



CHAPTER 94

An Act to again amend the Environment Quality Act

[Assented to 22 December 1978]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1972, c. 49,
tit.,
added.

1. The Environment Quality Act (1972, chapter 49) is amended by inserting, before the title “Division I” preceding section 1, the following:

“CHAPTER I

“PROVISIONS OF GENERAL APPLICATION”.

Id., s. 106,
replaced.

2. Section 106 of the said act is replaced by the following:

Offence
and
penalty.

“106. Whoever contravenes any of sections 20, 21, 22, 25, 26, 27, 28, 29, 49, 68, 91, 189 and 224 of this act is guilty of an offence and is liable, upon summary proceeding, to a fine not exceeding five thousand dollars for the first offence and not exceeding ten thousand dollars for any subsequent offence.

Idem.

The same penalties apply, in the same manner, in respect of anyone who fails to observe the conditions imposed in virtue of section 199, 202, 236 or 238.”

1972, c. 49,
ss. 166-
248,
replaced.

3. The said act is amended by replacing the title of Division xv by the following:

“MISCELLANEOUS PROVISIONS”.

1972, c. 49,
ss. 166-
248,
added.

4. The said act is amended by inserting, after section 165, the following:

"CHAPTER II

"PROVISIONS APPLICABLE TO THE JAMES BAY AND
NORTHERN QUÉBEC REGION

"DIVISION I

"DEFINITIONS

Inter-
pretation: "166. In this chapter, unless the context indicates a different meaning,

"Cree
Regional
Authority"; (1) "Cree Regional Authority" means the public corporation constituted by the Act respecting the Cree Regional Authority (1978, chapter 89);

"Kativik
Regional
Govern-
ment"; (2) "Kativik Regional Government" means the public corporation constituted by the Act concerning Northern villages and the Kativik Regional Government (1978, chapter 87);

"Native
people"; (3) "Native people" means the Crees and Inuit;

"Band"; (4) "Band" means one of the Bands within the meaning of the Indian Act (Revised Statutes of Canada, 1970, chapter I-6) of Fort George, Old Factory, Rupert House, Waswanipi, Mistassini, Nemaska, Great Whale River and Eastmain until its constitution as a corporation as provided for in Section 9 of the Agreement and, thereafter, this corporation;

"Regional
Zone
Council"; (5) "Regional Zone Council" means the James Bay Regional Zone Council constituted by the act to establish the James Bay Regional Zone Council (1978, chapter 90);

"Agree-
ment"; (6) "Agreement" means the Agreement contemplated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (1976, chapter 46) as well as Complementary Agreement N° 3 tabled before the Assemblée nationale, 18 April 1978, as Sessional Papers, No. 114;

"Cree
village
corpora-
tion"; (7) "Cree village corporation" means any Cree village corporation constituted pursuant to the Cree Villages Act (1978, chapter 88);

"Northern
village cor-
poration"; (8) "Northern village corporation" means any northern village corporation constituted pursuant to the Act concerning Northern villages and the Kativik Regional Government (1978, chapter 87);

"Creess"; (9) "Creess" means the Cree beneficiaries within the meaning of the Act respecting Cree and Inuit Native persons (1978, chapter 97);

"Inuit"; (10) "Inuit" means the Inuit beneficiaries within the meaning of the Act respecting Cree and Inuit Native persons (1978, chapter 97);

"project". (11) "project" means any works or activity of development or utilization of the territory or the carrying out of an industrial process which might affect the environment or the social milieu, except for the maintenance and operation of the plants or undertakings after construction.

Reference. **"167.** In this chapter, the mention of a category of lands, namely, Category I, IA, IB, II or III, refers to lands delimited according to the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93).

"DIVISION II

"PARTICULAR PROVISIONS APPLICABLE TO THE JAMES BAY REGION LOCATED SOUTH OF THE 55TH PARALLEL

Scope of
applica-
tion.

"168. This division applies to the territory bounded to the north by the 55th parallel, to the west by the boundaries of Ontario and of the Northwest Territories, to the east by the 69th meridian and to the south by a line that coincides with the southern limit of the middle zone and the Cree traplines located to the south of the middle zone, as determined under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92), as well as to the Category I and II lands for the Crees of Great Whale River.

"§ 1.—*James Bay Advisory Committee on the Environment*

Advisory
Commit-
tee.

"169. A body is created under the name of "Comité consultatif pour l'environnement de la Baie James". Such body may also be designated under the name, in Cree, of "Gaweshouwaitego Asgee Weshouwehun" and, in English, of "The James Bay Advisory Committee on the Environment".

Composi-
tion.

"170. The Advisory Committee is composed of four members appointed by the Lieutenant-Governor in Council, four by the Governor General in Council or any other person he authorizes for such purpose and four others by the Cree Regional Authority. Each such member holds office during the appointing party's pleasure, and is remunerated or indemnified by that party; the latter also provides for the member's replacement.

**Members
ex officio.** In addition, the Chairman of the Hunting, Fishing and Trapping Coordinating Committee, appointed under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92) is a member *ex officio* of the Advisory Committee; however, where, under the said act, the Chairman of the said Coordinating Committee is appointed by the Makivik Corporation contemplated in the Act to establish the Makivik Corporation (1978, chapter 91), the Vice-Chairman is a member *ex officio* of the Advisory Committee.

Vacancy. “**171.** A vacancy does not interrupt the operation of the Advisory Committee, if it is possible to form a quorum.

**Number of
members
modified.** “**172.** Notwithstanding the first paragraph of section 170, the governments of Québec and of Canada and the Cree Regional Authority may, by unanimous agreement, modify the number of members appointed by each of them.

Notice. Notice of such agreement must be published in the *Gazette officielle du Québec*.

**Head
office.** “**173.** The head office of the Advisory Committee is located in the territory formed by the territories defined by the Québec boundaries extension acts, as set forth in chapter 6 of the statutes of 1897/1898 and chapter 7 of the statutes of 1912 (1st session).

Offices. It may establish offices anywhere in Québec for the carrying on of its business.

**Secre-
tariat.** It directs a secretariat.

Budget. “**174.** The budget of the secretariat of the Advisory Committee must be approved each year by the Minister.

Financing. Such budget is financed by the appropriations voted annually for that purpose by the Assemblée nationale. The Minister is authorized to claim from the Government of Canada half the amounts indicated in that budget.

**Elabora-
tion of
laws, etc.** “**175.** Where the governments of Québec and of Canada, the Cree Regional Authority, the Cree village corporations, the Bands, the Regional Zone Council and the municipalities, each within their respective jurisdictions, elaborate laws and regulations concerning environmental and social protection in the territory described in section 168, they shall consult the Advisory Committee, as the preferential and official forum.

Functions
of the
Advisory
Commit-
tee.

Furthermore, the functions of the Advisory Committee are to oversee, through free exchange of views and information, the application of Section 22 of the Agreement, and to exercise administrative control over the Evaluating Committee contemplated in section 183.

Idem.

For such purpose, it may, in particular,

(a) recommend the adoption of laws, regulations and other measures designed to improve the protection of the environment and of the social milieu;

(b) consider and formulate recommendations concerning laws, regulations and administrative procedures dealing with the environment, the social milieu and land use;

(c) consider and formulate recommendations concerning environmental and social impact assessment and review mechanisms and procedures.

Internal
manage-
ment.

The Advisory Committee may also adopt, subject to section 240, rules for its internal management, which must be approved by the Minister, by the Cree Regional Authority and by any person designated for that purpose by the Governor General in Council.

Idem.

The Advisory Committee, by the rules of internal management it may adopt, may designate among its members other officers than those provided for in the regulations made under section 240 and, by unanimous decision of all its members, may modify the quorum rules established in the said regulations. The rules of internal management provided for in this paragraph do not require the approvals contemplated in the fourth paragraph.

Specialists.

“176. Any member of the Advisory Committee or the Advisory Committee itself may retain the services of any specialist whose advice or expertise may be required.

Remunera-
tion.

If the services are retained by a member of the Advisory Committee, the specialist is paid by the party which appointed that member. If the services are retained by the Advisory Committee, the costs and fees are paid by the secretariat.

Consulta-
tion.

“177. The governments of Québec and of Canada, the Cree Regional Authority and the Cree village corporations shall consult the Advisory Committee from time to time on the major issues respecting the implementation of the environmental and social protection regime applicable to the territory contemplated in section 168 and land use measures. The Advisory Committee may formulate any recommendation it considers appropriate.

Consulta-
tion.

"178. The Minister shall consult the Advisory Committee before submitting for adoption a regulation which applies exclusively to the environmental and social protection regime of Category I or II lands, or Category III lands surrounded by Category I lands.

Consulta-
tion
required.

Similar consultation is required where the Minister intends to modify or not to apply recommendations of the Advisory Committee which apply only to the lands contemplated in the first paragraph.

Regulation
not in-
validated.

The absence of consultation prescribed by this section cannot, however, have the effect of invalidating a regulation.

Manage-
ment and
operational
plans.

"179. The Ministre des terres et forêts shall transmit to the Advisory Committee, for consideration and comment, before approving them, the management and development plans for public forest situated in the territory contemplated in section 168. The Advisory Committee must transmit its comments, if any, within ninety days.

Decisions,
etc., com-
municated.

"180. The Advisory Committee shall communicate its decisions and recommendations to the governments of Quebec and of Canada, to the Cree Regional Authority, to the Cree village corporations, to the Bands, to the Regional Zone Council or to the municipalities for their attention, information and appropriate action.

Informa-
tion.

"181. Upon request, the Advisory Committee shall put at the disposal of the Cree village corporations and the Bands the information, technical or scientific data and the advice and technical assistance which it obtains from time to time from a government or from any governmental agency.

Annual
report.

"182. Before 30 June of each year, the Advisory Committee shall transmit to the Minister, who shall communicate it to the Assemblée nationale, a report of its activities for the preceding fiscal year.

"§ 2.—Evaluating Committee and Review Committee

"Evalu-
ating Com-
mittee".

"183. A body is created under the name of "Comité d'évaluation". Such body may also be designated under the name, in Cree, of "Gaweshouwaitego Dan Djeis Nandou Tsheytaknuch Asgee Je' Espeich" and, in English, of "Evaluating Committee".

"Review
Commit-
tee".

Another body is created under the name of "Comité d'examen". Such body may also be designated under the name, in Cree, of "Gaweshouwaitego Dan Djeis Neh Nakitstagonuch Asgee" and, in English, of "Review Committee".

Composition. **"184.** The Evaluating Committee is composed of six members.

Appointment. The Lieutenant-Governor in Council, the Governor General in Council or any person he authorizes for such purpose, and the Cree Regional Authority each appoint two members, during pleasure.

Remuneration. Each member is remunerated by the party which appointed him.

Vacancy. A vacancy does not interrupt the operation of the Evaluating Committee, if it is possible to form a quorum.

Secretarial services. **"185.** The Advisory Committee shall provide the Evaluating Committee with the necessary secretariat services.

Composition. **"186.** The Review Committee is composed of five members.

Appointments, etc. The Lieutenant-Governor in Council appoints three members, including the chairman, and remunerates them. The two others are appointed and remunerated by the Cree Regional Authority; however, their expenses are paid by the secretariat of the Advisory Committee.

Term of office. The members are appointed during pleasure.

Vacancy. A vacancy does not interrupt the operation of the Review Committee, if it is possible to form a quorum.

Principles considered. **"187.** In the exercise of their functions and jurisdictions, the Québec Government, the Cree Regional Authority, the Cree village corporations, the municipalities, the Bands, the Regional Zone Council, the Advisory Committee, the Evaluating Committee and the Review Committee shall give due consideration to the following principles:

(a) the protection of the hunting, fishing and trapping rights of the Native people in the territory described in section 168 as well as their rights in Category I lands, with regard to any activity connected with projects affecting the said territory;

(b) the protection of the environment and social milieu, particularly by the measures proposed pursuant to the assessment and review procedure contemplated in sections 188 to 202, in view of reducing as much as possible for the Native people the negative impacts of the activities connected with projects affecting the territory contemplated in section 168;

(c) the protection of the Native people, of their societies, communities and economy, with regard to any activity connected with projects affecting the territory contemplated in section 168;

(d) the protection of the wildlife, of the physical and biological milieu and of the ecological systems of the territory contemplated in section 168, with regard to any activity connected with projects affecting the said territory;

(e) the rights and guarantees of the Native people in Category II lands, established under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter 92);

(f) the participation of the Crees in the application of the environmental and social protection regime provided for in this division;

(g) any rights and interest of non-Native people;

(h) the right of the persons acting lawfully to carry out projects in the territory contemplated in section 168.

*“§ 3.—Environmental and social impact assessment
and review procedure*

Automatically subject or automatically exempt.

“188. The projects automatically subject to the assessment and review procedure contemplated by this subdivision are listed in Schedule A and the projects which are automatically exempt from the said procedure are listed in Schedule B.

Modification by regulation.

The Lieutenant-Governor in Council may, by regulation made under section 240, modify the said Schedules A and B, and automatically subject or exempt other projects to or from the assessment and review procedure.

Certificate of authorization or attestation of exemption.

“189. No person may undertake or carry out any project which is not automatically exempt from the assessment and review procedure, unless

(a) a certificate of authorization has been issued by the Director, after the application of the assessment and review procedure; or

(b) an attestation of exemption of the project from the assessment and review procedure has been issued by the Director.

Notice.

“190. Every person intending to undertake a project that is automatically subject to the assessment and review procedure must, at the stage of the consideration of the possible options and of the technical, economic and social implications of the said project, give written notice of his intention to the Director and briefly indicate the nature of the project, the place where the project is to be undertaken, and the date foreseen for the start of the work.

Notification of Evaluating Committee. The Director shall notify the Evaluating Committee of the same and the Committee may make recommendations respecting the stage at which the proponent of the project should submit to the Director the information contemplated in section 191. The Director shall transmit these recommendations, which he may modify, to the proponent of the project.

Information to be transmitted. **"191.** For the purpose of obtaining the certificate of authorization or attestation contemplated in section 189, the proponent of a project must transmit to the Director the preliminary information required by regulation made under section 240.

Idem. The Director shall forthwith transmit the preliminary information to the Evaluating Committee.

Recommendations of the Evaluating Committee. **"192.** In the case of a project that is not contemplated in section 188, the Evaluating Committee shall formulate recommendations to the Director regarding the advisability of submitting or not submitting the project to the assessment and review procedure.

Decision, etc. The Director shall then decide whether to submit the project or not. If he does not follow the recommendation of the Evaluating Committee in this matter, he must consult it again before transmitting his decision to the proponent of such project.

Attestation. If the final decision of the Director is not to submit the project, he shall deliver the attestation contemplated in paragraph *b* of section 189.

Recommendations to Director. **"193.** The Evaluating Committee shall formulate recommendations to the Director regarding the type of impact assessment statement, either preliminary or detailed, or both, as well as the scope of each of these assessment statements, as the case may be, that must be prepared by the proponent of a project that is subject to the assessment and review procedure.

Directions. The Director shall inform the proponent of his directions and recommendations regarding the impact survey which must be prepared by the latter. If he does not follow the advice of the Evaluating Committee in this matter, the Director must consult it again before transmitting his decision to the initiator of such project.

Operation an integral element. The operation of facilities or undertakings after construction forms an integral element of a project subject to the assessment and review procedure.

Communication of decision. **"194.** The decisions made by the Director pursuant to sections 192 and 193 must be communicated to the proponent of the

project and to the Cree Regional Authority within thirty days following the receipt by the Director of the preliminary information, unless the Director decides that an additional delay is required to make these decisions or to permit the Evaluating Committee to formulate its recommendations. The Director may take the advice of the Evaluating Committee before extending the delay of thirty days.

Preliminary information, etc.

The Cree Regional Authority may take cognizance of any preliminary information provided by the proponent of a project as well as any recommendation of the Evaluating Committee.

Impact assessment statement.

"195. The proponent of the project shall prepare an impact assessment statement, either preliminary or detailed, or both, according to the directions and recommendations of the Director and in conformity with the regulations made under section 240.

Id., transmitted to Director.

The proponent of the project shall transmit the impact assessment statement to the Director with an application for a certificate of authorization. The Director shall send a copy of the impact assessment statement to the Review Committee and to the Cree Regional Authority.

Representations before Review Committee.

"196. The Cree Regional Authority, and any Band or Cree village corporation may, within thirty days following the reception of the impact assessment statement by the Cree Regional Authority, submit representations to the Review Committee. Furthermore, where the interested Band or Cree village corporation so allows, any person interested may submit written or verbal representations to the Review Committee. The delay fixed in this paragraph may be extended by the Director, who shall consult the Review Committee.

Public consultation.

The Director may, according to circumstances, authorize other modes of public consultation.

Recommendations of Review Committee.

"197. Within forty-five days following the reception of the impact assessment statement by the Review Committee, the latter shall recommend to the Director whether to authorize the project or not and, as the case may be, on what conditions, or shall recommend that he require the applicant to carry out such supplementary research or studies as he indicates, or to prepare a detailed impact assessment statement, as the case may be.

Delay extended.

The delay fixed in the first paragraph may be extended by the Director, who shall consult the Review Committee.

Proposed alternatives, etc.

"198. In the case of a preliminary impact assessment statement or of an impact assessment statement deemed insufficient, the Director must, after consulting the Review Com-

mittee, advise on the proposed alternatives, require that the applicant carry out such supplementary research or studies as he indicates, or that he prepare a detailed impact assessment statement.

Scope of supplementary assessment statement, etc.

The Director, after consulting the Evaluating Committee, shall determine the scope of any supplementary assessment statement or research or of any detailed impact assessment statement.

Process of impact assessment statement, etc.

The detailed impact assessment statement or the supplementary assessment statement or research prepared under this section is subject to the process provided for in sections 195 to 197 for impact assessment statements.

Decision.

"199. Where the Director is satisfied with the impact assessment statements provided by an applicant, he shall transmit a certificate of authorization or a refusal in writing to him. Copy of such decision is transmitted to the Cree Regional Authority.

Conditions may be added.

Conditions that the applicant must respect in the carrying out and in the operation of his project may be added to a favourable decision.

Consultation.

If the Director does not follow, in the matters contemplated in this section and in section 198, the recommendations of the Review Committee, he must consult it again before transmitting any decision.

Information not disclosed.

"200. The Minister may, exceptionally, for reasons connected with national defence, national security or any other serious reason, order that certain preliminary information required from the proponent of a project under this subdivision shall not be disclosed.

Category IB and IA lands.

"201. Each Cree village corporation and each Band shall appoint a person to exercise respectively on Category IB and IA lands situated within the territory contemplated in section 168, the functions, duties and powers conferred upon the Director by this division, in the place and stead of the latter.

Jurisdiction.

The persons appointed under this section shall not have, however, any jurisdiction over projects contemplated by paragraphs *a* and *d* of section 35 of the Act respecting the land regime in the James Bay and New Québec territories (1978, chapter 93). The assessment and review procedure relating to these projects falls within the jurisdiction of the Director.

Authorization of Lt.-Gov. in C.

"202. Subject to the provisions applicable to Category I lands under the Act respecting the land regime in the James Bay

and New Québec territories (1978, chapter 93) and notwithstanding section 189, the Lieutenant-Governor in Council may, at any time, when he deems it appropriate in the public interest, authorize, on his conditions, the carrying out or the operation of a project that has not been authorized by the Director, or modify certain conditions imposed by the latter.

Recom-
mendation
by
Director.

In such cases, the Director may, after consulting the Review Committee, recommend to the Lieutenant-Governor in Council that he add to his decision certain conditions designed to ensure the protection of the environment and social milieu. The Lieutenant-Governor in Council may impose such conditions or any other condition he deems useful.

"DIVISION III

"PARTICULAR PROVISIONS APPLICABLE TO THE TERRITORY LOCATED NORTH OF THE 55th PARALLEL

Scope of
applica-
tion.

"203. This division applies to the whole territory located to the north of the 55th parallel, except in Category I and II lands for the Crees of Great Whale River.

"§ 1.—*Kativik Environmental Advisory Committee*

Advisory
Commit-
tee.

"204. A body is created under the name of "Comité consultatif de l'environnement Kativik". Such body may also be designated under the name, in Inuttituut, of "Kativik Nunamut Isumasaliuriyingita Katimayingit" and, in English, of "Kativik Environmental Advisory Committee".

Composi-
tion, etc.

"205. The Advisory Committee is composed of nine members, among whom three are appointed by the Lieutenant-Governor in Council, three by the Governor-General in Council or any other person he authorizes for such purpose, and the three others by the Kativik Regional Government. Each such member holds office during the appointing party's pleasure, and is remunerated or indemnified by that party; the latter also provides for the member's replacement.

Vacancy.

"206. A vacancy does not interrupt the operation of the Advisory Committee, if it is possible to form a quorum.

Number of
members
modified.

"207. Notwithstanding section 205, the governments of Québec and of Canada and the Kativik Regional Government may, by unanimous agreement, modify the number of members appointed by each of them.

Notice. Notice of such agreement must be published in the *Gazette officielle du Québec*.

Head office. **"208.** The head office of the Kativik Environmental Advisory Committee is located in the territory formed by the territories defined by the Québec boundaries extension acts, as set forth in chapter 6 of the statutes of 1897/1898 and chapter 7 of the statutes of 1912 (1st session).

Offices. It may establish offices anywhere in Québec for the carrying on of its business.

Secretariat. It directs a secretariat.

Budget. **"209.** The budget of the secretariat of the Advisory Committee must be approved each year by the Minister.

Financing. Such budget is financed by the appropriations voted annually for that purpose by the Assemblée nationale. The Minister is authorized to claim from the Government of Canada half the amounts indicated in that budget.

Elaboration of laws, etc. **"210.** Where, each within its own jurisdiction, the governments of Québec and of Canada and municipalities elaborate laws and regulations concerning environmental and social protection in the territory described in section 203, they shall consult the Advisory Committee, as the preferential and official forum.

Functions. Furthermore, the functions of the Advisory Committee are to oversee, through free exchange of views and information, the application of Section 23 of the Agreement.

Idem. For such purpose, it may, in particular:

(a) recommend the adoption of laws, regulations and any other measures designed to improve the protection of the environment and of the social milieu;

(b) consider and formulate recommendations concerning laws, regulations and administrative procedures dealing with the environment, the social milieu and land use;

(c) consider and formulate recommendations concerning environmental and social impact assessment and review mechanisms and procedures.

Internal management. The Advisory Committee may also adopt, subject to section 240, rules for its internal management which must be approved by the Minister, by the Kativik Regional Government and by any person designated for that purpose by the Governor General in Council.

Internal
manage-
ment.

The Advisory Committee, by the rules of internal management it may adopt, may designate among its members other officers than those provided for in the regulations made under section 240 and, by unanimous decision of all its members, may modify the quorum rules established in the said regulations. The rules of internal management provided for in this paragraph do not require the approvals contemplated in the fourth paragraph.

Provisions
applicable.

"211. Sections 176, 178 and 182 apply *mutatis mutandis* to the Kativik Environmental Advisory Committee and to its members, as the case may be.

Consulta-
tion on
environ-
mental and
social
protection
regime.

"212. The governments of Québec and of Canada and municipalities shall consult the Advisory Committee from time to time on the major issues respecting the implementation of the environmental and social protection regime applicable to the territory contemplated in section 203 and land use measures. The Committee may formulate any recommendation it deems appropriate.

Manage-
ment and
operational
plans.

"213. The Ministre des terres et forêts transmits to the Advisory Committee, for consideration and comments, before approving them, the management and operational plans for public forests situated in the territory contemplated in section 203. The Advisory Committee must transmit its comments, if any, within ninety days.

Decisions,
etc., com-
municated.

"214. The Advisory Committee shall communicate its decisions and recommendations to the governments of Québec and of Canada or to the municipalities for their attention, information and appropriate action.

Informa-
tion, etc.,
available.

"215. Upon request, the Advisory Committee shall put at the disposal of the municipalities the information, technical or scientific data and the advice and technical assistance which it obtains from time to time from a government or from any governmental agency.

"§ 2.—Kativik Environmental Quality Commission

"Commis-
sion".

"216. A body, hereinafter called "the Commission", is created under the name of "Commission de la qualité de l'environnement Kativik". Such body may also be designated, under the name, in Inuttituut, of "Kativik Nunaup Piusisusianingata Katimayingit" and, in English, of "Kativik Environmental Quality Commission".

Composi-
tion.

"217. The Commission is composed of nine members.

Appoint-
ments, etc.

The Lieutenant-Governor in Council appoints and replaces, at his pleasure, five members of the Commission, among whom he designates the chairman. The appointment of the chairman must, however, be approved by the Kativik Regional Government, which appoints and replaces, at its pleasure, four other members, two of them at least being Inuit residing in the territory contemplated in section 203.

Remunera-
tion, etc.

Each member is remunerated or reimbursed by the party which appointed him.

Vacancy.

A vacancy does not interrupt the operation of the Commission, if it is possible to form a quorum.

Provision
applicable.

"218. The first paragraph of section 208 applies *mutatis mutandis* to the Commission.

Register of
decisions.

The Commission maintains at its main office a register of its decisions as well as all the data connected therewith, which the public may consult.

Appoint-
ments, etc.

"219. The officials and employees of the Commission are appointed and remunerated according to the Civil Service Act (1965, 1st session, chapter 14). The chairman of the Commission is deemed to be the deputy head of such officials and employees.

Internal
manage-
ment.

"220. The Commission may adopt rules for its internal management and rules governing its participation in the assessment and review procedure. These rules must be approved by the Minister and by the Kativik Regional Government.

Specialists.

The Commission may retain the services of specialists whose expert opinion or expertise may be required and authorize some of its members to retain such services at its expense.

Principles
to be
considered.

"221. In the exercise of their functions and jurisdictions, the Québec Government, the municipalities, the Kativik Environmental Advisory Committee and the Commission shall give due consideration to the following principles:

(a) the protection of the hunting, fishing and trapping rights of the Inuit in the territory described in section 203, as well as their other rights in the said territory, with regard to any activity connected with projects affecting the said territory;

(b) the principles enumerated in paragraphs *b*, *c*, *d* and *g* of section 187 so far as they may apply to the territory contemplated in section 203;

(c) the participation by all the inhabitants of the territory described in section 203 in the implementation of the environmental and social protection regime.

**“§ 3.—*Environmental and social impact assessment
and review procedure***

Impact
assess-
ment.

“222. The impact assessment of a project by its proponent and the conduct of the assessment and review procedure by the Commission are undertaken at the earliest practicable point in time.

Automat-
ically sub-
ject or
automat-
ically
exempt.

“223. Projects automatically subject to the assessment and review procedure contemplated by this subdivision are listed in Schedule A, and the projects which are automatically exempt from the said procedure are listed in Schedule B.

Modifica-
tion by
regulation.

The Lieutenant-Governor in Council may, by regulation made under section 240, modify the said Schedules A and B and automatically subject or exempt other projects to or from the assessment and review procedure.

Carrying
out of
project.

“224. No person may undertake or carry out any project which is not automatically exempt from the assessment and review procedure unless

(a) a certificate of authorization has been issued by the Director, after the application of the assessment and review procedure; or

(b) an attestation of exemption of the project from the assessment and review procedure has been issued by the Director.

Informa-
tion to be
trans-
mitted.

“225. For the purpose of obtaining the certificate of authorization or attestation contemplated in section 224, the proponent of a project must transmit to the Director the preliminary information required by regulation made under section 240.

Idem.

“226. The Director shall transmit the preliminary information to the Commission.

Decisions.

“227. In the case of a project that is not contemplated in section 223, the Commission shall transmit to the Director its decision regarding the advisability of submitting or not submitting the project to the assessment and review procedure.

Attestation
of
Director.

If the decision of the Commission is not to submit the project, the Director shall issue the attestation contemplated in paragraph *b* of section 224.

Process of
project.

“228. Every project submitted to the assessment and review procedure must follow the process provided for in this

subdivision whatever the other required approvals, licences or permits may be.

No funds
before
assessment
and review.

Subject to section 238, the Government shall not, prior to the issuance of a certificate of authorization or an attestation contemplated in section 224, give any funds or loans for projects not automatically exempt from the assessment and review procedure, unless the Minister responsible for such funds or loans decides otherwise.

Approvals,
credits,
etc.

Nothing in this section has the effect of preventing the proponent of the project from obtaining approvals, credits, financing or guarantees for feasibility studies, research or any other purpose which may facilitate the processing of the project through the assessment and review procedure.

Notice.

"229. A notice that a project must be submitted to an environmental and social impact assessment statement is published by the Commission in the *Gazette officielle du Québec* within thirty days following the date on which it received the information contemplated in section 226 or, if such is the case, the date on which a decision was rendered under section 227, as the case may be.

Lack of
publica-
tion.

The lack of publication of such notice within the prescribed delay does not render illegal the assessment and review procedure of any project.

Decision
of the
Director.

"230. The Director, after consulting the Commission, shall decide on the scope and contents of the environmental and social impact assessment statement that must be prepared by the proponent of the project and inform the latter thereof.

Idem.

The Director shall make such decision on the basis, particularly, of the contents suggested for such impact assessment statement by regulation of the Lieutenant-Governor in Council made under section 240.

Operation
an integral
element.

The operation of the plants or undertakings after construction forms an integral element of the project subject to the assessment and review procedure.

Supple-
mentary
research,
etc.

"231. The proponent of the project shall deliver to the Director the environmental and social impact assessment statement with an application for a certificate of authorization. The Director may require that the applicant carry out such supplementary research and studies as he indicates. The Director shall deliver to the Commission the impact assessment statement and the results of such supplementary research and studies as he receives them.

Complete
file.

When he deems the file complete, the Director shall inform the Commission thereof.

Decision
of the
Commis-
sion, etc.

"232. The Commission shall examine and evaluate the impact assessment statement and render the decision provided for in section 235, taking into account, particularly, the following considerations, to which it shall grant the importance it deems appropriate:

(a) the favourable and unfavourable aspects of the project as well as its positive and negative effects on the environment and social milieu;

(b) environmental adversities which cannot be avoided by present technological means, and those which the applicant has not chosen to avoid completely, as well as the proposals of the latter aiming at limiting such adversities;

(c) reasonable and available measures for preventing or reducing negative impacts and intensifying the positive impacts of the project;

(d) reasonable alternatives to the project and its elements;

(e) the methods and other measures proposed by the applicant to control sufficiently the emission of contaminants into the environment or to regulate other environmental problems, as the case may be;

(f) the conformity of the envisaged project with the laws and regulations concerning the environmental problems caused by this type of project, including bills and draft regulations tabled officially by the Minister;

(g) safety measures which are to be set in operation by the applicant in case of accident.

Errors,
etc., in-
dicated.

"233. The applicant shall indicate to the Commission, before it renders the decision provided for in section 235, any errors, inaccuracies, contradictions or new circumstances which may cause important negative impacts on the environment and the social milieu and which have not been duly considered in the impact assessment statement.

Representations.

"234. Any interested person, group or municipality may, of his or its own initiative, submit written representations to the Commission with respect to any project. The Commission may also invite interested persons, groups or municipalities to make representations to it with respect to any project.

Project au-
thorized,
etc.

"235. The Commission decides whether the Director must authorize the project or not and, as the case may be, under which conditions.

Decision
trans-
mitted.

The Commission transmits its decision to the Director and to the Minister within forty-five days in the case of a project which it has decided to submit to the assessment and review procedure in conformity with section 227 and within ninety days in the case of a project automatically subject to such procedure, unless the Director grants a supplementary delay when the nature or importance of the project justifies it.

Delays.

The delays contemplated in this section run from the date on which the Director informs the Commission that the file on such project is complete.

Decision
carried
out.

“236. The Director shall carry out the decision of the Commission, and, as the case may be, issue the certificate of authorization with the conditions fixed by the Commission, unless the Minister authorizes him to substitute a different decision.

Certificate
of author-
ization,
etc.

The Director transmits to the applicant a certificate of authorization or a refusal in writing, in conformity with any decision contemplated in the first paragraph. Copy of the decision of the Director is transmitted to the Commission and to the Kativik Regional Government.

Right to
receive in-
formation.

“237. To the extent that it is necessary or useful in the exercise of its functions, the Commission has the right to receive any information ordinarily available and possessed by the Government or by any governmental agency with respect to any activity carried on in the territory contemplated in section 203 or affecting such territory.

Author-
ization of
Lt.-Gov.
in C.

“238. Notwithstanding section 224, the Lieutenant-Governor in Council may, for cause, authorize, with his conditions, the carrying out or the operation of a project which has not been authorized by the Director, or modify the conditions imposed by the latter. He may even, where he deems it necessary in the public interest, exempt a project from all or part of the assessment and review procedure provided for in this subdivision.

Conformity
of plans
and specifi-
cations.

“239. In the exercise of the powers which are conferred upon him by other provisions of this act, the Director shall ensure, collaborating, where required, with the Commission, that the plans and specifications of any authorized project are in conformity with the requirements of the certificate of authorization and that the project is carried out in conformity with the conditions imposed.

"DIVISION IV

"REGULATIONS

Regula-
tions.

"240. The Lieutenant-Governor in Council may, by regulation:

(a) adopt the rules of internal management of the James Bay Advisory Committee on the Environment, those of the Kativik Environmental Advisory Committee and those of the Kativik Environmental Quality Commission, subject to sections 175, 210 and 220;

(b) adopt the rules of internal management of the Evaluating Committee and Review Committee;

(c) modify, pursuant to a recommendation of the Cree Regional Authority to that effect, Schedules A and B and, pursuant to a similar recommendation, automatically subject to, or exempt from, the assessment and review procedure contemplated in Division II of this chapter, other projects;

(d) modify, pursuant to a recommendation of Makivik Corporation to that effect, Schedules A and B and, pursuant to a similar recommendation, automatically subject to, or exempt from, the assessment and review procedure contemplated in Division III of this chapter, other projects;

(e) identify the preliminary information that must be transmitted by a project proponent, under sections 191 and 225;

(f) define the meaning of the expressions "preliminary impact assessment statement" and "detailed impact assessment statement" referred to in Division II and determine the objects and the mode of presentation of such environmental and social impact assessment statements;

(g) determine the contents of the impact assessment statements contemplated in section 193 and suggest the contents of those contemplated in section 230.

Inapplica-
ble provi-
sions.

These regulations are not subject to the first two paragraphs of section 124 nor to the first paragraph of sections 175 and 210.

Presump-
tion.

Upon the coming into force of the regulations contemplated in subparagraphs *a* and *b* of the first paragraph, such regulations are deemed to have been made by the bodies contemplated therein.

"DIVISION V

"MISCELLANEOUS PROVISIONS

Internal
manage-
ment rules.

"241. The rules of internal management adopted by the James Bay Advisory Committee on the Environment, the Kativik Environmental Advisory Committee and the Kativik Environmental Quality Commission under the fourth and fifth paragraphs of sections 175 and 210 and the first paragraph of section 220 and the rules governing the participation of the Kativik Environmental Quality Commission in the assessment and review procedure adopted in virtue of the first paragraph of section 220 come into force upon their publication in the *Gazette officielle du Québec*.

Provisions
not
applicable.

"242. Division XI of Chapter I does not apply to decisions rendered by the Director or by a person contemplated in section 201 under Divisions II and III of this chapter.

Hydro-
electric
projects.

"243. Projects contemplated in paragraph 8.1.3 of the Agreement are subject to the assessment and review procedures contemplated in Divisions II and III of this chapter, but only in respect of ecological impacts.

Proponent
may assess
sociological
impact.

This section does not, however, have the effect of preventing the proponent of such a project, on his own initiative or upon a recommendation of the Director, from assessing the sociological impacts of such project.

Mitigating
measures.

In addition, the proponents of such projects shall implement the reasonable mitigating measures required to minimize the negative impacts of such projects on the hunting, fishing and trapping activities of the Native people.

La Grande
Complex.

"244. Notwithstanding any other provision of this chapter or of any regulation, Le Complexe La Grande (1975) described in Schedule I to Section 8 of the Agreement may be undertaken and integrally carried out, without being submitted to the assessment and review procedure provided for in Divisions II and III of this chapter.

Person
designated
by Gov-
ernment.

"245. Subject to the first paragraph of section 201, the Lieutenant-Governor in Council may designate another person to carry out the functions, powers and duties conferred on the Director by Divisions II and III of this chapter.

Not more
than one
assessment
and review
procedure.

"246. No project may be submitted, under this act, to more than one assessment and review procedure, unless it partly affects both of the territories contemplated in sections 168 and

203 or it partly affects a territory not contemplated in the said sections.

Immunity. **"247.** The members of the James Bay Advisory Committee on the Environment, of the Evaluating Committee, of the Review Committee, of the Kativik Environmental Advisory Committee and of the Kativik Environmental Quality Commission are not personally responsible for any action carried out in good faith in the exercise of their functions.

Provision not applicable. **"248.** The third paragraph of section 22 and the regulations thereunder do not apply in the territories contemplated in sections 168 and 203."

1972, c. 49,
s. 166,
renum-
bered.

5. Section 166 of the said act is renumbered 249.

1972, c. 49,
Schedules
A and B
added.

6. The said act is amended by adding, at the end, Schedules A and B as follows:

"SCHEDULE A

"PROJECTS AUTOMATICALLY SUBJECT TO THE ASSESSMENT AND REVIEW PROCEDURE

"The projects listed below are automatically subject to the assessment and review procedure contemplated in sections 188 to 202 and 222 to 239:

(a) all mining developments, including the additions to, alterations or modifications of existing mining developments;

(b) all borrow, sand and gravel pits and quarries, with areas of or over three hectares;

(c) all hydro-electric power plants and nuclear installations and their associated works;

(d) all storage and water supply reservoirs related to works intended to produce electricity;

(e) all electric power transmission lines of over 75kV;

(f) all operations or installations related to the extraction or processing of energy yielding materials;

(g) all fossil-fuel fired power generating plants with a calorific capacity of or above three thousand (3 000) kW;

(h) any road or branch of such road of at least 25km in length which is intended for forestry operations for a period of at least 15 years;

(i) all wood, pulp and paper mills or other plants for the transformation or the treatment of forest products;

- (j) all land use projects which affect more than 65 km²;
- (k) all sanitary sewage systems including more than 1km of piping and all waste water treatment plants designed to treat more than 200 kl of waste water per day;
- (l) all systems for the collection and disposal of solid waste;
- (m) all projects for the creation of parks or ecological reserves;
- (n) all outfitting facilities designed to accommodate at one time 30 persons or more, including networks of outpost camps;
- (o) any new city, community or municipality and any expansion of 20 per cent or more of their total territory or their urbanised areas;
- (p) all access roads to a locality or road network contemplated for a new development;
- (q) all port and harbour facilities, railroads, airports, pipelines or dredging operations for the improvement of navigation.

The projects listed in this schedule do not include the activities contemplated in paragraph *g* of Schedule B.

Notwithstanding paragraph *a*, mining exploration projects are not automatically subject to the assessment and review procedure contemplated in sections 188 to 202.

SCHEDULE B

PROJECTS AUTOMATICALLY EXEMPT FROM THE ASSESSMENT AND REVIEW PROCEDURE

The projects listed below are automatically exempt from the assessment and review procedure contemplated in sections 188 to 202 and 222 to 239:

- (a) all hotels or motels of 20 beds or less and all service stations along highways;
- (b) all other structures intended for dwellings, wholesale and retail trade, or intended for offices or garages, or intended for handicrafts or car parks;
- (c) all fossil-fuel fired power generating plants having a calorific capacity below 3 000 kW;
- (d) all school or educational establishments, rest areas, observation points, banks, fire stations or immoveables intended for administrative, recreational, cultural, religious, sport and health purposes or for telecommunications;

- (e) all control or transformer stations of a voltage of 75kV or less, or electric power transmission lines of a voltage of 75kV or less;
- (f) all water and sewer mains, and all oil or gas mains of less than 30 cm in diameter with a maximum length of 8 km;
- (g) all testing, preliminary investigation, research, experiments outside the plant, aerial or ground reconnaissance work and survey or technical survey works prior to any project;
- (h) all forestry development when included in a forestry management plan of the Ministère des terres et forêts;
- (i) all municipal streets and sidewalks;
- (j) all maintenance and operation of public and private roads;
- (k) all repairs and maintenance on existing municipal works;
- (l) all temporary hunting, fishing and trapping camps and all outfitting facilities or camps for less than 30 persons;
- (m) all small wood cuttings for personal or community use;
- (n) all borrow pits for highway maintenance purposes.

Moreover, all projects carried out within the territorial limits of a non-Native community and which do not have an impact on the wildlife outside of these limits are exempt from sections 188 to 202.

Lastly, any project within the territorial limits of a community which does not have an impact on the wildlife outside of such limits as well as the extraction and handling of soapstone, sand, gravel, copper and wood for personal or community use are exempt from sections 222 to 239.

The exemptions provided for in paragraphs *a* to *f* and in paragraphs *l* to *n* of this schedule apply to the establishment, construction, modification, renovation and relocation of the projects contemplated."

Coming
into force.

7. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by such proclamation, which will come into force on any later date that may be fixed by proclamation of the Government. (*)

(*) Sections 1 and 3 to 7 of this act came into force on 14 February 1979 (Gazette officielle du Québec, 1979, page 1893).