



[BY EMAIL AND MAIL]

June 29th 2018

Luce Asselin

Associate Deputy Minister of Energy and Mines
Ministère de l'Énergie et des Ressources naturelles

Bureau de coordination des projets majeurs et d'analyse des impacts économiques

Ministère de l'Énergie et des Ressources naturelles
5700, 4^e Avenue Ouest
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Subject: Comments concerning the guide on monitoring committees for promoters

Associate Deputy Minister Asselin,
Whom it may concern,

The James Bay Advisory Committee on the Environment (JBACE) acts as the preferential and official forum for responsible governments concerning measures relating to the environmental and social protection regime under Section 22 of the James Bay and Northern Québec Agreement (JBNQA). In this capacity, the JBACE is submitting to you its comments concerning the [**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**](#), published by your department on June 4th 2018.

As was mentioned in our letter dated March 20th 2017 regarding the first version of this guide, the JBACE welcomes the publication of guides to inform project proponents of their regulatory obligations as well as best practices for public engagement and consultation. And, as was the case last year, per our understanding, the present guide will apply to Québec as a whole, including the territory covered by the JBNQA.

We must thus reiterate that, in our opinion, best practices for public engagement and consultation continue to be relevant even though all mining projects are subject to the environmental and social impact assessment and review procedures under the JBNQA, notably the procedure under Section 22 applicable to the Eeyou Istchee James Bay Territory. In this spirit, we recommend that clarifications and revisions be made in the document.

The said guide should clearly stipulate that the public consultation and engagement best practices apply, including the establishment of monitoring committees, in the territory covered by the JBNQA. In this respect, it should be clearly stated that these best practices are recommended for proponents of projects in northern communities and that additional tools have been developed by the bodies responsible for the environmental and social protection regimes under the JBNQA.

For example, the Environmental and Social Impact Review Committee (COMEX) has published a document concerning [expectations of proponents](#) in this area. For its part, the JBACE is also preparing, in cooperation with the evaluating and review committees under Section 22, a guide to best practices for public participation in the Eeyou Istchee James Bay Territory. We would be pleased to share this guide as soon as it is published.

We also suggest that the text should be revised to more clearly reflect the northern reality that requirements concerning monitoring committees may be added at the end of assessment and review procedures under Section 22. These may differ from those set out in the *Mining Act*, or in the *Petroleum Resources Act*.

Beyond this, we recommend that the text be revised to include further encouragement to promoters to communicate with local and regional administrations (e.g., Cree Nation Government) that may be well-placed to help them determine with whom they should engage (i.e. concerned communities) and whom to include in their monitoring committees (i.e. potential representatives).

Having said this, please find attached herewith a separate document that outlines several additional comments. We believe that the attached document provides several suggested textual revisions that may serve as possible means of meeting the above-mentioned recommendations.

The JBACE remains available at your convenience should you request to exchange in greater detail.

Please accept my most cordial regards,

[Original signed]

Jean-Yves Savaria
Chairperson

- cc. Dr. Abel Bosum, Grand Chief, Grand Council of the Crees (Eeyou Istchee) and
Chair, Eeyou Istchee James Bay Regional Government
Michael Barrett, President, Kativik Environmental Advisory Committee
Reggie Mark, President, Cree Mineral Exploration Board
Roch Gaudreau, Director - Development and Control of Mining Activity, MERN