

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 30

An Act to again amend the Environment Quality Act

First reading

Second reading

Third reading

M. MARCEL LÉGER
Ministre délégué à l'environnement

L'ÉDITEUR OFFICIEL DU QUÉBEC

1 9 7 8

EXPLANATORY NOTES

The object of this bill is to give effect to Sections 22 and 23 of the Agreement concerning James Bay and Northern Québec. While acknowledging the principle of the general applicability of the Environment Quality Act to the whole territory of Québec, it amends that act so as to introduce special provisions into it applicable only to the James Bay and Northern Québec regions.

This bill provides for:

(1) the creation, for each of these regions, of an Advisory Committee, certain members of which will be appointed by the Native people, the functions of which will be to give advice in environmental matters to the governments and regional and local authorities and to see to the general application of the environmental and social protection measures which are proper to each of these regions;

(2) the setting up of a special environmental and social impact assessment and review procedure;

(3) the creation, for the James Bay region, of an Evaluating Committee and of a Review Committee and, for the Northern Québec region, of an Environmental Quality Commission, certain members of which will be appointed by the Native people, the duty of which will be to collaborate with the Director of environmental protection services, in the application and administration of the environmental and social impact assessment and review procedure.

Bill 30

An Act to again amend the Environment Quality Act

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, 235 or 238."

1972, c. 49,
tit. Div.
xv,
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

- Interpre- “**166.** In this chapter, unless the context indicates a differ-
tation: ent meaning,
- “Cree (1) “Cree Regional Authority” means the public corporation
Regional created by the Act respecting the Cree Regional Authority (1978,
Authority”;
chapter *insert here the chapter number of Bill 25*);
- “Kativik (2) “Kativik Regional Government” means the public corpo-
Regional ration created by the Act concerning Northern villages and the
Govern- Kativik Regional Government (1978, chapter *insert here the*
ment”;
chapter number of Bill 23);
- “Native”;
 (3) “Native” means the Crees and Inuit;
- “Agree- (4) “Agreement” means the Agreement described in section
ment”;
1 of the Act approving the Agreement concerning James Bay and
Northern Québec (1976, chapter 46) as well as the Supplementary
Agreement N° 3 tabled before the Assemblée nationale, 18 April
1978, as Sessional Papers, N° 114;
- “Cree (5) “Cree village corporation” means any Cree village corpo-
village ration incorporated under the Cree Villages Act (1978, chapter
corpora- *insert here the chapter number of Bill 24*);
tion”;
- “Northern (6) “Northern village corporation” means any northern vil-
village cor- lage corporation incorporated under the Act concerning Northern
poration”;
Northern villages and the Kativik Regional Government (1978, chapter
insert here the chapter number of Bill 23);
- “Crees”;
 (7) “Crees” means the Cree beneficiaries under the terms
of the Act respecting Cree and Inuit Native persons (1978, chap-
ter insert here the chapter number of Bill 34);
- “Inuit”;
 (8) “Inuit” means the Inuit beneficiaries, under the terms
of the Act respecting Cree and Inuit Native persons (1978, chap-
ter insert here the chapter number of Bill 34);
- “project”. (9) “project” means any works or activity for the develop-
ment or utilization of the territory which might affect the environ-
ment or the social milieu, except for the maintenance and opera-
tion of the plants or undertakings after construction.

Reference. **“167.** In this chapter, the mention of a category of lands, namely, Category I, 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 *insert here the chapter number of Bill 29*).

“DIVISION II

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

Scope of
application.

“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 south limit of the middle area and the Cree traplines located to the south of the middle area, as determined under the Act respecting hunting and fishing rights in the James Bay and New Québec territories (1978, chapter *insert here the chapter number of Bill 28*), 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 “Gaweshou-waitego 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.

Furthermore, 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 *insert here the chapter number of Bill 28*) 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 *insert here the chapter number of Bill 27*), the second 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, such 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. [**“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.]
- Elaboration of laws, etc. **“175.** Where, each in its own capacity, the governments of Québec and Canada, the Cree Regional Authority and the Cree village corporations elaborate laws and regulations concerning the environmental and social protection regime in the territory described in section 168, they shall consult the Advisory Committee, as the preferential and official forum.
- Functions of the Advisory Committee. 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 ensure the administrative control of 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 mechanisms and procedures.

Internal management.

The Advisory Committee may also adopt, subject to section 240, rules for its internal management, which come into force upon approval by the Minister and 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, 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 expert opinion or appraisal may be required.

Remuneration.

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

Consultation.

“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 major issues respecting the implementation of the environmental and social protection regime applicable to the territory contemplated in section 168 and the land use measures. The Advisory Committee may formulate any recommendation it considers appropriate.

Consultation.

“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.

Consultation 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 invalidated. Management and operational plans.

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

“179. The Ministre des terres et forêts shall transmit to the Advisory Committee, for consideration and comment, before

approving them, the management and operational plans for public forests 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 or to the Cree village corporations, 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 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 Tsheytnakuch 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”.

Composi-
tion.

“184. The Evaluating Committee is composed of six members.

Appoint-
ment.

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.

Remunera-
tion.

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 provides the Evaluating Committee with the necessary secretarial services.

Composi- **“186.** The Review Committee is composed of five mem-
tion. bers.

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

Term of The members are appointed during pleasure.
office.

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

Principles **“187.** In the exercise of their functions and powers, the
considered. Québec Government, the Cree Regional Authority, the Cree
village corporations, the municipalities, the Advisory Committee,
the Evaluating Committee and the Review Committee shall
accord particular attention 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 other rights in Category I lands, having regard to
any activity connected with a project affecting the said territory;

(b) the protection of the environment and social milieu,
particularly by the measures proposed further to the assessment
and review procedure contemplated in sections 188 to 202, in
view of reducing as much as possible, for the Natives, the nega-
tive impact 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 biologi-
cal milieu and of the ecological systems of the territory contem-
plated 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 Cate-
gory II lands, established under the Act respecting hunting and
fishing rights in the James Bay and New Québec territories
(1978, chapter *insert here the chapter number of Bill 28*);

(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 the non-Natives;

(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*

Regula-
tions.

“**188.** The Lieutenant-Governor in Council, by regulation made under section 240, shall determine

(a) which projects are automatically subject to the assessment and review procedure;

(b) which projects are automatically exempt from the assessment and review procedure.

Certificate
of author-
ization or
attestation
of exemp-
tion.

“**189.** No person may undertake or carry out any project that 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, upon 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.

Informa-
tion to be
trans-
mitted.

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

Idem.

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

Recom-
mendations
of the
Evaluating
Commit-
tee.

“**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 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 initiator of such project.

Attes-
tation.

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.

Recom-
mendations
to Director.

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

Directions.

The Director shall inform the initiator 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.

Decisions
trans-
mitted.

“**194.** The decisions made by the Director under sections 192 and 193 must, as far as possible, be transmitted to the initiator of the project and to the Cree Regional Authority within thirty days following the reception by the Director of the preliminary information.

Prelimi-
nary in-
formation,
etc.

The Cree Regional Authority may be acquainted with any preliminary information provided by the initiator of a project as well as with any recommendation of the Evaluating Committee.

Impact
survey.

“**195.** The initiator of the project shall prepare an impact survey, 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., trans-
mitted to
Director.

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

Representations
before
Review
Committee.

“**196.** The Cree Regional Authority, and any Cree village corporation may, within thirty days following the reception of the impact survey by the Cree Regional Authority, submit representations to the Review Committee. Furthermore, where the interested Cree village corporation so allows, any person interested may submit 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.

Recom-
mendations
of Review
Com-
mittee.

“**197.** Within forty-five days following the reception of the impact survey 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 petitioner to carry out such supplementary research or survey as it indicates, or prepare a detailed impact survey, 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 survey or of an impact survey deemed insufficient, the Director must, after consulting the Review Committee, give his advice concerning the proposed alternatives, require that the petitioner carry out such supplementary research or survey as he indicates, or that he prepare a detailed impact survey.

Scope of supplementary survey, etc.

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

Process of impact survey, etc.

The detailed impact survey or the supplementary survey or research prepared under this section are subject to the process provided for in sections 195 to 197 for impact surveys.

Decision.

“199. Where the Director is satisfied with the impact surveys provided by a petitioner, 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 petitioner must respect in carrying out 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, enact that certain preliminary information required by the initiator of a project under this subdivision should not be disclosed.

Category I lands.

“201. Each Cree village corporation shall appoint one person to carry out on Category I lands located in the territory contemplated in section 168, the functions, duties and powers conferred on the Director by this division, in the place and stead of the latter.

Jurisdiction.

The persons appointed under this section do not have, however, any jurisdiction over projects regarding gas pipelines, oil pipelines, roads, bridges, airports, maritime works, protection

and irrigation works, nor over electric power transmission lines. The assessment and review procedure relating to such projects falls within the jurisdiction of the Director.

Author-
ization 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 *insert here the chapter number of Bill 29*) 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 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 Isumasaliutit 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, such 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, the Kativik Regional Government and the northern village corporations elaborate laws and regulations concerning the environmental and social protection regime in the territory described in section 203, they 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 mechanisms and procedures.
- Internal management. The Advisory Committee may also adopt, subject to section 240, rules for its internal management which come into force

upon approval by the Minister, by the Kativik Regional Government and by any person designated for that purpose by the Governor General in Council.

Internal management.

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, 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.

Consultation on environmental and social protection regime.

“212. The governments of Québec and of Canada, the Kativik Regional Government and the northern village corporations shall consult the Advisory Committee from time to time, about the major issues respecting the implementation of the environmental and social protection regime applicable to the territory contemplated in section 203 and the land use measures. The Committee may formulate any recommendation it deems appropriate.

Management 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., communicated.

“214. The Advisory Committee communicates its decisions and recommendations to the governments of Québec and of Canada, to the Kativik Regional Government or to the northern village corporations, for their attention, information and appropriate action.

Information, etc., available.

“215. Upon request, the Advisory Committee puts at the disposal of the northern village corporations 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

“Commission”.

“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”.

- “217.** The Commission is composed of nine members.
- Composition.
Appointment, 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, or their representatives.
- Remuneration, 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.
- Appointments, 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 management. **“220.** The Commission may adopt rules for its internal management and rules governing its participation in the assessment and review procedure. These rules come into force upon approval 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.
- Principles to be considered. **“221.** In the exercise of their functions and powers, the northern village corporations, the Kativik Environmental Advisory Committee and the Commission accord particular attention to the following principles:

(a) the protection of 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 a project 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
assessment.

“**222.** The impact assessment of a project by its initiator and the conduct of the assessment and review procedure by the Commission are undertaken as soon as it is practical to do so.

Regula-
tions.

“**223.** The Lieutenant-Governor in Council, by regulation made under section 240, determines

(a) which projects are automatically subject to the assessment and review procedure;

(b) which projects are automatically exempt from the assessment and review procedure.

Carrying
out of
project.

“**224.** No person may undertake or carry out a project that 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 initiator 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 Kativik Environmental Quality 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 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.

Approvals, credits, etc. Nothing in this section has the effect of preventing the initiator 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 impact survey on the environment and the social milieu 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 publication. 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 impact survey on the environment and social milieu that must be prepared by the initiator 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 survey by regulation of the Lieutenant-Governor in Council made under section 240.

Supplementary research, etc. **“231.** The initiator of the project shall deliver to the Director the impact survey on the environment and social milieu with an application for a certificate of authorization. The Director may require that the petitioner carry out such supplementary research and surveys as he indicates. The Director shall deliver to the Commission the impact survey and the results of such supplementary research and surveys as he receives them.

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

Decision of the Commission, etc. **“232.** The Commission shall examine and assess the impact survey 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 impairments which cannot be avoided by present technological means, and those which the petitioner has not chosen to avoid completely, as well as the recommendations of the latter aiming at limiting such impairments;

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

(d) reasonable alternatives, whatever they may be;

(e) the methods and other measures proposed by the petitioner 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 petitioner in case of accident.

Errors,
etc., in-
dicated.

“233. The petitioner 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 survey.

Representations.

“234. Any Native person, group or community interested may, of his or its own initiative, submit written representations to the Commission with respect to any project. The Commission may also invite Native persons, groups or communities interested to submit representations with respect to any project.

Project authorized,
etc.

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

Decision transmitted.

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, unless the Minister authorizes him to substitute a different decision.

Certificate of authorization, etc. The Director transmits to the petitioner 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 information. **“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.

Authorization of Lt.-Gov. in C. **“238.** Notwithstanding section 224, the Lieutenant-Governor in Council may, for cause, authorize, with his conditions, the carrying out of a project that 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 specifications. **“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 are carried out in conformity with the conditions imposed.

“DIVISION IV

“REGULATIONS

Regulations. **“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) determine which projects are automatically subject to the assessment and review procedure, as well as the projects automatically exempt therefrom;

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

(e) define the meaning of the expressions "preliminary impact survey" and "detailed impact survey" and determine the objects and the mode of presentation of such surveys;

(f) determine the contents of the impact surveys contemplated in section 193 and suggest the contents of those contemplated in section 230.

Presumption.

The regulations contemplated in subparagraphs *a* and *b* of the first paragraph are not subject to the first two paragraphs of section 124 nor to the first paragraph of sections 175 and 210. Upon their coming into force, such regulations are presumed to have been made by the bodies contemplated.

"DIVISION V

"MISCELLANEOUS PROVISIONS

Internal management.

"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 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.

Assessment and review procedure.

"243. Notwithstanding any other provision in this act or in any regulation, a project contemplated in Section 8.1.3 of the Agreement is subject to the assessment and review procedure, but only regarding the ecological consequences thereof. However, such restriction does not hinder the reasonable measures designed to reduce the negative impact of such projects on the hunting, fishing and trapping activities of the Natives.

La Grande Complex.

"244. Notwithstanding any other provision of this act or of any regulation, the la Grande Complex (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 Government.

"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, renumbered.

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

Coming into force.

6. 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.