

c. Q-2, r.11

Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec

Environment Quality Act

(R.S.Q., c. Q-2, s. 205)

1. Definitions: In this Regulation, unless the context indicates a different meaning:

- (a) «Evaluating Committee»: means the Evaluating Committee constituted under section 148 of the Act;
- (b) «Commission»: means the Kativik Environmental Quality Commission constituted under section 181 of the Act;
- (c) «Act»: means the Environment Quality Act (R.S.Q., c. Q-2);
- (d) «project»: means a project referred to in paragraph 11 of section 131 of the Act;
- (e) «Minister»: means the Minister of the Environment and Wildlife or a person appointed under section 210 of the Act, where applicable, and, for Category 1A and 1B land referred to in section 166 of the Act, the persons appointed under section 166 of the Act.

R.R.Q., 1981, c. Q-2, r. 11, s. 1;S.Q., 1988, c. 49, s. 54;S.Q., 1994, c. 17, s. 77.

2. Preliminary information: A person who requests the certificate of authorization or the attestation of exemption referred to in section 154 or 189 of the Act, must submit to the Minister the following preliminary information, according to section 156 or 190 of the Act:

- (a) the purpose of the project;
- (b) the nature and scope of the project;
- (c) the intention of examining other sites for the project, as the case may be;
- (d) where one particular site is suggested for the project, the reasons which make it impossible to consider other sites;
- (e) furthermore, in the case of a project referred to in section 157 or 192 of the Act, sufficient technical data to enable the Evaluating Committee and the Minister, or the Commission, as the case may be, to evaluate in a summary fashion the effects of the project on the environment and social milieu in order to make recommendations or, according to the cases mentioned in section 157 or 192 of the Act, to decide whether or not to subject the project to the assessment and review procedure referred to in Subdivision 3 of Division II or in Subdivision 3 of Division III of Chapter II of the Act.

R.R.Q., 1981, c. Q-2, r. 11, s. 2;S.Q., 1988, c. 49, s. 54

3. Type of impact assessment statements: A preliminary impact assessment statement on the environment and social milieu referred to in sections 158 to 163 of the Act evaluates, with the help of existing data and information obtained through exploration

work or analysis, the alternatives for the site of a project and provides the required information to legislate with respect to the necessity of presenting a detailed analysis of the accepted solution and the nature of such a statement.

A detailed impact assessment statement of the environment and social milieu referred to in sections 158 to 163 of the Act evaluates, through an advanced knowledge of the natural and social milieu, all the effects of the accepted project on the environment and social milieu.

R.R.Q., 1981, c. Q-2, r. 11, s. 3

4. Objectives: The principal functions of an environmental and social impact assessment are to insure the following:

(a) integration of the environment and social milieu concerns into the design and planning process of the project and the decision-making process of the proponent of the project;

(b) systematic identification of all potential impact of the project on the environment and social milieu, and particularly on the native populations;

(c) evaluation of alternatives to the project, including adjustments to certain elements of the project in order to minimize negative impacts on the natives and the wildlife resources, and to maximize its beneficial impacts and to protect the quality of the environment;

(d) inclusion of preventive and corrective measures in the project in order to minimize its impacts on the environment and social milieu;

(e) knowledge of the interactions between the native peoples, the development of wildlife resources and economic development as well as the ecological elements which the project is likely to affect; and

(f) information for the administrative authority concerned which will enable it to formulate recommendations or take decisions which are incumbent upon him as the case may be within the framework of the assessment and review procedures referred to in Subdivision 3 of Division II or in Subdivision 3 of Division III of Chapter II of the Act.

R.R.Q., 1981, c. Q-2, r. 11, s. 4

5. Terms: Any environmental and social impact statement drawn up pursuant to section 160 of the Act, must include at least the following elements, insofar as they are applicable to the proposed project, in view of the nature and scope of the latter:

(a) a detailed description of the project, including its objectives, possible alternative sites, the identification of the territory and populations likely to be affected, an evaluation of the equipment and the activities related to the various phases of the carrying out of the project, as well as the extent and make-up of the personnel required, and energy assessment and materials (input and output) employed by the project, an evaluation of available material, technical and human resources required for operating the project, a statement of subsequent phases of the project as well as possible stages of future development;

(b) a description of the environment, in particular the land (topography, geology, soil and drainage), water (hydrology and qualitative aspects thereof), the atmosphere (climate, localized climates and qualitative aspects), flora and fauna, including data respecting the ecological reports and the interaction between various elements of the environment, the

scarcity, the fragility, the productivity, the variety, the development and the localization of these elements;

(c) a description of the social milieu, populations in particular (demography, place of residence, ethnic composition), land use (man-made constructions, dwelling-places, public services, roads, known archaeological sites, cemeteries and burial sites), wildlife development (methods of management, utilization and importance of various species), revenues and usage (standard of living, employment, firms), social institutions (education, public services, transportation and other service undertakings), health and welfare, social structures (family, community, ethnic relations), and culture (values, goals and aspirations);

(d) the evaluation of the impact which the project is likely to have on the environment and the social milieu, described in accordance with subparagraphs *b* and *c*, including direct, indirect, cumulative, long and short term, reversible and irreversible, local, regional and national effects which are likely to take place at various stages of the carrying out of the project, with reference to the reliability and accuracy of the data used as well as restrictions imposed on the impact assessment statement due to lack of information and areas showing uncertainty or risk;

(e) a description of reasonable alternatives to the site of the project on the territories referred to in section 133 or 168 of the Act and of reasonable alternatives to certain elements of the project, including a comparative evaluation of costs, advantages or dangers of each alternative on the environment and social milieu;

(f) a description and an evaluation of corrective and restorative measures to reduce or minimize the negative effects of the project on the environment and social milieu, including any measure intended to promote the desirable effects of the project.

The accuracy of the details provided in the impact assessment statement must correspond to the extent and the consequences of the identified impacts.

R.R.Q., 1981, c. Q-2, r. 11, s. 5

6. Suggested content: Where the Minister decides on the scope and content of the environment and social impact assessment statement referred to in section 195 of the Act, he particularly bases his opinion on the elements mentioned in section 5.

R.R.Q., 1981, c. Q-2, r. 11, s. 6; S.Q., 1988, c. 49, s. 54

7. Presentation: Any environmental and social milieu impact assessment statement submitted under sections 160, 163 or 195 of the Act must include a table of contents together with a summary of its contents and of its conclusions.

Fifteen copies of any impact assessment statement referred to in this section must be submitted to the Minister.

R.R.Q., 1981, c. Q-2, r. 11, s. 7; S.Q., 1988, c. 49, s. 54

R.R.Q., 1981, c. Q-2, r. 11