

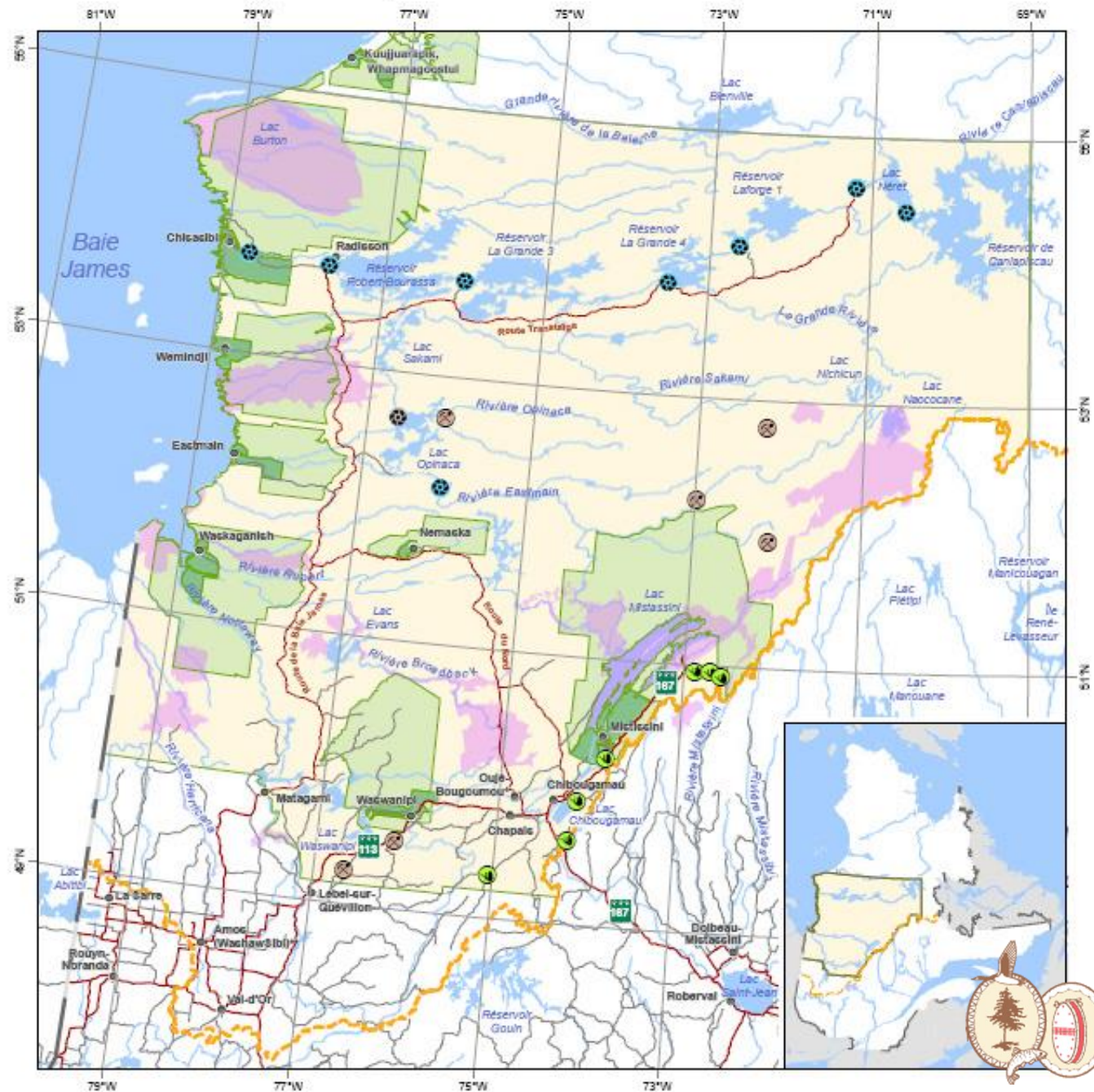
Presentation outline

1. Objectives and guiding principles of Section 22 JBNQA
2. Overview of the Section 22 JBNQA Environmental and Social Protection Regime ('policy' review and impact assessment)
3. Rules of thumb



Section 22 of the JBNQA applies throughout the Territory and across all 3 categories of land (Cat. I, II, III)

Territory covered by the environmental and social protection regime



Objectives and guiding principles

(Section 22 JBNQA)



Via the protection regime and impact assessment:

1. Protection of the Cree people, communities and economies;
2. Protection of Cree harvesting rights per Section 24 of the JBNQA;
3. Protection of wildlife resources and ecosystems;
4. Cree participation and representation on all committees (per the Cree special status).



Two major components of the environmental and social regime

1) A procedure to review and provide recommendations on policies, laws, regulations



Main
players

- ✓ Canada
- ✓ Quebec
- ✓ Cree Nation Gov't.
- ✓ Regional & local gov'ts.
- ✓ James Bay Advisory Committee on the Environment (JBACE)

2) A unique environmental and social impact assessment (ESIA) procedure for development projects



- ✓ Project proponents
- ✓ Administrators
- ✓ COMEV (assessment body)
- ✓ COMEX / COFEX-South (review bodies)
- ✓ Cree communities and land users



Component #1

A procedure to review and provide recommendations on policies, laws, regulations

- ✓ The CNG and the JBACE review and provide recommendations on environmental and social policies, laws, and regulations before their formal adoption.
- ✓ The CNG and JBACE do so in relation to federal, provincial regional and local initiatives.

Examples of elements that the CNG and the JBACE have / are working on:

1. Revision of the *Mining Act*
2. Authorization for Impact-causing exploration activities
3. Climate change initiatives



Component #2

Environmental and Social Impact Assessment (ESIA) process for development projects

Slide #1 - Foundations

- ✓ **Two lists** (schedules 1 & 2 of Section 22 of the JBNQA):

List # 1 Projects that automatically require an in-depth ESIA review (e.g., mines);

List #2 Projects that are automatically exempt from ESIA (e.g., schools).

****Projects that do not appear on either list are called 'grey zone projects' (e.g., exploration projects). These require an evaluation / assessment.****

- ✓ **Three committees analyze projects and issue recommendations to the relevant Administrators**

COMEV – Evaluating committee

(2 members from each party – Cree, Quebec, Canada)

COMEX – Provincial review committee

(3 members from Quebec + 2 members from the Cree party)

COFEX-South – Federal review committee

(3 members from Canada + 2 members from the Cree party)



Foundations of the ESIA process

(Section 22 JBNQA)

Slide #2

- ✓ **Three Administrators (decision-makers)**

Category I lands

Regional Administrator

(CNG Director of Environment and Remedial Works Department)

Category II & III

Provincial Administrator

(Quebec Deputy Minister of the Environment)

Federal Administrator

(President of the Impact Assessment Agency of Canada)

- **Administrators decide if 'grey zone projects' require in-depth review based on COMEV's recommendations.**
- **Administrators decide if projects are approved (or not) based on recommendations from COMEX / COFEX-South.**
- **Administrators issue the conditions that projects must respect if approved.**





Rules of thumb

1. The Cree are included in all decision-making processes and enjoy a special status of involvement via consultation or representation:
 - ✓ Cree involvement in policy development is assured;
 - ✓ Cree participation and representation is guaranteed on all of the committees and at each stage of the impact assessment process.
2. All comprehensive ESIA reviews include public hearings and opportunities for the Cree to have their voices heard.
3. All mines are automatically subject to comprehensive ESIA's.
4. Exploration projects are not automatically subject to ESIA but may require one following evaluations by COMEV.
5. Projects can' only start when ESIA's are completed and approved.
6. Conditions for approved projects can be very strict and are always based on Cree concerns.



Optional slides

1. ESIA Flowchart

2. Schedules 1 & 2 of Section 22 of the JBNQA

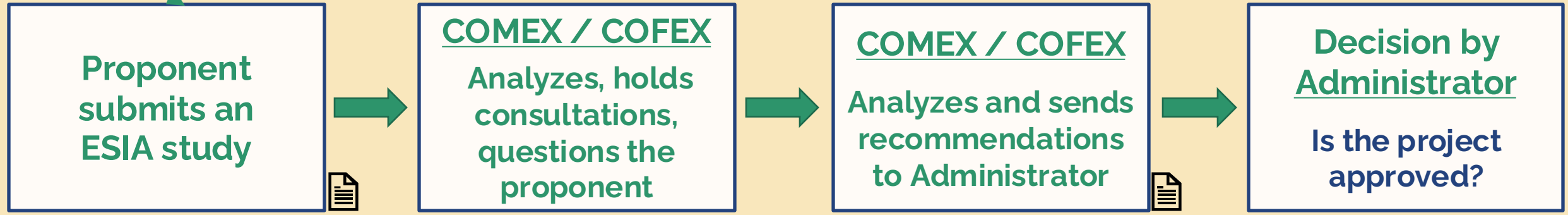
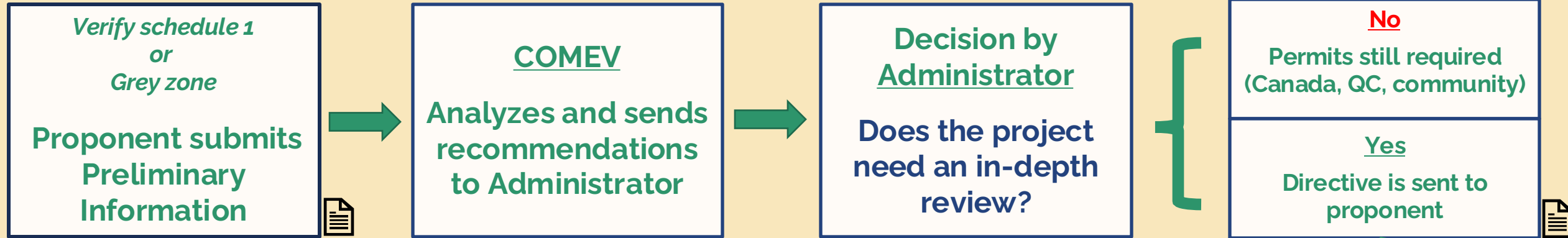




Section 22 JBNQA Environmental and Social Impact Assessment Process

Start

End



Directive = the instructions used by the proponent to prepare the ESIA study for the project.

End



WHICH PROJECTS HAVE TO GO THROUGH ESIA?



Schedule 1

Projects automatically subject to assessment and review

- All new major mining operations excluding explorations;
- Siting and operation of major sand and gravel pits and of quarries;
- **Energy Production:**
 - a) Hydro-electric powerplants and their associated works;
 - b) Storage and water supply reservoirs;
 - c) Transmission lines of ≥ 75 kV;
 - d) Extraction and processing of energy yielding materials;
 - e) Fossil-fuel fired power generating plants $> 3,000$ kW.
- **Forestry and Agriculture:**
 - a) Major access roads built for extraction of forest products;
 - b) Pulp and paper mills or other forestry plants;
 - c) In general, any significant change in land use substantially affecting > 25 miles² (> 64.7 km²).
- **Community and Municipal Services:**
 - a) New major sewage and wastewater collection and disposal systems;
 - b) Solid waste collection and disposal, including land fill and incineration;
 - c) Proposals for parks, wilderness areas, ecological reserves or other similar land classifications;
 - d) New outfitting facilities for more than thirty (30) persons, including networks of outpost camps;
 - e) New communities or significant expansion of existing communities.
- **Transportation:**
 - a) Access roads to and near Native communities;
 - b) Port and harbour facilities;
 - c) Airports;
 - d) Railroads;
 - e) Road infrastructure for new development;
 - f) Pipelines;
 - g) Dredging operations for navigation improvements.

GREY
ZONE
PROJECTS
(projects not
on Schedule 1
or 2)

Schedule 2

Projects automatically exempt from assessment and review

- Any development within the limits of non-Native communities not directly affecting the wildlife resources outside these limits;
- Small hotels, motels, service stations and similar structures on provincial or lesser highways;
- Structures intended for dwellings, wholesale and retail trade, garages, offices or handicrafts and car parks;
- Fossil-fuel fired power generating systems $< 3,000$ kilowatts;
- The following immovables: teaching establishments, banks, fire stations, immovables intended for administrative, recreational, cultural, religious, sports and health purposes and immovables and equipment used for telecommunications;
- The construction, modification, restoration, relocation or putting to another purpose of control and transformer stations of ≤ 75 kV and transport and electric power transmission lines of a voltage of ≤ 75 kV;
- The construction and extension of a pipe main of ≤ 30 cm in diameter to a maximum length of 5 miles (8 km);
- Preliminary investigation, research, experiments outside the plant, survey and technical survey works prior to any project, work or structure;
- Forestry development when included in governmental approved management plans, subject to the provisions of paragraph 22.3.34 of Section 22;
- Municipal streets and sidewalks built in accordance with municipal by-laws, and operation and maintenance of roads and highway structures;
- Repairs and maintenance on existing municipal works;
- Temporary hunting, trapping, harvesting camps; outfitting facilities for ≤ 30 people;
- Small wood cuttings for personal and community use;
- Borrow pits for highway maintenance purposes.

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and social assessment
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