SECTION 14

Environment and Future Development

14.1 Environment and future development south of the 55th parallel and east of the 69th meridian in the "Territory"

14.1.1 Definitions

14.1.1.1) For the purpose of this subsection, the following words and phrases shall mean:

"Territory", the area in Québec included between the 55th and 53rd parallels, the 69th meridian of longitude and the eastern limit contemplated by the 1912 Acts respecting the Québec boundaries extensions (Qué. 2. Geo. V, c. 7 and 1912 Can. 2, Geo. V, c. 45), delimited on the map annexed to this section as schedule 1;

"future development", "development project" or "development": those developments in the Territory, enumerated in schedule 2 of this section, that require authorization of Québec or Canada, according to their respective jurisdictions, subsequent to the date of the coming into force of the present Agreement;

"Naskapi local authority", the council of the Naskapi band or its successor until the creation of the corporation contemplated by section 8, and thereafter the said corporation.

14.1.2 Provisions respecting the protection of the environment

14.1.2.1) The laws, regulations and administration of Canada and Québec, within their respective jurisdictions, shall apply in the Territory.

14.1.2.2) All future development is considered as generally having an important impact on the environment and is subject to an environmental and social impact assessment.

14.1.2.3) A development project shall not be submitted to more than one (1) impact assessment and review procedure unless such project falls within the jurisdictions of both Québec and Canada or unless such project is located in part in the Territory and in part elsewhere where an impact review process is required.

14.1.2.4) Schedule 2 of the present section shall be reviewed every three (3) years and may be modified by Canada or Québec, within their respective jurisdictions, after consultation with the Naskapi local authority.

14.1.2.5) The proponent of a development project must, at his own expense, effect or have effected an environmental and social impact assessment and must prepare or have prepared a statement of such assessment taking into account schedule 3 of the present section. This statement shall be submitted to the responsible authority of Canada or Québec, according to their respective jurisdictions. Nevertheless, Canada and Québec, within their respective jurisdictions, may, according to the circumstances, require the proponent in effecting or having effected the said assessment to study factors not specified in schedule 3 or permit the proponent to omit from the study any element or aspect contained in said schedule. The elements or aspects to be studied as well as the extent of analysis will depend upon the nature, importance and impacts of the future development.

14.1.2.6) The Naskapi local authority shall be consulted by Québec or Canada, according to their respective jurisdictions, before a decision is taken to authorize a future development that is subject to an environmental and social impact assessment and statement. A copy of the environmental and social impact statement and the available relevant documentation shall be submitted by the responsible authority of Québec or Canada, according to their respective jurisdictions, to the Naskapi local authority which shall have forty five (45) days to submit its views to the said responsible authority unless the said responsible authority extends such delay as a result of the nature or importance of the future development. In default of its views being submitted within the delay accorded for such consultation, the Naskapi local authority shall be deemed not to have any objection to the development project. Upon reception of these views, or in default of them being received, within the delay provided, the responsible authority shall be entitled, at its discretion, to proceed to render a decision with respect to the dossier under consideration.

14.1.2.7) For reasons of national defence or security, or for other reasons of public interest, the responsible Minister may, by exception, exempt a development project, in whole or in part, from the provisions of the present subsection.

14.1.2.8) The present subsection can be amended only with the consent of Canada and the Naskapi Native party in matters within the jurisdiction of Canada, and with the consent of Québec and the Naskapi Native party in matters within the jurisdiction of Québec.

Any legislation that may be adopted to give effect to the present subsection may be amended from time to time by l'Assemblée nationale in matters within the jurisdiction of Québec and by parliament in matters within the jurisdiction of Canada.

14.2 Environment and future development north of the 55th parallel on Category IB-N lands and Category II-N lands

14.2.1 Provisions respecting the protection of the environment

14.2.1.1) Pursuant to the terms of Section 23 of the James Bay and Northern Québec Agreement, the regime provided for in said Section, as amended from time to time, applies to the Category IB-N lands and to the Category II-N lands situated north of the 55th parallel.

14.2.1.2) The present subsection relating to Category IB-N lands and Category II-N lands can be amended only with the consent of Canada, the Naskapi Native party and the Inuit Native party in matters within the jurisdiction of Canada and with the consent of Québec, the Naskapi Native party and the Inuit Native party in matters within the jurisdiction of Québec.

Annex 1

See plan no. 9 (complementary Documents) : **NORTHEASTERN QUÉBEC AGREEMENT**

Annex 2

Future developments automatically subject to an environmental and social impact assessment

1. All new major mining operations excluding explorations. (Exploration includes air and ground reconnaissance, surveying, mapping and core sampling.)

With respect to existing mining operations, all projects pertaining to:

a) a change in ore concentration operations;

b) a new waste dumping ground in a drainage basin different from the basin into which the existing waste dumping ground drains;

c) a more elaborate transformation of ore such as by drying, pelletizing and smelting.

2. Siting and operation of major sand and gravel pits and of quarries.

3. Energy Production:

a) hydro-electric power plants and their associated works;

b) storage and water supply reservoirs;

c) transmission lines of 75 KV and over;

d) extraction and processing of energy yielding materials;

e) fossil-fuel fired power generating plants above three thousand (3,000) Kilowatts.

4. Forestry and Agriculture:

a) major access roads built for extraction of forest products;

b) pulp and paper mills or other forestry plants;

c) in general, any significant change in land use substantially affecting more than twenty-five square miles (25 sq. mi.).

5. Community and Municipal Services:

a) new major sewage and waste water collection and disposal systems;

b) solid waste collection and disposal, including land fill and incineration;

c) proposals for parks, wilderness areas, ecological reserves or other similar land classifications;

d) new outfitting facilities for more than thirty (30) persons, including networks of outpost camps;

e) new cities, municipalities or communities of a permanent nature, or significant expansion of existing cities, municipalities or communities.

6. Transportation:

a) access roads to and near Native communities;

b) port and harbour facilities for commercial shipping;

c) airports;

d) railroads;

e) road infrastructure for new development;

f) pipeline;

g) dredging operations for navigation improvements.

Annex 3

Guide concerning the contents of an environmental and social impact statement

Introduction

This schedule describes the objectives and contents of an environmental and social impact statement which must be prepared for future developments.

In the exercise of their functions and duties with respect to the review of environmental and social impact statements in order to determine whether the assessment and the impact statements are adequate, the responsible authorities of Canada or Québec shall give due consideration to the provisions of the present guide without being restricted or bound by or to the said provisions.

Objectives

An impact statement should identify and assess clearly and in as factual a manner as possible the environmental and social impacts induced by the project, especially those on the Native population potentially affected.

The main objectives of an environmental and social impact statement are to ensure that:

- environmental and social considerations form an integral part of the proponent's planning and decision-making process;

- potential environmental and social impacts resulting from development are identified as systematically as possible;

- alternatives to the proposed development, including alternatives to individual elements of large scale projects, will be evaluated with a view to minimizing within reason impacts on Native people and wildlife resources and maintaining the quality of the environment;

- remedial or preventive measures will be incorporated into proposed development so as to minimize, within reason, expected negative impacts;

- the responsible authorities of Québec and Canada, within their respective jurisdictions, are adequately informed to be able to take the decisions for which they are responsible in virtue of subsection 14.1.

Contents

In addition to the sections relating to the various aspects or elements to be studied, an environmental and social impact statement must contain a section giving a summary of the essential arguments relied upon by the proponent as well as his conclusions.

The following outline gives the major headings that should normally be included in any environmental impact statement, when applicable:

1. Description of the Project

The following should generally be included in the project description when justified by the nature and the importance of the project:

a) purpose and objectives;

b) location or alternative locations being considered;

c) identification of area and human populations potentially affected by each project location being considered;

d) physical plant, activities involved in construction phase of development, including an estimate of the size of the work force;

e) material/energy balance for the plant (Input/Output);

f) physical and human requirements for operation phase of the project;

g) possible future phases of the development.

2. Alternatives to the Proposed Project.

When justified by the nature of the project, there should be a section which explores and objectively assesses the impact on the Native people and on the environment of reasonable site alternatives of the project in the Territory and of reasonable alternatives to certain elements of the proposed project. These alternatives should be considered with a view to optimize as much as reasonably possible the positive effect of the development on the environment, taking into account environmental, socio-economic and technical considerations and to minimize negative impacts including impacts on the affected population, as reasonably as possible. Where the gross impact of alternative actions differs significantly, the analysis should be sufficiently detailed to permit the comparative assessment of the costs, benefits, and the environmental risk to the different interested populations between the proposed project and the available options.

3. Environmental and Social Setting

The state of the environmental and social setting should be described before the proposed development begins, in order to have a reference point for the evaluation of the impacts of the future development.

The description should not only include the identification and description of the components identified below, but should equally consider their ecological relationships, and when appropriate, their scarcity, sensitivity, productivity, variety, evolution, location, etc. The level of details provided in the description should be based upon the importance and the implications of the specific impacts involved.

The following is a representative list of the items that could be considered in the environmental and social setting. Any item potentially affected should be included.

Environmental Conditions:			
	Lands		
		Physical:	- topography
			- geology
			- soil and drainage
		Vegetation	
		Fauna	
	Water		
		Physical:	- hydrology
			- quality
		Vegetation	
		Fauna	
	Air		
		Climate	
		Micro-climate	
		Quality	
Social Conditions:			
	Population affected.		
	Land use in the zone influenced by the future development.		
	Harvesting: use and importance of various species.		
	Social organization: family, community, ethnic relations.		
	Culture: values, goals and aspirations.		

4. Predicting and Evaluating Probable Impacts

This part of schedule 3 involves the identification, evaluation and synthesis of impacts associated with the headings referred to in the preceding part of this schedule entitled "Environmental and Social Setting".

This section of the statement should consider, whenever appropriate, direct, indirect and cumulative impacts, short term and long term impacts and reversible or irreversible impacts. Attention should also be given to impacts occurring at different phases of the development, and on different scales, i.e. local, regional or national scale.

The proponent should in his prediction and evaluation of impacts discuss the reliability and adequacy of the information used, limitations imposed upon his study by the unavailability of information, and areas of significant uncertainty and risk.

5. Corrective and Remedial Measures

The proponent should include in the statement a section identifying and evaluating reasonable remedial or corrective measures which should reduce or alleviate the negative impact of the proposed development on the population affected, wildlife resources of the Territory and the quality of the environment in general. Measures aimed at enhancing positive impacts induced by the project should also be included in this section.