

CONSTRUCTION OF FOREST ROAD E-WEST

BY BARRETTE-CHAPAIS

PROJECT SUMMARY AND MISSING INFORMATION

1. Project Description and Main Issues

Barrette-Chapais Ltée wishes to build a non-standard-class forest road 40 km long in order to access an unlogged portion of forest management unit (FMU) 2665. The road would run parallel to highway 113 and link to the Nabakatuk sawmill, giving Barrette-Chapais access to a proportion of its timber supply in accordance with the new provisions of the forest regime. The road's construction would entail building a bridge on the Chibougamau River and installing six culverts. Most of the road would be located on Category III lands, with the first six kilometres being located on Category II lands in the territory of Waswanipi. The road would cross four traplines, including nearly 24 km of Billy Cooper's trapline (W16).

The road would be designed for oversized trucks that carry loads in excess of 100 tonnes, according to the following specifications:

- Width of the road surface: 10 m
- Width of the right-of-way: 35 m
- Annual utilization period: 6-8 weeks

The bridge on Chibougamau River would be 75 m long and require the installation of two piers in the riverbed. A study was conducted and revealed no spawning grounds near the site of the bridge. However, no such study of fish occurrence were conducted at the other watercourse crossings.

2. Main Steps Completed to Date

- Receipt of project notice by the Ministère du Développement durable, de l'Environnement et des Parcs (MDDEP): July 1, 2009. The preliminary information consisted of a cover letter and a map of the road corridor.
- Transmission of project notice to COMEV: July 17, 2009
- Transmission to MDDEP of the recommendation for the directives: September 18, 2009
- Transmission of directives to proponent: October 6, 2009
- Receipt of impact assessment statement by MDDEP: December 23, 2009
- Transmission of impact assessment statement to COMEX: January 12, 2010
- Transmission of questions and comments to MDDEP: May 14 and July 15, 2010
- Transmission of questions and comments to proponent: June 2 and August 2, 2010
- Receipt by MDDEP of proponent's answers to COMEX's questions and comments: October 27, 2010
- Transmission of answers to COMEX: November 10, 2010
- Public hearings: June 1, 2010 in Oujé-Bougoumou; June 2, 2010 in Waswanipi; June 3, 2010 in Chapais

3. Outcome of Public Hearings

During the public hearings on forest road L-209 Nord, particularly the hearing in Waswanipi on June 2, 2010, the proponent also presented its project to build forest road E-West. Seven (7) people from the community and one (1) representative of the Cree Regional Authority expressed views. **Of those eight (8) people, two (2) commented directly on forest road E-West.** The interveners' main concerns were **opening up the territory** to non-Aboriginal people **and controlling access**, the project rationale considering that alternatives exist and the **volume of timber to be harvested** east of highway 113.

4. Analysis and Issues

It is not possible at this time to say whether the project is environmentally and socially acceptable. Even though the proponent answered the questions and comments raised, there are lingering concerns and various information stipulated in the directives was not provided. In COMEX's opinion, the proponent is not able to show that the proposed project is the option with the least environmental and social impact, especially considering that alternatives exist that would avoid crossing wetlands or enable the installation of culverts meeting the watercourse encroachment standard. The project alternative with the least impact must not be based solely on the company's financial considerations, but also on the environmental and social considerations underpinning the sustainable development principle.

Project rationale

The rationale for building the road is questionable. The proponent says that highway 113 could be used to get supplies from the Nabakatuk sawmill, but it would need smaller trucks. In addition, it is currently possible to access unlogged areas via a network of class 3 or 4 roads. Furthermore, the proponent could also get to its cutting areas using the old Canadian National railway line converted into a non-standard-class forest road in 2012 referred to in the impact assessment statement. The advantage of building road E-West is more from an economical standpoint. According to the proponent's figures, building this road for oversized trucks would represent savings of \$9.27 million over 15 years compared to transporting timber via highway 113. In addition, to minimize the impact on wetlands, the proponent could use other, existing roads for some of its timber hauling needs. In reply to a question from COMEX in this regard, the proponent said that it did not want to use those roads because it would mean travelling longer distances and, consequently, higher hauling costs. During the public hearings in Waswanipi, a tallymen affected by the road project questioned the rationale for the project, saying that hauling a portion of the timber volume via access roads that already exist would minimize impacts.

- QC-1 Would using provincial highway 113 and trucks suited to this highway have a significant impact on the company's bottom line?
- QC-2 Why is using oversized trucks the only possible option for hauling timber?
- QC-3 Does the elimination of the tax credit for the construction of access roads in forest areas call into question the rationale for building road E-West?
- QC-4 The proponent uses economic reasons to rationalize building forest road E-West to haul timber, whereas alternatives exist, e.g. hauling timber via provincial highway 113, via the old CN railway line converted into a logging road or building class 3 and 4 roads to access cutting areas. The proponent must examine project alternatives taking environmental and social considerations into account to compare the impacts of the planned forest road E-West against the impacts of using provincial highway 113, using the old CN railway line that is now a logging road or building class 3 and 4 roads.

The rationale for the project is to gain access to cutting areas and enable Barrette-Chapais and the Nabakatuk mill in Waswanipi to trade timber. Note that the Nabakatuk mill is currently closed. It is not clear from the information provided by the proponent whether this timber trade will actually happen.

- QC-5 The proponent must provide a map showing the cutting areas it needs to access under the 2013-2018 forest management plan.
- QC-6 Has the proponent signed a timber supply agreement with Nabakatuk? If not, is there still a reason to build forest road E-West?

Description of the biophysical environment

In any impact statement, a description of the biophysical environment is crucial to ensuring an adequate assessment of the project's impacts. However, apart from describing the ecological characteristics of the assessment area using ecoforest maps, the impact statement does not list the animal and plant species found in the assessment area, other than woodland caribou or potential fish species. Even if the Centre de données sur le patrimoine naturel du Québec (CDPNQ) confirmed that no threatened or vulnerable species (TVS) occur in the assessment area, the proponent failed to consider the CDPNQ's cautionary note stating that [TRANSLATION] "the absence or status of threatened species in a given area is never set in stone and must not be construed as taking the place of the field surveys required to conduct an environmental assessment." The directives for the impact assessment statement clearly stated that if there was not enough data or the available data was not representative, the proponent had to complete the description of the biophysical and human environments using surveys and consultations that meet the regular qualitative and quantitative standards

- QC-7 Drawing on wildlife distribution maps, the proponent must list all species liable to use the assessment area based on the presence of their preferred habitat.

- QC-8 Drawing on species distribution maps, the proponent must indicate all rare or threatened wildlife and plant species that might be found in the assessment areas (overall and local) based on the presence of their preferred habitats.

One of the wildlife species identified is the woodland caribou, a species designated as vulnerable in Québec. The proponent's efforts to determine the species' occurrence in the assessment area were limited to consulting the Centre de données sur le patrimoine naturel du Québec (CDPNQ). Since the CDPNQ said that there were no reports of woodland caribou in the assessment area, the proponent investigated no further. Yet, the west end of road E-West lies within the area covered by Québec's 2013-2023 woodland caribou (*Rangifer tarandus caribou*) recovery plan (Woodland Caribou Recovery Task Force, 2013), hereinafter referred to as the recovery plan. Although most of the planned road lies outside the area covered by the recovery plan, it nevertheless borders it.

According to the information in section 7.4.1 of the impact assessment statement, there are no confirmed sightings of woodland caribou within the assessment area. However, the absence of woodland caribou was not confirmed either, and the Ministère des Forêts, de la Faune et des Parcs (MFFP) has been conducting telemetric monitoring since 2009. Based on the monitoring data obtained by the Cree Nation Government, 26 radio-collared caribou were located in the road E-West assessment area.

- QC-9 Based on MFFP telemetric monitoring data, the proponent must provide a map, at an appropriate scale, showing the locations of woodland caribou in the region, delineating the areas most used by caribou annually and seasonally.

The recovery plan is informative with regard to the species' status and preferred habitats (Woodland Caribou Recovery Task Force, 2013). Caribou generally inhabit mature softwood forests and peatlands, which means the animal could be found in the assessment area. In their study of the status of woodland caribou in Québec, Rudolph et al. (2012) modelled the probability of occurrence of woodland caribou in the James Bay region.

- QC-10 Using the model developed by Rudolph et al. (2012) or another valid model for the region, the proponent must provide a map illustrating the probability of occurrence of woodland caribou within the assessment area.

The negative effects of natural and anthropogenic disturbances on caribou populations are documented in the literature. According to Environment Canada (2011), total range disturbance of below 35% is required for a 60% probability of a self-sustaining woodland caribou population. Based on the information contained in the recovery plan, over 35% of habitat in the assessment area for forest road E-West is disturbed. In addition, the report of the scientific committee tasked with reviewing the northern limit of commercial forest also indicates that in two of the three ecological districts (as delineated by the MFFP's ecological land classification system) in which Barrette-Chapais' planned road lies, the habitat disturbance level is too high to ensure a self-sustaining woodland caribou population (Ministère des Ressources naturelles du Québec, 2013).

- QC-11 To provide an up-to-date picture of the quality of woodland caribou habitat, the proponent must calculate the disturbance level of woodland caribou habitat using the method developed by Environment Canada (2011). The proponent must consult experts at MFFP and the Cree Nation Government to validate the data to be used to calculate the disturbance level and determine the scale at which it will be calculated.

According to the available information, 4.5 km of peatland would be affected by the proposed road. Based on the types of maps contained in the documents provided, it is safe to assume that the proponent used the maps from the ecoforest inventory system of the Ministère de l'Énergie et des Ressources naturelles from the third 10-year inventory. In addition, barren wetlands (peat bogs) seem to be the only type of wetland considered. However, other types of wetland, such as treed peatlands, can be found in forest stands such as northern black-spruce stands.

- QC-12 The proponent must consider the parameters set out in Appendix 4 of the guide *Identification et délimitation des milieux humides du Québec méridional*, available on the MDDELCC website, to re-examine the map-based data by extracting the polygons of all wetland ecotypes.

Land use

The adapted forestry regime established by the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec provides for the identification of sites of special interest to the Cree and areas of wildlife interest covering up to 1% of the total area and 25% of the productive forest area, respectively, of each trapline.

- QC-13 The proponent must explain how these sites of special interest (1%) and areas of wildlife interest (25%) were taken into consideration in planning the road corridor. The proponent will share the comments received from tallymen, if consulted, regarding the road's encroachment on these sites.

In the document containing the proponent's answers to COMEX's questions, dated September 2012, Barrette-Chapais says (Question 7.17) that the archaeologist's report will be sent to MDDEP. It has not been sent yet.

- QC-14 The proponent must send the report on archaeological potential to the Administrator.

Project description

As regards the project description, the following information stipulated in the directives was not provided and is required:

- planned deforestation work to build the road, including methods and disposal of timber;
- a description of permanent and temporary work in water below the high-water mark;
- planned work in wetlands;
- the estimated size of the extracted area of borrow pits and the volume of material to be extracted;
- significant earthworks (cuts and fills), specifying the locations and volumes;

Following construction of forest road E-West, the proponent will have no choice but to use an existing road to supply its mill.

- QC-15 The proponent must indicate on a map the connecting road it will take to travel between its mill and the section of road it plans to build, and describe the main characteristics of the connecting road.
- QC-16 Along the existing road section it plans to use, the proponent must indicate the location of all tallymen's camps and areas used for varying activities, cottages, or any other land-use right.

Table 8.1 of the proponent's answers to COMEX's questions and comments shows a cost comparison of building and maintaining the planned road versus using provincial highway 113. The comparison shows that it would be more cost-effective for the company to build the new road.

- QC-17 The proponent must provide updated figures (Table 8.1) to reflect today's construction and maintenance costs. In addition, it must indicate the amortization period (number of years) for costs were it to use highway 113 instead of building the road E-West.

Description of impacts

In section 7.10.4 of the answers to questions and comments, the proponent says that the regulatory requirement (RNI) of not reducing the width of a watercourse by more than 20% cannot be met for all of the culverts because culverts over 3300 mm cannot be used for forest roads designed for trucks with a capacity of 100 tonnes or more.

- QC-18 The proponent must identify the impacts associated with not meeting the 20% limit on watercourse encroachment, including the effects on hydrology and aquatic habitats.
- QC-19 The proponent must explain why using trucks with a capacity of 100 tonnes or more is the only possible option for hauling timber. Why is it not possible to use smaller trucks and thus be able to install culverts that respect the 20% limit on watercourse encroachment?

Construction of forest road E-West will result in wildlife habitat losses.

QC-20 Based on the information provided in response to QC-7 and QC-8, the proponent must indicate the surface areas of preferred habitat affected by the project.

The impact of truck traffic will extend beyond the new road built and up to just over 50 km east of the road to reach the Barrette-Chapais mill.

QC-21 The proponent must assess the impact of traffic not just on the section of road to be built, but also on the existing section of road that will be used to get to the Barrette-Chapais mill. In particular, the proponent must indicate whether an increase in traffic on the existing section is anticipated. In addition, it must assess the impacts of its project on Cree and non-Aboriginal land use and occupancy.

Consultation of tallymen

The proponent consulted the communities and tallymen whose traplines are affected by the proposed road corridor. The tallymen consulted expressed certain reservations about the project, with some suggesting that the proponent use trucks capable of travelling on provincial highway 113.

It is worth noting that, in 2012, Barrette-Chapais converted the old railway line referred to in the impact assessment statement into a non-standard-class forest road. This led to a dispute with the tallyman of trapline W-21A, which was resolved in accordance with Schedule C-4 of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec. The tallymen requested that no more access roads be built in the eastern part of his trapline.

One of the mitigation measures proposed in section 9.2.2 of the impact assessment statement consists in [TRANSLATION] “striking a balance between the competing concerns of the parties” (forest companies and land users).

QC-22 The proponent must explain how the tallymen’s comments were addressed in determining the final road corridor and how the proponent intends to implement the two recommendations referred to in section 6.4 of its impact assessment statement. It must render an account of its discussions with the users concerned. In light of the comments made by tallymen and the recent dispute over the conversion of the old railway line into a non-standard-class forest road, the proponent must also explain how it will strike a balance between the competing concerns of the parties.

5. References

ENVIRONMENT CANADA, 2011, *Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada: 2011 Update*. 103 pages plus appendices.

MINISTÈRE DES RESSOURCES NATURELLES DU QUÉBEC, 2013. *Rapport du Comité scientifique chargé d'examiner la limite nordique des forêts attribuables*. Secteur des forêts. 148 pages plus 6 appendices.

RUDOLPH, T., P. DRAPEAU, M.-H. ST-LAURENT AND L. IMBEAU, 2012. *Status of Woodland Caribou (Rangifer tarandus caribou) in the James Bay Region of Northern Quebec*. Scientific report submitted to the Ministère des Ressources naturelles et de la Faune and the Grand Council of the Crees (Eeyou Istchee), Montréal, Québec. 72 pages.

WOODLAND CARIBOU RECOVERY TASK FORCE (2013). *Plan de rétablissement du caribou forestier (Rangifer tarandus caribou) au Québec — 2013-2023*, prepared for the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs du Québec, Faune Québec, 110 pages.