South | Federal Review Panel–South |
| COMEX | Environmental and Social Impact Review Committee |
| EQA | <i>Environment Quality Act</i> |
| GHG | Greenhouse gas |
| IPCC | Intergovernmental Panel on Climate Change |
| ISQ | Institut de la statistique du Québec |
| JBNQA | James Bay and Northern Québec Agreement |
| MELCC | Ministère de l'Environnement et de la Lutte contre les changements climatiques |
| MERN | Ministère de l'Énergie et des Ressources naturelles |
| NSERC | Natural Sciences and Engineering Research Council of Canada |
| UQAT | Université du Québec en Abitibi-Témiscamingue |

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About the Review Committee

Mission

The Environmental and Social Impact Review Committee (Review Committee – COMEX) is an independent body reporting to the Ministre de l'Environnement et de la Lutte contre les changements climatiques. Its mission is to contribute to the protection of human health and the environment and to the economic and social well-being of the peoples inhabiting the territory south of the 55th parallel governed by the James Bay and Northern Québec Agreement (JBNQA).

Mandate

The Review Committee was established pursuant to Section 22 of the JBNQA and Title II of the *Environment Quality Act* (EQA). Its mandate is to review development projects submitted to the environmental and social impact assessment and review procedure and recommend to the Provincial Administrator or the Cree Regional Administrator whether or not the project should be authorized and under what conditions. Where necessary, the Review Committee stipulates the appropriate preventive or remedial measures.

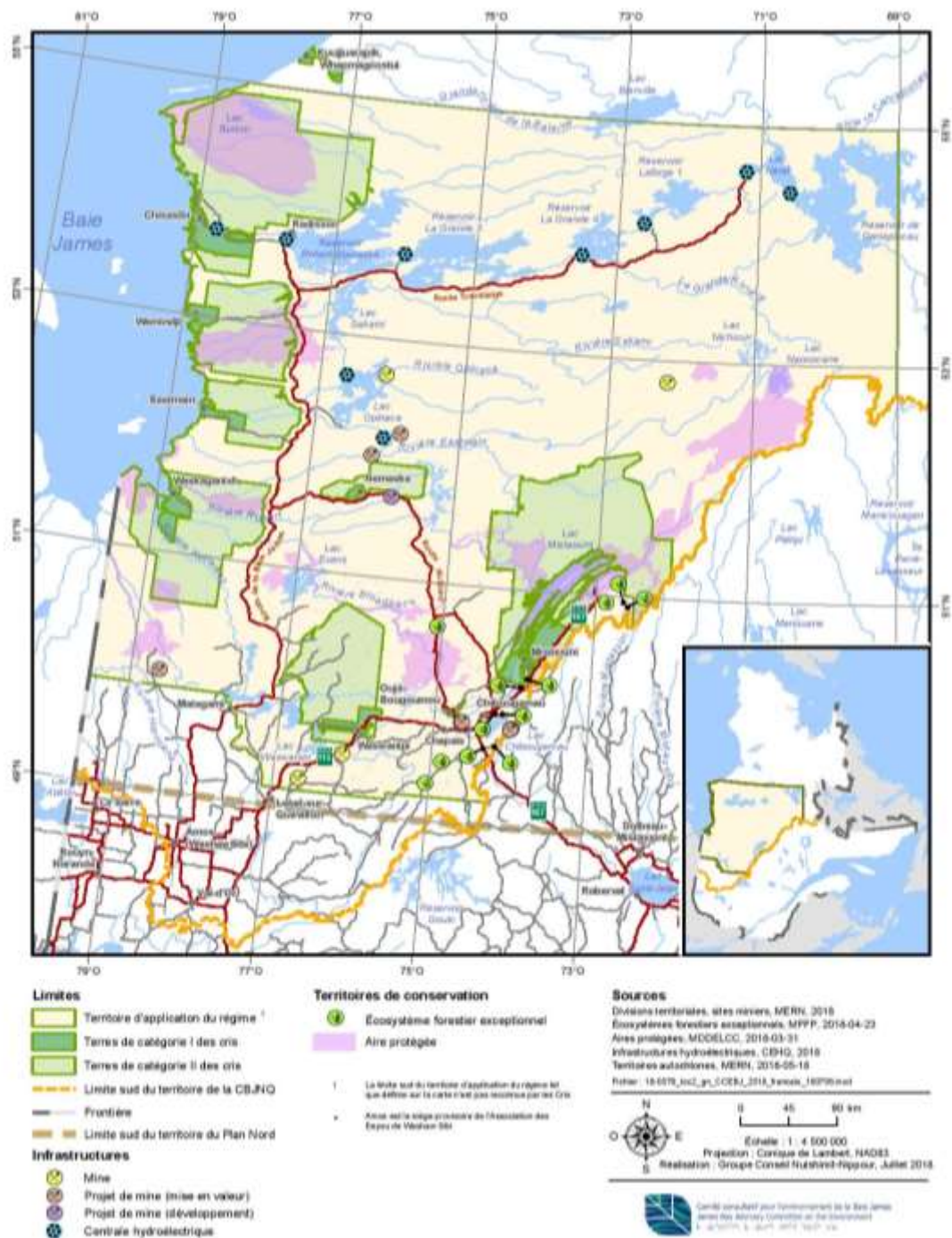
Accordingly, COMEX examines every project subject to the environmental and social impact assessment and review procedure, calling on the relevant expertise of the Québec and Cree Nation governments where necessary. The participation of affected communities and other interested individuals and groups plays an important role in COMEX's approach, helping it to identify the concerns of people living in the territory and, in particular, take into account the traditional knowledge held by Aboriginal communities.

In keeping with its mandate, COMEX gives due consideration to the following principles:

- ⊕ the protection of the hunting, fishing and trapping rights of Aboriginal people in the territory;
- ⊕ the protection of the environment and social milieu;
- ⊕ the protection of Aboriginal people, societies, communities and economies;
- ⊕ the protection of wildlife, the physical and biological environments and ecological systems;
- ⊕ the rights and guarantees of the Aboriginal people in Category II lands;
- ⊕ the participation of the Crees in the application of the environmental and social protection regime;
- ⊕ the rights and interests of non-Aboriginal people, whatever they may be;
- ⊕ the right of natural and legal persons acting lawfully to carry out projects in the territory;
- ⊕ the minimizing of negative environmental and social impacts of development on Aboriginal people and on Aboriginal communities by reasonable means with special reference to those measures proposed or recommended by the impact assessment and review procedure.

Territory covered by the Review Committee's mandate

The Review Committee's mandate covers the territory south of the 55th parallel of latitude and west of the 69th meridian of longitude, as defined in paragraph 22.1.6 of the JBNQA, and including the Category I and II lands of Whapmagoostui, a Cree community just north of the 55th parallel. The land regime established by the JBNQA divides the lands into three categories. Category I lands are reserved for the exclusive use of the Crees and are the lands in and around their communities. Category II lands are public lands where the Crees have exclusive hunting, fishing and trapping rights. Category III lands are public lands where Aboriginal people have the right to hunt, fish and trap at any time without a licence or permit and without a bag or catch limit, subject to the principle of conservation.



Composition of the Review Committee

The Review Committee and its composition were established by paragraphs 22.6.1 and 22.6.2 of the JBNQA.

22.6.1 An Environmental and Social Impact Review Committee (hereinafter referred to as “the Review Committee”) is established which shall be the review body respecting development projects in the Territory involving provincial jurisdiction.

22.6.2 The Review Committee shall have five (5) members. Quebec shall appoint three (3) members and the Cree Regional Authority shall appoint two (2) members. The Chairman shall be appointed by the Lieutenant-Governor in Council from among the members appointed by the Provincial Government. The remuneration of a member and his expenses shall be paid for by the body that appoints such a member. However, the expenses of the Cree representatives shall be part of the costs of the secretariat.

The members of COMEX in 2018-2019 were:

Members appointed by the Québec government:

Suzann Méthot, Chairperson
Daniel Berrouard
Robert Joly

Members appointed by the Cree Nation Government:

Jean-Paul Murdoch
Brian Craik



Figure 1

COMEX members at a symposium in Chisasibi

Left to right: Daniel Berrouard, Robert Joly, Suzann Méthot, John Paul Murdoch, Marc Dunn, Norman Cheezo, Brian Craik

Photo: Vanessa Chalifour, COMEX

Code of ethics and professional conduct

The Review Committee is a public body and its members are deemed to be public office holders within the meaning of the *Public Administration Act*. In the performance of their duties, members are required to respect the ethical principles and the rules of professional conduct set out in the *Regulation respecting the ethics and professional conduct of public office holders*, as well as the code of ethics and professional conduct adopted by COMEX. In case of discrepancy between the texts, the more stringent rules and principles apply. The *Déclaration de valeurs de l'administration publique québécoise* also guides members in the performance of their duties.

COMEX's code of ethics, signed by every member, is available on the committee's website at: <http://comexqc.ca/en/a-propos/ethique-deontologie/>

Review Committee recommendations

The JBNQA provides for three administrators for development projects submitted to impact assessment and review: one for matters respecting provincial jurisdiction, one appointed by the Cree Nation Government for proposed development on Category I lands, and one for matters respecting federal jurisdiction. Projects falling under federal jurisdiction are submitted to the Federal Review Panel (COFEX-South).

The Review Committee forwards its recommendations to the Administrator responsible for Section 22 of the JBNQA. It is up to the Administrator to decide whether or not to authorize a project and, if so, under what conditions. If the Administrator is unwilling or unable to accept any recommendations made by COMEX or wishes to modify its recommendations, he or she must consult with COMEX to explain his or her position (para. 22.6.17, JBNQA).

The current Administrator appointed by the Québec government is Marc Croteau, Deputy Minister of the MELCC. The appointee for the Cree Nation Government is Isaac Voyageur, Director, Environment and Remedial Works Department, Cree Nation Government.

Public participation in the Review Committee's work

COMEX adopted a directive on public participation that is available on its website at the following address:

<https://comexqc.ca/en/participation-publique/information-generale>

COMEX's concept of public participation hinges on components elements: information, consultation and public hearings. First, project-related information made available to the public must be both complete and accessible. This is the bedrock of any public participation process. In COMEX's case, this means releasing information on its mandate, procedures and working methods as well as information on projects that are undergoing or have completed the review process. Accordingly, all of this information is posted on the COMEX website.

Second, at the consultation stage, COMEX seeks views and opinions on the projects under review. As soon as COMEX announces on its website that a project is

“Under Review”—and then throughout the review process—any interested party may submit views comments and opinions, either online through the COMEX website or by mailing or emailing them to the COMEX secretariat.

Third, the public hearing process consists in holding information and consultation sessions in a community, at a designated time, to gather comments and opinions on a given project or on any planned changes to a project. The consultation stage is an opportunity for the public, the project proponent and COMEX members to share information and discuss the project. All COMEX hearings are public. In accordance with the Directive on Public Participation, “The Review Committee determines whether a public hearing is needed after taking into account the social and environmental impacts of a project, initiatives undertaken by the proponent, and the comments and concerns it hears during the consultation process.”

Figure 2

Public hearings in Oujé-Bougoumou

Left to right: Brian Craik, John Paul Murdoch, Suzann Méthot, Daniel Berrouard, Robert Joly

Photo: Vanessa Chalifour, COMEX



Action Plan 2018-2019

In the last few years, COMEX has taken numerous actions to enhance implementation of the environmental and social assessment regime in the Eeyou Istchee James Bay territory (the “Territory”). Concrete steps have been taken to ensure transparency of the general review process and, more recently, to foster more informed participation by the communities affected by projects.

This year, COMEX focused on two initiatives aimed at ensuring better integration of climate change into the review process and communicating the committee's achievements.

Ensuring better integration of climate change into the review process

This initiative, which addresses the specific characteristics of Québec's northern territory, was launched in 2017 with a view to the reform of the *Environment Quality Act*, following which the Québec government intends to initiate its own actions to fight climate change and establish a clearer framework for taking climate change into consideration in the project authorization process.

Development projects in the Eeyou Istchee James Bay territory can generate impacts with both local and global consequences for climate change effects.

Numerous projects have an operating life of between 20 and 40 years, such as mines and roads, and up to several decades in the case of hydroelectric dams. Since climatic conditions are liable to change considerably over such lengths of time, due consideration must be given to the long-term effect of climate change on infrastructure as well as workers.

Consequently, COMEX, assisted by experts from the Ouranos consortium and UQAT, developed a more prescriptive approach for integrating climate change considerations into the assessment of environmental and social impacts in the Territory. As a result, COMEX now requires proponents to document, for each project, the overall GHG balance by main source of emissions, even unregulated sources, with a view to identifying potential avenues for reducing GHGs at the source or implementing long-term GHG reduction programs. The same applies to disturbance of peatlands, which serve as an important carbon sink, during the construction or development of infrastructure.

Proponents are also encouraged to consider long-term climate data during project design and apply them under the most challenging IPCC climate change scenarios, proven to be the most realistic.

COMEX is also interested in the transition to zero-carbon energy by 2050 and recommended the development of an energy transition plan that uses, for example, alternatives to hydrocarbon engines, be it in stationary equipment or on/off-road vehicles.

Communicating COMEX's achievements

COMEX seeks to communicate, to all stakeholders, the measures related to its new approach for ensuring better integration of climate change into the environmental and social impact review of projects in the Territory.

To that end, COMEX gave a short course at the 2018 Québec Mines conference to explain COMEX's approach in reviewing mining projects.

Consideration of the economic aspects of projects

To better understand the economic aspects of projects and take them into account in the review process, COMEX considered two common approaches used by businesses and experts.

Economic impact analysis is an evaluation tool that measures the impact of a project on the economy in terms of direct and indirect jobs, benefits for service companies and government revenues. The input-output model developed by the Institut de la statistique du Québec is the standard tool used for economic impact analysis. COMEX members discussed the model with Sébastien Gagnon from the ISQ.

Cost-benefit analysis is a more complete tool that takes externalities into account when assessing the economic impacts of a project. It therefore provides a similar picture to that of an environmental assessment. Dick McCollough, an economics expert at the MELCC, gave a presentation on cost-benefit analysis to the members of COMEX.



Communications

Website

COMEX updates its website on a daily basis to post the latest news on projects submitted for review and, thereby, ensure greater transparency and allow all interested parties to stay informed about a project or changes to a project as well as consult the related documents. A continuous effort is made to show due diligence in providing the affected communities, where necessary, with project-related documents in English and Cree, in addition to French.

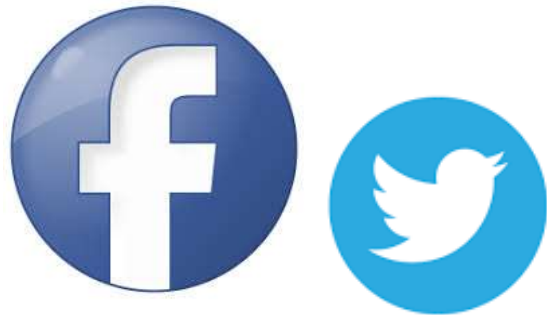
Between April 1, 2018 and March 31, 2019, 6492 users visited the website, viewing 28 953 pages in 5564 sessions. The average session duration was 2 minutes 49 seconds. That represents a roughly 43% increase in visits over the previous year. The increase can be attributed to numerous factors: advertisements and articles in publications, use of social media, the arrival of new players and projects in the Territory, forging of new relations with stakeholders, and the holding of public hearings.

Mainstream media

COMEX published public notices in *The Nation* and *Le Jamésien* to announce the holding of public hearings on the BlackRock mining project in December 2018.

Social media

COMEX regularly posts certain information on its Facebook and Twitter accounts to reach a wider public.



External communication and information channels

COMEX is always on the lookout for external communication channels and forums for raising awareness about the environmental and social impact assessment and review procedure. Joint working and information meetings were held with the deputy minister of MERN to keep him abreast of COMEX's progress in taking climate change into account when reviewing projects. COMEX also participated in the Yaayimutitau Shikaapaashkwh Eelgrass Symposium ("Let's talk about eelgrass") held in Chisasibi in January 2019 to discuss the findings of research on the eelgrass decline on the east coast of James Bay. The research project, involving researchers from five universities in Québec, Manitoba and New Hampshire and coordinated by Niskamoon Corporation, was launched following a recommendation made by COMEX during the authorization process for the Eastmain-1A/Rupert project. COMEX was hoping that Hydro-Québec would partner in the project so as to document some of the cumulative impacts of hydroelectric development in James Bay. Keen to stay abreast of the latest developments in areas of interest for the members' mandate, COMEX also participated in the AQEI annual conference ("impact assessment practices") and the AQPER annual symposium (electrification, energy transition).

COMEX MEETINGS

In addition to sustained interaction during the year, the COMEX members held ten official meetings to discuss projects submitted to the environmental and social impact assessment and review procedure. In the interest of staying connected with the Territory and getting a chance to meet the local communities and their representatives, the COMEX members held two regular working sessions in Eeyou Istchee James Bay.

- | | |
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| ⊕ 362 nd meeting: April 6, 2018, Montréal | ⊕ 367 th meeting: October 17, 2018 (conference call) |
| ⊕ 363 rd meeting: May 9, 2018, Montréal | ⊕ 368 th meeting: November 19, 2018, Montréal |
| ⊕ 364 th meeting: June 13, 2018, Montréal | ⊕ 369 th meeting: December 17, 2018, Montréal |
| ⊕ 365 th meeting: July 25, 2018, Montréal | ⊕ 370 th meeting: January 28, 2019, Chisasibi |
| ⊕ 366 th meeting: September 10, 2018, Nemaska | ⊕ 371 st meeting: February 28, 2019, Montréal |

Between April 1, 2018 and March 31, 2019, a total of 35 decisions and recommendations were adopted and entered in the Decisions Register and the various meeting minutes, all of which are available on the COMEX website at: <http://comexqc.ca/en/comex-documents/>

PROJECTS THAT WERE THE SUBJECT OF A FULL REVIEW, A MODIFICATION OR MONITORING

- ⊕ Eleonore Mine in James Bay: recommendation to authorize the request to amend the certificate of authorization for enlargement of the ore transfer pad
- ⊕ Renard Diamond Project: recommendation to authorize the request to amend the certificate of authorization for the fish habitat compensation program
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: recommendation to authorize the request to amend the certificate of authorization for the 2018 master plan for restoration of disturbed sites
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: recommendation to authorize erosion correction at KP 170 on Rupert River
- ⊕ Project to build and operate a wood pellet production plant: recommendation to authorize the request to amend the certificate of authorization
- ⊕ Construction of forest roads "H, section West" and "I": recommendation to approve the natural environment characterization report
- ⊕ Renard Diamond Project: recommendation to authorize the request to amend the certificate of authorization for the wetland compensation plan
- ⊕ Rose Lithium-Tantalum mining project: review of the request to amend the certificate of authorization

- ⊕ Project to connect the Rose Lithium–Tantalum Mine and relocate a segment of the 315-kV line: review of the request to amend the certificate of authorization
- ⊕ Project to increase untreated peels storage capacity for the Chapais Énergie cogeneration plant: recommendation to authorize the request to amend the certificate of authorization to allow the temporary diversion of stormwater
- ⊕ Milling of Barry ore at the Bachelor Lake mill: review of the request to amend the certificate of authorization
- ⊕ Project to mine and process 900 000 tonnes of gold ore at the Bachelor Lake mine site: review of the updated restoration plan and the 2017 environmental monitoring report
- ⊕ Whabouchi mining project: recommendation to authorize the request to amend the certificate of authorization for relocation of the temporary construction camp
- ⊕ Iron-vanadium mining project (BlackRock Metals): recommendation to authorize the request to amend the global certificate of authorization
- ⊕ Eleonore Mine in James Bay: review of the 2017 annual environmental monitoring and follow-up report
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: monitoring of the Rupert River landscape in 2015
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: monitoring of juvenile sturgeon and other target species at KP 205 and KP 230 on Rupert River in 2016
- ⊕ Troilus mining project: review of the 2015, 2016 and 2017 annual reports on post-closure environmental monitoring and inspection
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: fish mercury monitoring in 2014 and 2016
- ⊕ Eastmain-1A/Rupert diversion hydroelectric project: eelgrass monitoring on the northeast coast of James Bay in 2014
- ⊕ Wood pellet production plant in Chapais: follow-up to conditions 1 to 8 of the global certificate of authorization

PROJECTS SUBMITTED TO PUBLIC HEARINGS

In 2018-2019, the proposed changes to the BlackRock mining project, which were the object of a request to amend the certificate of authorization, were such that public hearings were held in Chibougamau on December 3, 2018 and in Oujé-Bougoumou on December 4, 2018. Over a hundred people attended the hearings and 27 briefs were submitted to COMEX.

Resources

Human resources

The JBNQA stipulates that the Review Committee “shall be provided with an adequate staff to fulfil its functions and such staff shall be maintained and funded by Québec” (para. 22.6.3). Accordingly, the Ministère de l’Environnement et de la Lutte contre les changements climatiques (MDDELCC) handles the operations and associated costs of the Review Committee’s secretariat. It also appoints some of its employees to assist in the analysis of projects reviewed by COMEX.

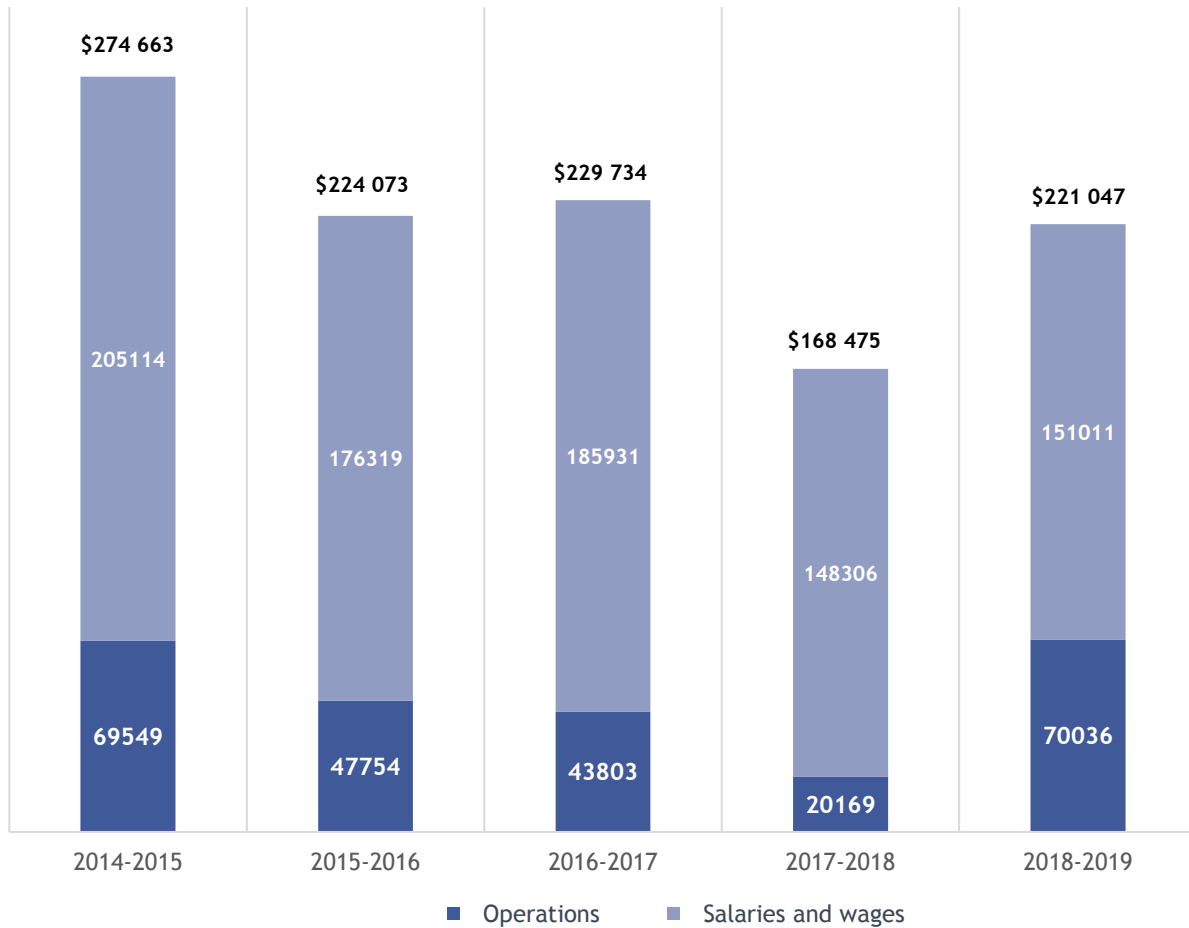
The secretariat is headquartered in the city of Quebec and has its office at the MELCC. The executive secretary manages the official documents of the Review Committee, sees to the organization of meetings and writes up the minutes. She also follows up on official correspondence and is the administrative contact person. The executive secretary is also charged with updating COMEX’s website. The position of executive secretary is currently held by Vanessa Chalifour.

The Cree Nation Government (CNG) maintains its own environmental and social assessment secretariat. In consultation with the executive secretary of COMEX, the CNG secretary follows up on official correspondence and is the administrative contact person for the Regional Administrator, the CNG-appointed members of COMEX and CNG project analysts. He also stays in close, constant contact with the members of Cree communities. The position of environmental and social assessment secretary is currently held by Lucas Del Vecchio.

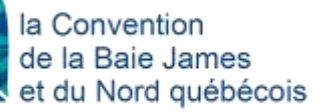
The Chairperson’s office is located in Montréal, which is where COMEX holds most of its statutory meetings.

Finances

As stipulated in paragraph 22.6.3 of the JBNQA, the Review Committee is provided with an adequate staff to fulfil its functions and such staff is maintained and funded by Québec, “subject to the approval of budget for same.” The following table shows the expenditures incurred by the Review Committee in recent years:



Total expenditures funded by the Québec government.
Expenditures paid by the Cree Nation Government are not shown.

Environmental and Social Impact
Review Committee

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