



DETAILED COMMENTS FROM THE JBACE TO THE MERN

DOCUMENT : <u>Establishment and Operation of a Monitoring Committee – Good practices guide for project promoters and local actors, and legal obligations of monitoring committees – Preliminary version – May 2018</u>	
LOCATION IN THE DOCUMENT	COMMENTS
<p>'Forward' Section Page 3, paragraph 2, after "...arising from the application of environmental assessment procedures"</p>	<p><u>SUGGESTED TEXTUAL INCLUSION AT THE END OF THIS SENTENCE:</u> "...including the procedures established in the James Bay Northern Québec Agreement (JBNQA)."</p>
<p>'Participation of aboriginal communities – Aboriginal communities concern' Section Page 4</p>	<p><u>SUGGESTED INCLUSION:</u> It should be mentioned in this section that promoters should communicate with the local administrations which may be well-placed to direct them to the right local actors who may, in turn, assist the promoters determine the concerned communities and potential representatives.</p>
<p>Page 7, after the last paragraph</p>	<p><u>SUGGESTED INCLUSION:</u> In order to ensure greater clarity, and per the JBACE's letter dated March 20th 2017, it should be stated here that the best practices concerning consultation and dialogue that are recommended for promoters are equally relevant in Aboriginal and northern communities in the territory of application of the JBNQA.</p>
<p>'What are the elements to be considered before establishing a committee?' Section Page 8, paragraph 4, before the sentence "Well before establishing a monitoring committee..."</p>	<p><u>SUGGESTED TEXTUAL INCLUSION AT THE START OF THIS SENTENCE:</u> "It is best practice that well before an environmental assessment and establishing a monitoring committee..."</p>

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<p>‘What are the elements to be considered before establishing a committee?’ Section</p> <p>Page 8, paragraph 8, after the sentence “Information acquired during discussions...”</p>	<p><u>SUGGESTED TEXTUAL INCLUSION :</u></p> <p>“Information acquired during discussions with community actors may also be useful if the project is eventually the object of an environmental assessment. See, for example, the document entitled ‘<i>Consultations conducted by the proponent: Expectations of the Review Committee</i>’ that was published by the Environmental and Social Impact Review Committee (COMEX). Note that COMEX is the body which reviews projects subject to the environmental and social impact assessment and review procedure established per Section 22 of the JBNQA.”</p>
<p>‘When must the monitoring committee be established’ Section</p> <p>Page 10, first paragraph of the section, second sentence, after “...honest and constructive dialogue early in the project development process”</p>	<p><u>CLARIFICATION REQUIRED IN THIS PARAGRAPH:</u></p> <p>It is not clear at what stage this is at. We recommend adding something like “prior to the commencement of the EISA process” to clarify.</p>
<p>‘The Mandate’ Section</p> <p>Page 16, paragraph 1, second sentence starting with “Defined by the members in collaboration with the promotor ...”</p>	<p><u>SUGGESTED TEXTUAL INCLUSION AT THE START OF THE SENTENCE:</u></p> <p>“Whether they are defined in a ministerial or government authorization, arose from the application of an environmental assessment procedure, were outlined in an impact benefit agreement between the promoter and an Aboriginal community, or were defined by the members in collaboration with the promoter, they may...”</p>
<p>‘The holding of meetings’ Section</p> <p>Page 26, last paragraph</p>	<p><u>CLARIFICATION REQUIRED IN THIS PARAGRAPH:</u></p> <p>It’s not just location but season of meetings as well. It needs to respect traditional activities carried out by communities.</p>
<p>‘Holder of a mining right’ Section</p> <p>Page 39, after paragraph 4</p>	<p><u>SUGGESTED TEXTUAL INCLUSION AT THE END OF THIS PARAGRAPH:</u></p> <p>“Moreover, for projects proceeding through an environmental and social impact assessment and review procedure, the authorizations may require the establishment of monitoring committees that differ from those required per the <i>Mining Act</i>.”</p>

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LOCATION IN THE DOCUMENT	COMMENTS
‘Composition of the committee’ Section Page 40, second bullet (fourth bullet of this list)	<u>SUGGESTED REPLACEMENT FOR THE BULLET POINT:</u> <ul style="list-style-type: none"> “one representative of an Aboriginal community consulted by the Government with respect to the project and, if applicable, for projects in the territory subject to the JBNQA, one representative from a concerned Aboriginal community.”
‘Composition of the committee’ Section Page 40, paragraph 2, third sentence starting with “It is up to the mine operator...”	<u>SUGGESTED TEXTUAL INCLUSION AT THE START OF THIS PHRASE:</u> Unless otherwise specified in a ministerial or government authorization, it is up to the mine operator...
‘Holder of a petroleum exploration, production or storage licence’ Section Page 45, paragraph 1	<u>CLARIFICATION REQUIRED IN THIS PARAGRAPH:</u> For projects subject to the environmental and social impact assessment and review procedure, the authorizations may also require the establishment of a monitoring committee that differ from those required per the <i>Petroleum Resources Act</i> . The obligations set out in the <i>Petroleum Resources Act</i> cannot substitute those obligations set out in the authorizations.
‘Composition of the committee’ Section Page 46, paragraph 1	Same as above.
‘Sections of the Petroleum Resources Act (Chapter H-4.2.’ Section Page 46, paragraph 6	Same as above.