



## Environmental and Social Impact Review Committee

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# 2014-2015







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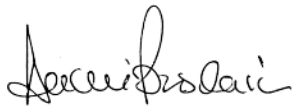
# Message from the Chairman

This 2014-2015 annual report covers our activities over the year in fulfilling our vision and mission. The mandate of the Review Committee is unique in Quebec law, in that it springs from Chapter 22 of the James Bay and Northern Quebec Agreement (JBNQA), which was signed in 1975.

Through the Review Committee, Crees and Quebecois work together to protect the environment as well as the social and economic well-being of the residents of the territory lying south of the 55<sup>th</sup> parallel covered by the Agreement.

Over the past year, in addition to providing our recommendations on proposed projects and on modifications to existing projects in response to requests from the various Administrators, the members of the Review Committee have, also worked to modernize our institution. At the request of the James Bay Advisory Committee on the Environment (JBACE), we revised our public participation process and made it easier for all our stakeholders to access information. This has strengthened our institution's integrity and transparency – the two pillars on which all actions of the Review Committee are based. I can affirm that now, more than ever, the Review Committee is a modern and effective organization that is making a positive contribution to dialogue between the representatives of the two nations.

I want to thank my colleagues on the Review Committee as well as the Executive Secretary who made all this work possible. Along with the staff at the Direction de l'évaluation environnementale et stratégique at the Quebec government's Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques and the analysts for the Cree Nation, they render a service that is unparalleled. Their thoroughness is the best guarantee of our competence and relevance.



**André Boisclair, Adm.A**

Chairman

Environmental and Social Impacts Review Committee – COMEX



# Table of contents

<b>Message from the Chairman .....</b>	<b>1</b>
<b>Table of contents.....</b>	<b>3</b>
<b>Chapter I About the Review Committee .....</b>	<b>5</b>
1.1 Mission .....	5
1.2 Mandate .....	5
1.3 The territory under the mandate of the Review Committee .....	6
1.4 Review Committee composition .....	7
1.5 Ethics and conduct.....	8
1.6 Review Committee recommendations .....	8
1.7 Public participation in the work of the Review Committee .....	8
<b>Chapter II Results achieved .....</b>	<b>11</b>
2.1 Administration .....	11
2.2 Communications .....	11
2.3 Projects that underwent review .....	12
2.4 Projects that were the subject of a modification or monitoring program .....	12
2.5 Projects that were the subject of public consultations.....	13
<b>Chapter III Resources .....</b>	<b>15</b>
3.1 Human Resources .....	15
3.2 Finances.....	15





# Chapter I

## About the Review Committee

### 1.1 Mission

The Environmental and Social Impact Review Committee (the Review Committee – COMEX) is an independent body reporting to the Minister of Sustainable Development, 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 governed by the *James Bay and Northern Quebec Agreement* (JBNQA) that lies south of the 55th parallel.

### 1.2 Mandate

The Review Committee was created by virtue of Chapter 22 of the *James Bay and Northern Quebec Agreement* (JBNQA) and Chapter II of the *Environmental Quality Act* (EQA), with the mandate to formulate recommendations for the Provincial Administrator (the Minister of Sustainable Development, Environment and the Fight against Climate Change) or the Cree Regional Administrator on whether or not to authorize development projects submitted for the social and environmental assessment and review procedure. Where appropriate, the Committee determines the conditions under which a project may proceed, and if necessary, specifies the appropriate preventive or remediation measures.

Thus, the Review Committee analyzes every project that is submitted for review and assessment as prescribed in Chapter II of the EQA, using the relevant expertise of the governments of Quebec and the Cree Nation. The participation of affected populations, as well as of other individuals and groups, also plays an important role in the Review Committee's approach, thereby helping the Committee to identify the concerns of the people in the territory while paying particular attention to the traditional knowledge of aboriginal communities.

As part of its mandate, the Review Committee devotes particular attention to the following principles:

- a. the protection of aboriginal hunting, fishing and trapping rights;
- b. the protection of the social and natural environments;
- c. the protection of aboriginal peoples and their societies, communities and economies;
- d. the protection of wildlife, the physical and biological environments, and ecosystems;
- e. the rights and guarantees of aboriginal peoples in Category II lands;
- f. the participation of the Crees in the application of the environmental and social protection regime;
- g. the rights and interests of non-aboriginals;
- h. the right of any natural or legal person to carry out lawful projects.

### 1.3 The territory under the mandate of the Review Committee

The territory covered by the Review Committee's mandate is the area lying south of the 55th parallel and west of the 69th meridian of longitude, as set out in subsection 22.1.6 of the JBNQA. It also includes the lands of Whapmagoostui, a Cree community just north of the 55th parallel. The territorial regime established under the JBNQA divides these lands into three categories. Category I lands are for the exclusive use of the Crees and are located near their communities. Category II lands are public lands where the Crees have the exclusive rights to hunting, fishing and trapping. Finally, the lands in Category III are public lands where aboriginals have the right to hunt, fish and trap without a permit, and without catch limits at any time, subject to the principle of conservation.



## 1.4 Review Committee composition

Subsection 22.6.1 of the JBNQA created the Review Committee and set out its composition, as follows:

“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 (now Cree Nation Government) 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.” (subs. 22.6.1)

Review Committee members for the year 2014-2015 were:

Members appointed by the Quebec government:

André Boisclair, Chairman  
Daniel Berrouard  
Robert Joly

Members appointed by the Cree Nation Government:

Philip Awashish  
Brian Craik



Figure 1. Members of the Review Committee on a site visit to the Éléonore mine.  
Photo credit: Marie-Michèle Tessier

## 1.5 Ethics and conduct

COMEX is a public body, and its members are deemed to be holders of public office. In the performance of their duties, Review Committee members are required to respect the ethical principles and code of conduct set out in the *Regulation respecting the ethics and professional conduct of public office holders*, as well as the code of ethics and conduct adopted by the Review Committee. 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.

The Review Committee's code of ethics, signed by all members, is available on the COMEX website here: <http://comexqc.ca/en/a-propos/ethique-deontologie/>

## 1.6 Review Committee recommendations

The Review Committee forwards its recommendations to the Administrator responsible for Section 22 of the JBNQA. It is the Administrator's role to decide whether or not to authorize a project, and if so, what conditions must be satisfied. If the Administrator is unwilling or unable to accept any recommendations of the Review Committee, or wishes to modify its recommendations, he must consult with the Review Committee to explain his position. (JBNQA, subs. 22.6.17)

The Agreement provides for the authority of three Administrators: one for matters that fall under the jurisdiction of Quebec, one for matters in federal jurisdiction, and one appointed by the Cree Nation for development projects located on Category I lands.

The current Administrator appointed by the Quebec government is Christyne Tremblay, Deputy Minister of the MDDELCC, while the appointee for the Cree Nation is Isaac Voyageur.

## 1.7 Public participation in the work of the Review Committee

In 2014-2015, after a 45-day public consultation period, the Review Committee revised and unanimously adopted a *Directive on public participation*. The entire Directive is available online at: <http://comexqc.ca/en/participation-publique/information-generale/>

The Review Committee's concept of public participation has three components: information, consultation and hearings. First of all, the information disseminated must be both complete and accessible. This is the bedrock of the public participation process. In the Review's Committee's case, this means making publicly available the information on its mandate, procedures and working methods, and also the information on projects that are undergoing or have completed the review process. Accordingly, all this information is published on the COMEX website.

Next, at the consultation stage, the Review Committee seeks out comments and opinions on the projects that are under review. As soon the announcement appears on the COMEX website that a project is 'Under Review' -- and then throughout the review process -- any interested party is welcome to submit their views and opinions, either directly on the website or in writing to the Secretariat of the Review Committee.

Finally, the hearing process consists of information and consultation meeting, held in a community at a designated time, to obtain views and opinions on a new project or a modification to an existing one. This step includes exchanges between the public, the project proponent, and the members of the Review Committee. All COMEX hearings are public. According to the *Directive on public participation*, it is “the Review Committee [that] 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 1 : Public hearing of the Review Committee in Nemaska.  
Photo credit : Marie-Michèle Tessier





# Chapter II

## Results achieved

### 2.1 Administration

In fiscal year 2014-2015, the members of the Review Committee assembled to discuss files submitted to the social and environmental impacts assessment procedure on the following dates, for a total of 11 times:

317<sup>th</sup> meeting: April 23, 2014

323<sup>rd</sup> meeting: November 19, 2014

318<sup>th</sup> meeting: June 4, 2014

324<sup>th</sup> meeting: December 12, 2014

319<sup>th</sup> meeting: July 9, 2014

325<sup>th</sup> meeting: January 15, 2015

320<sup>th</sup> meeting: August 7, 2014

326<sup>th</sup> meeting: February 5, 2015

321<sup>st</sup> meeting: September 3, 2014

327<sup>th</sup> meeting: March 20, 2015

322<sup>nd</sup> meeting: October 1, 2014

On October 22, 2014, a meeting was held with proponent Stornoway Diamonds (Canada) to discuss the monitoring and control process for their project. The Review Committee also met with proponent Nemaska Lithium on February 13, 2015 concerning preparations for public hearings on the Whabouchi mine project.

Between September 3, 2014 and March 31, 2015, 42 decisions were adopted and recorded in the Decisions Register as well as in the relevant minutes of meetings, all of which are available on the COMEX website at: <http://comexqc.ca/en/comex-documents/>

At the Review Committee's 327<sup>th</sup> meeting, the Code of Ethics and Professional Conduct was updated and members reiterated their commitment to upholding it, as well as the *Regulation respecting the ethics and professional conduct of public office holders* and the *Déclaration de valeurs de l'administration publique québécoises*.

### 2.2 Communications

The new COMEX went online on November 15, 2014. It includes fact sheets on all projects undergoing the review process, including the identity of the proponent, geographic location, and a project summary. All relevant documents to or from the administrators for Quebec and for the Cree Nation and used for the social and environmental review of the project are posted online, listed in chronological order. Requests for authorization, official correspondence, impact studies, additional information required from the proponent by the Review Committee, and authorizations issued are also published. The Review Committee also makes public on the website all the documents it produces, including minutes of meeting, its reports, and its recommendations to the concerned administrators. To the extent possible and to facilitate research, documents are available in PDF format or via a hyperlink. Nearly 1500 users visited the Review Committee's website between November 15, 2014 and March 31, 2015.

The Review Committee also publishes some information via its Facebook and Twitter accounts in an effort to reach a broader public.

## 2.3 Projects that underwent review

The Review Committee recommended the authorization of two new projects that had passed through the social and environmental impacts assessment procedure: a proposal from the Ministère des Transports to redevelop the intersection of the Eastmain and Matagami-Radisson roads, and the planned restoration of the Principale mine site in Chibougamau by the Ministère de l'Énergie et des Ressources naturelles.

As of March 31, 2015, the Review Committee had not yet completed its analysis of three other projects: the proposed extraction of natural deposits of aggregates by the Waskaganish First Nation, the Whabouchi mine project by Nemaska Lithium, and the wood pellet facility in Chapais by Rentech Inc.

## 2.4 Projects that were the subject of a modification or monitoring program

A number of projects that had been recommended by the Review Committee and authorized by the Administrator in recent years required a further review in order to evaluate requested changes or proposals for monitoring programs. As a result, the Review Committee issued nine recommendations regarding amendments to existing certificates of authorization, ten authorizations for monitoring the conditions contained in the certificates of authorization, and produced 21 pieces of correspondence in relation to the monitoring of these conditions (for example, questions and comments for the proponents). Projects that fell into this category in 2014-2015 were:

- Eastmain-1-A and Rupert Diversion project (Hydro-Québec);
- Project to increase the Eastmain community water supply (Cree Nation of Eastmain);
- Route 167 North Extension project (Ministère des Transports);
- 161 kV BlackRock Metals mining property electricity service project (Hydro-Québec);
- Renard diamond mine project (Stornoway Diamonds Canada);
- Mining and processing of 900,000 tonnes of gold ore at Bachelor mine site (Ressources Métanor);
- BlackRock mine project (BlackRock Metals Inc.);
- Éléonore mine (Opinaca Mines Ltd);
- Langlois mine (Nyrstar);
- Troilus mine (FQM Akubra Inc.).



Members of the review committee on a visit to the Bachelor Mine.

Photo credit: Marie-Michèle Tessier



## 2.5 Projects that were the subject of public consultations

The Review Committee held two public consultations during 2014-2015. The first had to do with the Directive on Public Participation in the work of the Review Committee. The public at large and various groups were invited to submit their comments on the proposed text of the Directive. The two Administrators of the JBNQA responded with comments, as did one provincial department and five other organizations. Based on their comments, the revised text of the new Directive was officially adopted at the 326<sup>th</sup> regular meeting of the Review Committee on February 5, 2015.

The Review Committee conducted the second public consultation in order to ascertain the views and concerns of the communities affected by the proposed development and operation of a spodumene deposit in the James Bay Territory (the Whabouchi project). The consultation was launched February 16, 2015 with a press release on CNW and all the project documentation was published on the COMEX website. In addition, two public hearings were held in Nemaska and Chibougamau on March 30 and April 1, 2015 respectively; the public at large were also invited to send their written comments to the Review Committee before April 30, 2015. A decision on the Whabouchi mine project is expected during the 2015-2016 fiscal year.



Figure 2 : Public hearing held by the Review Committee in Chibougamau. Photo credit : Marie-Michèle Tessier



# Chapter III

## Resources

### 3.1 Human Resources

The JBNQA states that the Review Committee is provided with sufficient staff “to fulfill its functions” and that this staff “is maintained and funded by Quebec” (ss. 22.6.3). Thus, the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC) handles the operation of the Secretariat for the Review Committee and assumes the related costs. In addition, the Department assigns some of its employees to the analysis of projects under review.

The Secretariat is based in Quebec City at 675 René-Lévesque Blvd East, in the Édifice Marie-Guyart. The Executive Secretary manages the official documents of the Review Committee and oversees the organization of meeting and the drafting of minutes. The Executive Secretariat keeps track of official correspondence and prepares draft decisions and recommendations. S/he acts as interlocutor between members, analysts, Cree and Jamesian communities, and project proponents, and provides technical assistance for project assessment and review. Finally, s/he assists the Chairman and members in carrying out their mandates, and posts regular updates on the COMEX website.

In the 2014-2015 fiscal year, the position of Executive Secretary was filled until November of 2014 by Mélanie Chabot, and since January 2015 by Marie-Michèle Tessier.

### 3.2 Finances

Expenses incurred by the Review Committee in recent years are shown in the Table below:

Review Committee*				
Expenses	2011-2012	2012-2013	2013-2014	2014-2015
Operation	163 600 \$	160 000 \$	173 700 \$	69 549 \$
Employee Salaries	200 000 \$	205 500 \$	209 000 \$	205 114 \$
TOTAL :	363 600 \$	365 500 \$	382 700 \$	274 663 \$

\* Total expenses assumed by the Québec government. Expenditures paid by the Cree Nation Government are not included in the Table.