





July 2<sup>nd</sup>, 2020

**Mr. Marc Croteau**

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

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

**Mr. Isaac Voyageur**

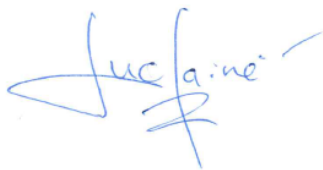
Regional Administrator for Section 22  
of the James Bay and Northern Québec Agreement

Cree Nation Government

Dear Mr. Croteau and Mr. Voyageur:

On behalf of myself and 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, 2020.

Yours truly,



**Luc Lainé**

Chairman  
Environmental and Social Impact Review Committee



## *Message from the Chairperson*

Joining a seasoned team always comes with its share of challenges. From the moment I took up office in July 2019, I was pleased to see that this was a motivated team working in harmony and cooperation. The warm welcome I received made me want to put my shoulder to the wheel. I admit that the members' knowledge, experience and networking quickly gave me faith in our ability to fulfil our responsibilities with flare.

As in the past, 2019-2020 was a very busy year. COMEX reviewed several projects and made numerous recommendations, as you will see in reading our annual report.

It goes without saying that the COVID-19 pandemic, which was ongoing at the time of writing, pushes us to rethink our approach to development and will undoubtedly create uncertainty in the territory for a while.

However, La Grande Alliance signed between the Québec and Cree Nation governments opens up major new opportunities for promoting responsible development of this vast territory.

In addition to this positive event, an ambitious research project is being conducted to better understand the many facets of wetlands in northern Québec and find ways to ensure their survival. This initiative shows great sensitivity on the part of actors in development and will likely be replicated in other sectors as a result of climate change.

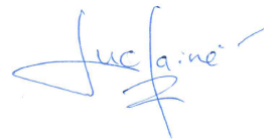
I am particularly pleased to see the members' constant concern for the well-being of the territory's inhabitants. That to me confirms the relevance of our mandate. Moreover, the strong participation of Cree First Nations in the development and protection of their ancestral territory is a further reason to rejoice and celebrate a tangible expression of reconciliation.

And let us not forget that, in the coming years, new communication technologies should further facilitate citizen participation and dialogue between decision makers and their constituents. COMEX will surely be called on to play a leading role in this regard.

I would like to take this opportunity to acknowledge the professionalism and hard work of the members of COMEX, the many project managers in the Québec and Cree Nation governments and other departments involved in any way in our mission. My sincere thanks to all of you. You are the Review Committee's badge of quality.

Again, I sincerely thank the COMEX members for their warm welcome and their support. I also want to acknowledge the excellent work of our executive secretary, Vanessa Chalifour. Her impressive corporate memory and extremely efficient administration are invaluable to COMEX.

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**Luc Lainé**  
Chairman  
Environmental and Social Impact  
Review Committee





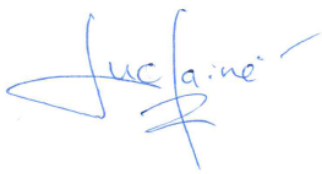
## *Chairman's Statement*

To the best of my knowledge, the annual report 2019-2020:

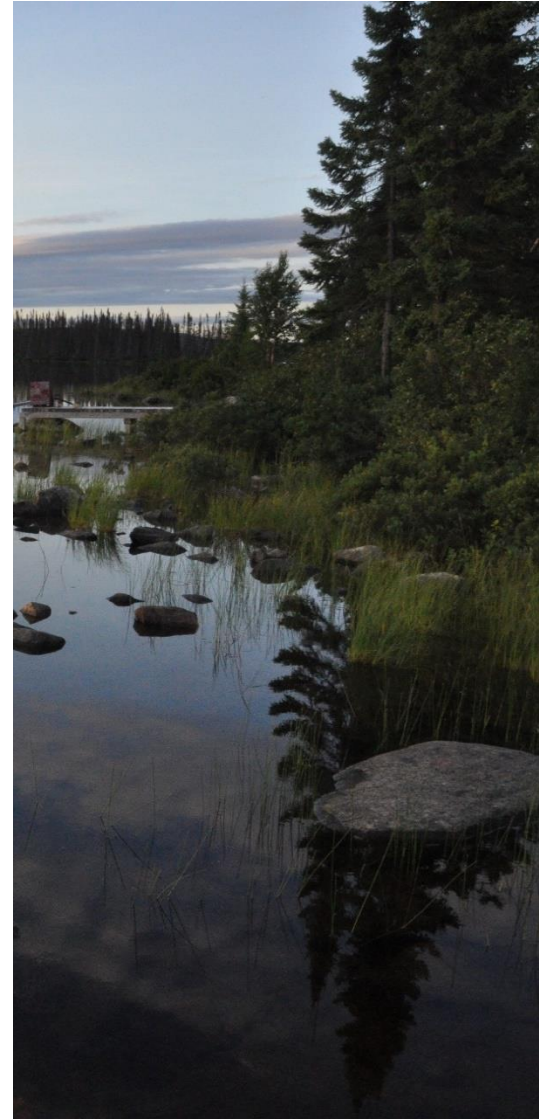
- accurately describes the Review Committee's mission, areas of activity, strategic directions and priorities;
- provides accurate and reliable data covering all of the Review Committee's activities and indicates the degree of achievement of its goals.

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 2019-2020.

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



**Luc Lainé**  
Chairman  
Environmental and Social Impact  
Review Committee



## *List of Acronyms*

CA	Certificate of authorization
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
JBACE	James Bay Advisory Committee on the Environment
JBNQA	James Bay and Northern Québec Agreement
MELCC	Ministère de l'Environnement et de la Lutte contre les changements climatiques
UQAM	Université du Québec à Montréal
UQAT	Université du Québec en Abitibi-Témiscamingue



# *Table of Contents*

## *About the Review Committee*

7	Mission
7	Mandate
8	Territory covered by the Review Committee's mandate
9	Composition of the Review Committee
10	Code of ethics and professional conduct
10	COMEX recommendations
11	Public participation in the Review Committee's work

## *Current issues for COMEX*

12	Cumulative effects
13	La Grande Alliance
13	Compensation for adverse effects on wetlands and bodies of water

## *Communications, meetings and projects*

15	Communications
15	COMEX meetings
16	Projects that were the subject of a full review, a modification or monitoring
17	Projects submitted to public hearings

## *Resources*

18	Human and material resources
19	Finances

# *About the Review Committee*

## **Mission**

The Environmental and Social Impact Review Committee (Review Committee – COMEX) is an independent body reporting to the Minister of 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 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 Indigenous communities.

In keeping with its mandate, the Review Committee gives due consideration to the following guiding principles:

- ⊕ the protection of the hunting, fishing and trapping rights of the Cree people in the territory;
- ⊕ the environmental and social protection regime;
- ⊕ the protection of the Cree people, societies, communities and economies;
- ⊕ the protection of wildlife resources, the physical and biological environments and ecological systems;
- ⊕ the rights and guarantees of the Cree people within category II lands;
- ⊕ the involvement of the Cree people in the application of the environmental and social protection regime;
- ⊕ the rights and interests of non-Indigenous people, whatever they may be;
- ⊕ the right to develop by persons acting lawfully in the territory;
- ⊕ the minimizing of negative environmental and social impacts of development on the Cree people and communities by reasonable means with special reference to those measures proposed or recommended by the impact assessment and review procedure.

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 category I and II 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 the Crees 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 [now the 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.

The members of COMEX in 2019-2020 were:

### Members appointed by the Gouvernement du Québec

Luc Lainé, Chairman (since July 2019)  
Daniel Berrouard  
Robert Joly

### Members appointed by the Cree Nation Government

John Paul Murdoch  
Brian Craik



Luc Lainé



Daniel Berrouard



Robert Joly



John Paul  
Murdoch



Brian Craik

## 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 the following address: <http://comexqc.ca/en/a-propos/ethique-deontologie/>

## COMEX 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 involving federal jurisdiction are submitted to the Federal Review Panel (COFEX-South).

After reviewing a project submitted for its consultation and comments, COMEX 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 such recommendations, he must consult with the Review Committee to explain his 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 three elements: information, consultation and public hearings. First, project-related information made available to the public must be complete and accessible. This is the bedrock of any public participation process. In COMEX's case, this means making publicly available all information related to its mandate, procedures and working methods, as well as information about projects that are under review 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 the COMEX website announces that a project is “under

review”—and then throughout the review process—any interested party may submit their comments and opinions, either via the COMEX website or by mailing or emailing them to the COMEX secretariat.

Third, the public hearing process consists of an information and consultation session, held 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.”



## *Current issues for COMEX*

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

Although COMEX did not adopt a new action plan in 2019-2020, the objectives defined in the last action plan remain a priority for the members, especially as regards ensuring better integration of climate change into the review process.

### **Cumulative effects**

When assessing the environmental and social impacts of a development project, COMEX pays particular attention to the cumulative effects of development. As this is not an easy issue to address, COMEX worked alongside the James Bay Advisory Committee on the Environment (JBACE) to develop a methodological approach.

The review of mining projects in recent years has led COMEX to identify the transportation of ore, workers and goods and services as one of the cumulative effects of greatest concern in the mining sector. Road characteristics are not at issue, as the bearing capacity or width of roads is able to meet heavy transport demands. Rather, the combination of travel between Cree and Jamésien communities, tourist traffic and, mostly, road use for natural resource exploitation bring to light a safety issue. Moreover, the dust from heavy trucks on unpaved roads impedes visibility and leads to a deterioration of air quality.

COMEX asks every proponent to assess its contribution to the cumulative impacts from the number of vehicles on the roads. However, since this problem involves all proponents, it follows that the solution lies in a coordinated approach. COMEX hopes to discuss the issue with the various stakeholders, such as the Ministère des Transports du Québec, Hydro-Québec, the Société du Plan Nord and the Ministère des Forêts, de la Faune et des Parcs du Québec.

Alternatives to road transportation are currently limited. Railroad tracks are accessible at the eastern and western ends of the territory, that is, in Chibougamau and Matagami. Proponents make the final decision as to the mode of transport used and they each have their own economic and strategic considerations.



## La Grande Alliance

On February 17, 2020, the Gouvernement du Québec and the Cree Nation Government officially signed a memorandum of understanding on long-term, balanced economic development in a spirit of respect for Cree values in the Eeyou Istchee James Bay territory. The agreement stems from a consultative process with the Cree communities and calls for:

- (1) the extension of the rail network to promote economic development and reduce the impacts of trucking;
- (2) the electrification of certain industrial projects;
- (3) the sharing of infrastructure in the Territory;
- (4) local labour force training;
- (5) the identification of new protected areas conducive to the connectivity of the territory's wildlife habitats.

The project will extend over a period of 30 years. A financial and economic feasibility study will be conducted in 2020 and the first phase of extending the rail network will be undertaken in 2021.

COMEX welcomes the directions being taken, as they will potentially improve the conditions under which development projects are carried out, especially in terms of their social acceptability and reduction of their impacts. Of particular interest to COMEX are the aspects aimed at reducing oil and gas use through electrification of industrial projects and, thereby, getting the GHG emissions from such projects under better control. This involves, among other things, ensuring better management of vehicular traffic with a reduction in heavy haulers, greater energy efficiency and more economic infrastructure use. Lastly, the concern for habitat connectivity will foster the maintenance and recovery of at-risk wildlife populations.

## Compensation for adverse effects on wetlands and bodies of water

The loss of wetlands and bodies of water has always been looked at when assessing the impacts of a project. However, in the context of the North, where peatlands, for example, abound, compensation for wetlands destroyed or disturbed by projects must be appropriate for northern regions.

In 2017, the National Assembly passed the *Act respecting the conservation of wetlands and bodies of water* for the purpose of offsetting the loss of wetlands and bodies of water in Québec. The Act applies primarily to wetlands and bodies of water in southern Québec, which have become scarce and face constant development pressures.

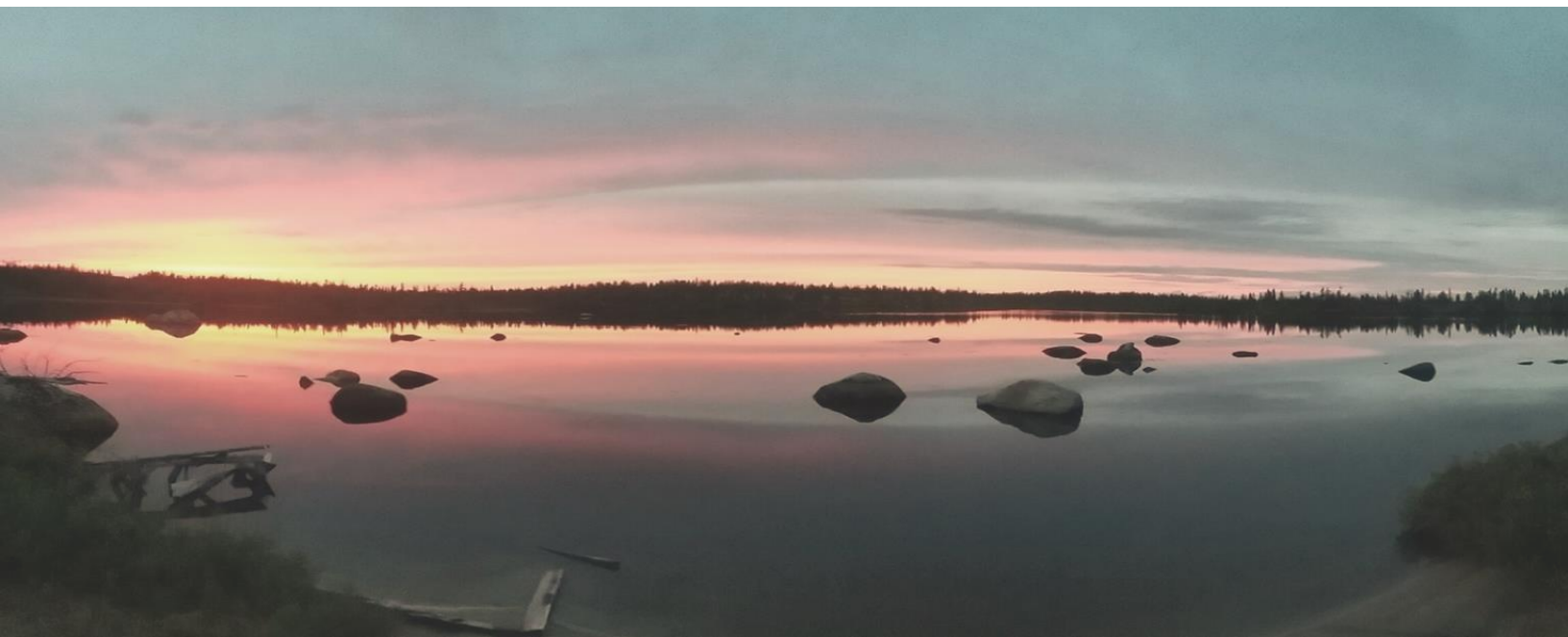
The application of this legislation is not suited to the North. COMEX, in agreement with the MELCC, developed a phased approach that focuses on better knowledge of wetlands and bodies of water in order to develop appropriate compensation measures for each situation.

On a proposal and funding from Nemaska Lithium Whabouchi Mine Inc., Opinaca Mines Ltd. and Stornoway Diamonds (Canada) Inc., COMEX agreed to a research project to acquire such knowledge. The goal of the project, which involves three researchers from the Université du Québec in Montréal and the Université du Québec in Abitibi-Témiscamingue, is to:

- ⊕ minimize the ecological footprint of mines on biodiversity during their life cycle;
- ⊕ develop ecological planning tools, in particular an ecological value index for boreal wetlands that takes into account flora (vascular plants, lichens and bryophytes) and fauna (birds, amphibians, mammals) and their use by and value to Indigenous people;
- ⊕ assess the cumulative effects on the ecological services provided by biodiversity, in particular the vulnerability to cumulative impacts of species of interest to Indigenous communities by incorporating traditional knowledge;
- ⊕ assess the ecohydrological and biogeochemical dynamics of boreal peatlands so that these aspects are considered in the development of an ecological value index.

This scientific research project aims to fill important gaps in knowledge with respect to boreal wetlands and improve the way in which northern projects can be developed in a sustainable manner.

On October 30, 2019, COMEX attended a presentation on the progress of the research project, given by Michèle Garneau (UQAM) and Nicole Fenton (UQAT) at the offices of Stornoway Diamonds (Canada) Inc. The first outcomes of the research are to be published in 2022.



# *Communications, meetings and projects*

## **Communications**

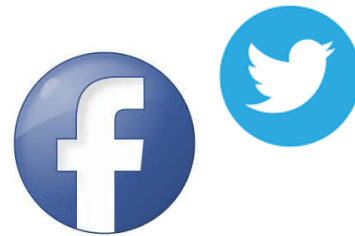
### **Website**

COMEX updates its website on a weekly basis to post the latest news on projects submitted for its review. The purpose is to 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, 2019 and March 31, 2020, 9275 users visited the website, viewing 29 200 pages in 12 489 sessions. The average session duration was 2 minutes 03 seconds. That represents a roughly 30% increase in visits to COMEX's website over the previous year. The increase can be attributed to numerous factors, including use of social media and the arrival of new players and projects in the territory.

### **Social media**

COMEX 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.

## **COMEX MEETINGS**

In addition to sustained interaction during the year, the COMEX members met in person ten times and held one conference call to discuss projects submitted to the environmental and social impact assessment and review procedure.

- |   |   |
|---|---|
| ⊕ 372 <sup>nd</sup> meeting: April 3, 2019,<br>Montréal   | ⊕ 377 <sup>th</sup> meeting: October 2, 2019,<br>Québec         |
| ⊕ 373 <sup>rd</sup> meeting: May 7, 2019,<br>Montréal     | ⊕ 378 <sup>th</sup> meeting: October 31, 2019,<br>Montréal      |
| ⊕ 374 <sup>th</sup> meeting: June 18, 2019,<br>Montréal   | ⊕ 379 <sup>th</sup> meeting: December 4, 2019,<br>Québec        |
| ⊕ 375 <sup>th</sup> meeting: July 16, 2019,<br>Québec     | ⊕ 380 <sup>th</sup> meeting: January 15, 2020,<br>Montréal      |
| ⊕ 376 <sup>th</sup> meeting: August 27, 2019,<br>Montréal | ⊕ 381 <sup>st</sup> meeting: February 19, 2020,<br>Québec       |
|   | ⊕ 382 <sup>nd</sup> meeting: March 26, 2020,<br>conference call |

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

Between April 1, 2019 and March 31, 2020, several decisions and recommendations were adopted and entered in the decisions register and the various meeting minutes, all of which are available on COMEX's website at: <http://comexqc.ca/en/comex-documents/>.

Questions and comments sent	Questions and comments sent
<ul style="list-style-type: none"> <li>✦ James Bay Lithium Mine Project <ul style="list-style-type: none"> <li>✦ Environmental and social impact assessment</li> </ul> </li> <li>✦ Langlois Mine Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Effluent discharge</li> </ul> </li> <li>✦ Eleonore Mine Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Environmental monitoring program and condition 6.1</li> </ul> </li> <li>✦ Development of a new landfill in Whapmagoostui <ul style="list-style-type: none"> <li>✦ Environmental and social impact assessment</li> </ul> </li> <li>✦ Troilus Mine Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Change in the PR-1 effluent location via the tailings pond spillway on the former Troilus mine site</li> </ul> </li> <li>✦ Rose Lithium-Tantalum Mining Project <ul style="list-style-type: none"> <li>✦ Environmental and social impact study</li> </ul> </li> <li>✦ Whabouchi Mine Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Optimization of planned mining operations during the operation phase</li> </ul> </li> <li>✦ Moblan Lithium mining project <ul style="list-style-type: none"> <li>✦ Environmental and Social Impact Assessment Report</li> </ul> </li> <li>✦ Troilus Mine Project <ul style="list-style-type: none"> <li>✦ Annual report on post-closure environmental monitoring and inspection, 2018</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✦ Renard Diamond Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Increase in ore extraction and processing rate</li> </ul> </li> <li>✦ Nibiischii national park project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Change to park boundaries, zoning and development concept</li> </ul> </li> <li>✦ Renard Diamond Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Environmental and Social Monitoring Program and environmental and social monitoring reports</li> </ul> </li> <li>✦ Eleonore Mine Project <ul style="list-style-type: none"> <li>✦ Environmental monitoring and surveillance annual report, 2018</li> </ul> </li> <li>✦ Project to restore the Principale Mine <ul style="list-style-type: none"> <li>✦ Application to amend the CA</li> </ul> </li> <li>✦ Solid waste disposal site project in Waswanipi <ul style="list-style-type: none"> <li>✦ Application to amend the CA</li> </ul> </li> <li>✦ Construction of forest access roads “H, Section west” and “I” <ul style="list-style-type: none"> <li>✦ Application to amend the CA</li> </ul> </li> <li>✦ Project to dewater the J-4 and 87 pits of the old Troilus mine <ul style="list-style-type: none"> <li>✦ Environmental and social impact study</li> </ul> </li> <li>✦ Eleonore Mine Project <ul style="list-style-type: none"> <li>✦ Application to amend the CA – Offsetting plan for wetlands and water and riparian environments</li> </ul> </li> </ul>

### **Follow-up of conditions and/or annual monitoring**

- ⊕ Project to increase untreated peels storage capacity for the Chapais Énergie cogeneration plant
  - ⊕ Water characterization sampling program
- ⊕ Iron-vanadium mining project, BlackRock Metals Inc.
  - ⊕ Follow-up to CA conditions
- ⊕ 161-kV BlackRock Metals Mining Property Electricity Service
  - ⊕ Follow-up to CA conditions
- ⊕ Whabouchi Mine Project
  - ⊕ Follow-up to CA conditions

### **Recommendations**

- ⊕ Project to increase untreated peels storage capacity for the Chapais Énergie cogeneration plant
  - ⊕ Application to amend the CA
- ⊕ Whabouchi Mine Project
  - ⊕ Application to amend the CA - Complement for the sanitary wastewater treatment system, including surface discharge
- ⊕ Eleonore Mine Project
  - ⊕ Application to amend the CA – Expansion of Quarry C-02
- ⊕ Whabouchi Mine Project
  - ⊕ Air quality monitoring
- ⊕ Eleonore Mine Project
  - ⊕ Application to amend the CA – Overall follow-up program and condition 6.1
- ⊕ Wood pellet production plant in Chapais
  - ⊕ Application to amend the CA – Conditions 9 and 11
- ⊕ Development of a new landfill in Whapmagoostui
  - ⊕ Environmental and social impact assessment
- ⊕ Renard Diamond Project
  - ⊕ Application to amend the CA – Increase in ore extraction and processing rate

## **PROJECTS SUBMITTED TO PUBLIC HEARINGS**

In 2019-2020, the substance of the new projects and applications to amend certificates of authorization submitted to COMEX were such that public hearings did not need to be held in person in the territory. However, it is important to note that the public can, generally and at any time, send questions and comments on new projects and requested amendments to certificates of authorization under review via the COMEX website.

## *Resources*

### **Human and material resources**

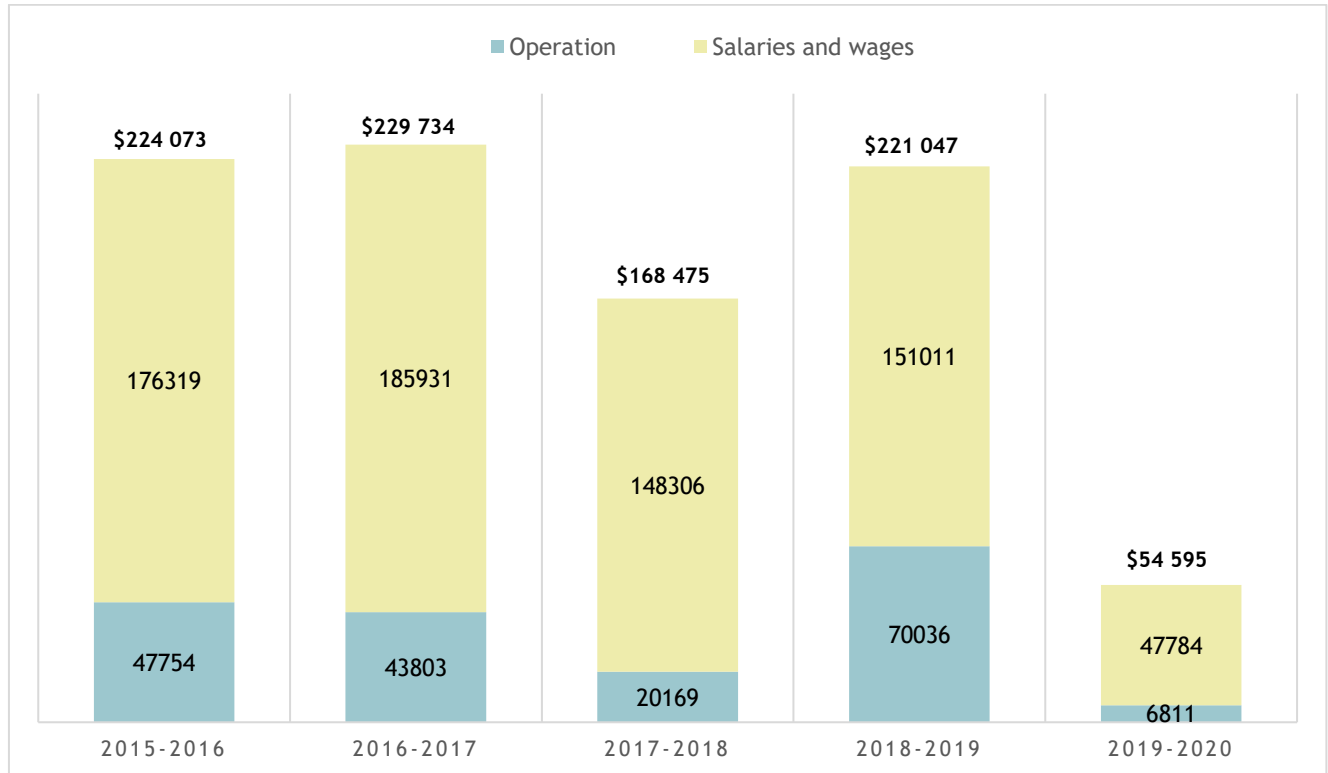
The JBNQA stipulates that the Review Committee “shall be provided with an adequate staff to fulfil its functions and such staff shall be maintained and funded by Québec” (para. 22.6.3). Accordingly, the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) handles the 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 the Cree communities. The position of environmental and social assessment secretary was held by Lucas Del Vecchio until January 29, 2020 and is currently held by Kelly Leblanc.

## 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 chart 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[illegible]