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September 14<sup>th</sup>, 2018

**Mr. Patrick Beauchesne**

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

Ministère du Développement durable,  
de l'Environnement et de la Lutte contre les changements climatiques

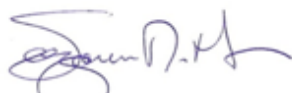
**Mr. Isaac Voyageur**

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

Dear Sirs,

On behalf of myself and the members of the Environmental and Social Impact  
Review Committee, I am pleased to send you the report of activities for the year  
ended March 31, 2018.

Yours truly,



**Suzann Méthot**

Chairperson

Environmental and Social Impact Review Committee – COMEX

## MESSAGE FROM THE CHAIRPERSON

**The Review Committee's Annual Report 2017–2018 highlights the activities related to the committee's vision, mission and mandate.**

From the outset, it is important to remember the visionary leadership shown by the signatories of the James Bay and Northern Québec Agreement (JBNQA) in 1975 by providing for environmental and social protection under sections 22 and 24 of the JBNQA. That same vision and spirit, forever etched in our collective memory, continues to guide the members of COMEX in fulfilling their mandate.

The latest synthesis report of the Intergovernmental Panel on Climate Change (IPCC) confirms, among other facts, that “human influence on the climate system is clear and growing, with impacts observed across all continents and oceans”.

Northern Québec, which includes the Eeyou Istchee James-Bay Territory, is no exception. The report calls for the urgent attention of both policymakers and citizens of the world to tackle this challenge. COMEX responded to the call by undertaking to take concrete steps, through its 2017–2018 strategic plan, to ensure better integration of climate change into its project reviews. To that end, it rallied experts to guide COMEX in its climate change initiative, which will continue in the coming year.

2017–2018 was also marked by a bold overhaul of the *Environment Quality Act* (EQA). Although the northern environmental protection regime on the



**Signing of the  
James Bay and  
Northern Québec Agreement**

Photo: Presse Canadienne

whole was not included in the overhaul, a number of amendments made to the EQA and the *Act respecting the conservation of wetlands and bodies of water*, as well as the introduction of new regulations under those statutes will potentially impact various aspects of the projects submitted to COMEX for review. To mention just a few, the online register created by the MDDELCC to publish all applications for authorizations of projects subject to the northern impact assessment and review procedure, progress on the transparency front, as well as changes related to compensation for wetland losses will undoubtedly be debated in the coming year. COMEX is making sure that it moves forward with recommendations that are in line with northern realities and the powers conferred by the JBNQA to safeguard the rights and guarantees of Aboriginal people, which cannot be dissimulated by these recent changes.

**Suzann Méthot**

Chairperson

Environmental and Social Impact Review Committee – COMEX

I wish to thank the MDDELCC analysts, 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.

My thanks also go to Marie-Renée Roy, Provincial Administrator up until July 2017, when she was appointed deputy minister for families. She discharged her duties with an exemplary interest in the North. I am grateful for her undying trust in COMEX and wish her all the best in her new position. Her departure saw the arrival of a new provincial administrator, Patrick Beauchesne, who, along with the regional administrator, Isaac Voyageur, is ultimately responsible for following COMEX's recommendations. I wish to thank them both for the trust they have shown in the members of COMEX.





## CHAIRPERSON'S STATEMENT

To the best of my knowledge, the Annual Report 2017–2018:

- 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 MDDELCC 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 2017–2018.

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 – COMEX



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# ABOUT THE REVIEW COMMITTEE





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## Mission

The Environmental and Social Impact Review Committee (Review Committee – COMEX) is an independent body reporting to the Minister of Sustainable Development, the Environment and the Fight Against Climate Change. 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 55<sup>th</sup> 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 Division I of 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 then make recommendations to the Provincial Administrator or the Cree Regional Administrator as to 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, the Review Committee 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, the Review Committee gives due consideration to the following principles:

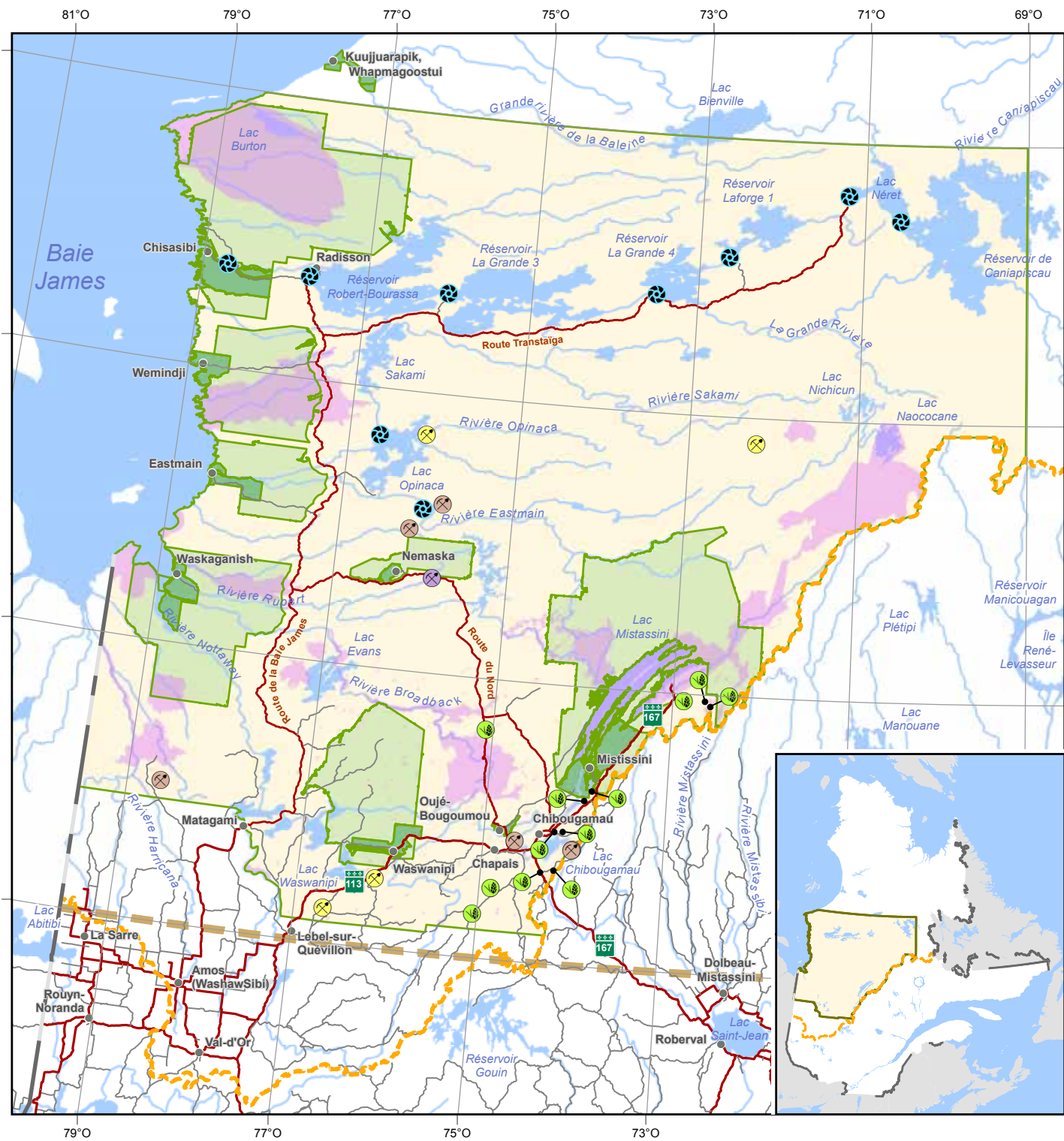
- | the protection of the hunting, fishing and trapping rights of Aboriginal people in the Territory;
- | the protection of the natural and social environments;
- | the protection of Aboriginal people, societies, communities and economies;

- | the protection of wildlife resources, physical and biological environments and ecosystems;
- | the rights and guarantees of the Aboriginal people within Category II lands;
- | the involvement 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 to develop by natural and legal persons acting lawfully 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 55<sup>th</sup> parallel of latitude and west of the 69<sup>th</sup> meridian of longitude, as defined in paragraph 22.1.6 of the JBNQA, and including the lands of Whapmagoostui, a Cree community just north of the 55<sup>th</sup> 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.





### Limits

- Territory covered by the regime <sup>1</sup>
- Cree Category I lands
- Cree Category II lands
- Southern limit of JBNQA Territory
- Border
- Southern limit of Plan Nord territory

### Infrastructures

- Mine
- Mine project (enhancement)
- Mine project (development)
- Hydroelectric power station

### Conservation areas

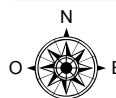
- Exceptional forest ecosystem
- Protected area including temporary protection status

<sup>1</sup> The Crees do not recognize the southern limit of the regime as defined on this map

\* The Washaw Sibi Eeyou Association is temporarily based in Amos

### Sources

Land division, mine site, MERN, 2018  
 Exceptional forest ecosystem, MFFP, 2018-04-23  
 Protected area, MDDELCC, 2018-03-31  
 Hydroelectric infrastructures, CEHQ, 2018  
 Native land, MERN, 2018-05-18  
 File : 18-0079\_loc2\_gn\_CCEBJ\_2018\_anglais\_180706.mxd



0 45 90 km

Scale : 1 : 4 500 000

Map projection : Conique de Lambert, NAD83

Produced by : Groupe Conseil Nutshimit-Nippour, July 2018



Comité consultatif pour l'environnement de la Baie James  
 James Bay Advisory Committee on the Environment  
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## 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.

“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”.

“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 the Review Committee in 2017–2018 were:

### **Members appointed by the Québec government:**

Suzann Méthot, présidente  
Daniel Berrouard  
Robert Joly

### **Members appointed by the Cree Nation Government:**

Jean-Paul Murdoch  
Brian Craik



**COMEX members**  
Left to right: Brian Craik, Suzann Méthot, Robert Joly, Jean-Paul Murdoch, Daniel Berrouard,  
Photo: Vanessa Chalifour, COMEX

## Code of ethics and professional conduct

COMEX 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: <https://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 of the Review Committee or wishes to modify its recommendations, he or she must consult with the Review Committee to explain his or her position (para. 22.6.17, JBNQA).

The current Administrator appointed by the Québec government is Patrick Beauchesne, Deputy Minister of the MDDELCC. The appointee for the Cree Nation Government is Isaac Voyageur, its Director of Environment and Remedial Works.



## Public participation in the Review Committee's work

### **The Review Committee adopted a directive on public participation (available on the COMEX website).**

The Review Committee's concept of public participation has three components: information, consultation and 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 the Review Committee'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, the Review Committee solicits comments 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

and opinions on the project, either online through the COMEX website or by mailing or emailing them to the Review Committee's secretariat. Third, the public hearing process consists in holding information and consultation sessions in a community, at a designated time, to solicit views and opinions on a new project or changes to an existing one. 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".



COMEX at KP170 on Rupert River  
Left to right: Brian Craik, Robert Joly, Suzann Méthot, Daniel Berrouard, Vanessa Chalifour

In the last three 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 were 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 launched two initiatives to **ensure better integration of climate change into the environmental and social impact review procedure** for the Territory and **demystify the environmental and social impact review procedure**.

2017–2018  
ACTION PLAN





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## For better integration of climate change

With regard to climate change, like all regions of the world, Eeyou Istchee James Bay is currently seeing the impacts of climate change in various forms and varying degrees of intensity, which are threatening the lives and environment of the Territory's inhabitants as well as compromising development projects. It goes without saying that development projects in the Territory can generate additional impacts with both local and global consequences for climate change effects.

Even though the concern was raised during environmental and social impact assessment and review of development projects, there is no systematic approach based on sufficient knowledge and grounded in measurable scientific methods as well as the knowledge and observations of land users. COMEX is also undertaking this initiative tailored to the North from the perspective of the recent reform of the *Environment Quality Act*, under which the Québec government intends to take its own action to fight climate change by introducing a climate test for every new project submitted to environmental assessment.

The members decided to tackle the climate change issue by calling on experts to help develop an approach for systematically integrating climate change considerations into the assessment of the environmental and social impacts of projects in the Territory using the best knowledge currently available.

First making sure to keep these bodies informed and to coordinate its efforts with those of the JBACE,

COMEV and the MDDELCC, COMEX undertook and implemented this action by soliciting the expertise of researchers from the Ouranos consortium and the NSERC-UQAT Industrial Chair on Mine Site Reclamation as well as that of specialists at MERN's Direction générale du développement de l'industrie minière. As a result, COMEX was able to rapidly develop parameters and data to help it establish a clearer framework for its expectations of proponents, who will be called on to specifically address climate change in their environmental and social impact statements.

Mindful of the fact that COMEX is raising the bar above the current regulatory standards, that its questions will require businesses to develop new data and ways of doing things, that methods still need to be developed and data still need to be generated, COMEX will continue this initiative in 2018–2019 by identifying new actions informed by the responses to the questions relating to climate change raised by COMEX during its current review of two mining projects.

COMEX was also invited by the Bureau de la coordination du Nord-du-Québec of the Ministère des Transports et de la Mobilité durable et de l'Électrification des transports du Québec to be part of a monitoring committee to be set up early next year as part of the MTMD's project **to develop a baseline and future regional climate profile to support assessment of climate change impacts and adaptation in the territories of Eeyou Istchee James Bay and Nunavik.**

## Demystifying the environmental and social impact review procedure

The initiative to demystify the environmental and social impact review procedure grew out of numerous discussions on various issues identified over time as well as meetings held with stakeholders in the context of the 2016–2017 Action Plan. Issues related to, in particular, the timeframe associated with each step in the environmental and social impact assessment and review procedure and keeping contributors to COMEX reviews informed made members want to shed light on the environmental and social impact assessment and review procedure. This action was built around a strategy to gain greater visibility among the public at large.

Holding COMEX meetings in Eeyou Istchee James Bay provides a unique opportunity for the members to discuss the review and monitoring of projects with the local band councils, such as in Mistissini this year. Every time, COMEX is

congratulated for this unprecedented — and clearly appreciated — initiative. To help it increase its presence in the Territory, COMEX receives financial support from the Société du Plan Nord, which is determined to improve the environmental and social impact assessment and review procedure in the area covered by the Plan Nord by stepping up outreach activities and improving the public consultation process, especially consultation of Aboriginal communities.

Another first for COMEX was to give a presentation on its expectations and processes at the Québec Mines 2017 conference held by the MERN. For the first time ever, all of the members were on hand at the session, which was followed by an informal, open discussion with participants. Both experts and newcomers to the field enjoyed the presentation and benefited from the discussions.

## Actions to be continued

The majority of actions defined in the 2017–2018 Action Plan were implemented. The following actions will continue in the coming year:

### Ensure better integration of climate change into the review process

- Develop and adopt a systematic approach for considering climate change issues in the environmental and social impact review of projects in the Eeyou Istchee James Bay Territory
- Communicate, to all stakeholders, the measures to ensure better integration of climate change into the environmental and social impact review of projects in the Eeyou Istchee James Bay Territory

### Demystify the environmental and social impact review procedure

- Render an account of the timeframes for reviews over a period to be determined and, based on the results, identify and implement possible solutions that will make the overall review process more effective
- Hold at least three COMEX meetings in the Cree territory each year, and initiate meetings with local interveners
- Identify outside communication channels that reach a large audience, including stakeholders, to spread news or important information about project reviews

### Other actions

- Continue working with the JBACE on its plan to prepare a framework document for proponents
- Develop a protocol for the translation of COMEX documents

# 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 and 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, 2017 and March 31, 2018, 3,730 users visited the website, viewing 18,474 pages in 5,564 sessions. The average session duration was 2 minutes 49 seconds. That represents a roughly 20% increase in visits over the previous year. The increase can be attributed to numerous factors: advertisements and articles in publications, increased participation by COMEX members in numerous conferences, the involvement of new players and development of new projects in the Territory, and the forging of new relations with stakeholders.

## Mainstream media

To increase public awareness and understanding of the review process, COMEX advertised in two major regional weeklies: *The Nation* and *Le Jamesien*.

## 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. This year, for the first time, the general public got a chance to meet all of the COMEX members during the presentation given at the Québec Mines 2017 conference held by the MERN.

Communication is not a one-way street: COMEX attends major events and develops and maintains relations with a number of organizations. This year, for example, COMEX took part in the annual conference of the Association québécoise pour l'évaluation d'impacts (AQEI), Québec Mines 2017, the 2017 IAIA Conference and the 2017 Ouranos Symposium. These events are an ideal way for COMEX to stay abreast of advances in knowledge acquisition and data generation related to its mandate.

## 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.

- | 352<sup>nd</sup> meeting: April 19, 2017, Montréal
- | 353<sup>rd</sup> meeting: May 16, 2017, Montréal
- | 354<sup>th</sup> meeting: June 22, 2017, Nemaska
- | 355<sup>th</sup> meeting: July 20, 2017, Montréal
- | 356<sup>th</sup> meeting: August 30, 2017, Montréal
- | 357<sup>th</sup> meeting: September 28, 2017 (conference call)
- | 358<sup>th</sup> meeting: October 23, 2017, Mistissini
- | 359<sup>th</sup> meeting: December 8, 2017, Montréal
- | 360<sup>th</sup> meeting: February 2, 2018, Montréal
- | 361<sup>st</sup> meeting: March 1, 2018, Montréal

Between April 1, 2017 and March 31, 2018, a total of 44 decisions were adopted and entered in the Decisions Register and the various meeting minutes, all of which are available on the COMEX website at: <https://comexqc.ca/en/comex-documents>.

## Projects that were the subject of a full review, a modification or a monitoring program

Northern development is primarily characterized by mining projects. Fiscal 2017–2018 saw a slight economic upturn in the mining sector as well as in other types of projects.

COMEX recommended authorization of two new projects to the provincial and regional administrators this year: Barrette-Chapais' project to build a wood pellet production plant in Chapais (the initial proponent was Rentech), and the Cree Nation of Wemindji's Kakabat granular material deposit project.

As at March 31, 2018, the review of forest roads L-209 and E-West was suspended at the request of the proponent, Barrette-Chapais Ltd. COMEX has begun reviewing the Rose Lithium-Tantalum Mining Project by Critical Elements Corporation and the proposed significant change to BlackRock Metals' mining project authorized on December 6, 2013.

"COMEX continues to monitor projects submitted to its review throughout the life of the projects." Numerous projects for which COMEX had already made recommendations and that had been authorized by the administrators required new reviews either to assess the impacts of changes planned by the proponent or to assess monitoring programs required as a condition of authorization. The northern procedure is characterized by continuous monitoring by COMEX post-authorization in addition to government monitoring. Unlike the environmental assessment regime for southern Québec — under which post-authorization monitoring consists in the government's monitoring associated with projects — under the northern procedure, COMEX also reviews every monitoring/follow-up report required by a certificate of authorization and is kept informed of developments in every project throughout the life of the project, including during the remediation or decommissioning phase, as the case may be. Special attention is generally paid to best practices in maintaining good relations between proponents and the communities affected by a project.

The following projects were subject to monitoring or changes in 2017–2018:

- | Forest roads H, section West, and I: monitoring of authorization conditions
- | Forest roads L-209 North and E West: follow-up of project review
- | Eastmain 1A/Rupert diversion: amendments to the certificate of authorization and monitoring of authorization conditions
- | Bachelor Mine: amendment to the certificate of authorization and monitoring of authorization conditions
- | Eleonore Mine: amendment to the certificate of authorization and monitoring of authorization conditions
- | Renard Diamond Mine: amendment to the certificate of authorization and monitoring of authorization conditions
- | Whabouchi Mine: amendments to the certificate of authorization and monitoring of authorization conditions
- | Extension of Route 167 by the MTMDET: monitoring of authorization conditions
- | Principale Mine: monitoring of the remediation project
- | Troilus Mine: follow-up of monitoring plan and post-closure environmental inspection

## Projects submitted to public consultation

The scope of the new projects or extent of the requested amendments to certificates of authorization submitted to COMEX for review were such that no public consultations had to be held in the Territory in 2017–2018. Note, however, that the public can, at any time, send COMEX questions and comments regarding new projects or amendments to certificates of authorizations via the committee's website.





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## Human resources

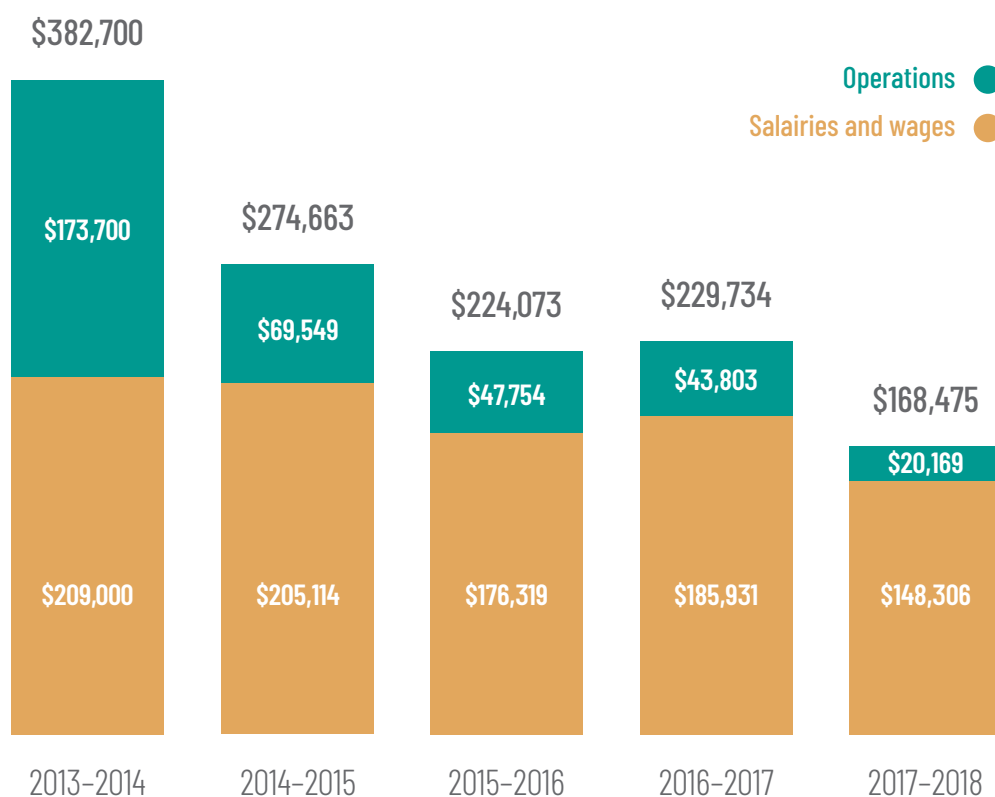
The JBNQA stipulates that the Review Committee “shall be provided with an adequate staff to fulfil its functions and such staff shall be maintained and funded by Québec” (para. 22.6.3). Accordingly, the Ministère du Développement durable, de l’Environnement et de la Lutte contre les changements climatiques (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. For its part, the Cree Nation Government (CNG) also supports the members of the COMEX by contributing to their expert opinion analyzes from its Environment Directorate.

The secretariat is headquartered in the city of Quebec and has its office at the MDDELCC. 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 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.

[illegible]