

**BUREAU D'AUDIENCES PUBLIQUES
SUR L'ENVIRONNEMENT**

PRESENT: CLAUDETTE JOURNAULT, Chairperson

**PUBLIC HEARING ON
HYDRO-QUÉBEC'S PROPOSED REHABILITATION
OF THE RAPIDES-DES-QUINZE DEVELOPMENT
ROCKFILL DAM AND DIKES**

PART ONE

VOLUME 1

Session held on October 17, 2001, at 2:00 p.m.
Timiskaming First Nation Community Hall
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Notre-Dame-du-Nord

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CHAIRPERSON'S MESSAGE

CHAIRPERSON:

5 Good afternoon, ladies and gentlemen! Welcome to the Bureau d'audiences publiques sur l'environnement's public hearing on the proposed rehabilitation of the Rapides-des-Quinze development rockfill dam and dikes.

10 My name is Claudette Journault. It's my duty to fulfil the mandate that the Minister of the Environment has entrusted to the Bureau d'audiences publiques sur l'environnement.

15 I've been sworn in by a Superior Court judge and have pledged to respect the Bureau d'audiences publiques sur l'environnement's code of professional ethics. Let me read you the letter that BAPE President André Harvey received from the Minister of the Environment.

20 **Mr. President,*
As Minister of the Environment and by virtue of the powers invested in me under section 31.3, paragraph 3 of the Environment Quality Act, I hereby mandate the Bureau d'audiences publiques sur l'environnement to hold a public hearing on Hydro-Québec's proposed rehabilitation of the Rapides-des-Quinze development rockfill dam and dikes and to report back to me with its findings and analysis thereof.

25 *The BAPE's mandate shall begin on October 15, 2001.+ (Free translation)*

30 So, it's under section 31.3 of the Environment Quality Act that we'll be looking at Hydro-Québec's project together. As you know, Québec has adopted a public consultation process and this process is simple. First, it requires any promoter wishing to carry out a major project on the territory to issue a project notice. So, Hydro-Québec issued a project notice.

35 Then, the Minister gave instructions for the impact study. This is called the Minister's guidelines, which were issued. The promoter then did the impact study to meet his expectations. And, once the study was deemed receivable, the Ministère de l'Environnement issued a notice of receivability, after contacting the organizations concerned to ensure that their concerns had been addressed. Then, the BAPE starts work once the notice of receivability has been issued.

40 The information and public consultation period was held from June 5 to July 20 this year. During these forty-five days any individual, group or municipality may ask for a public hearing. There was one request. The Timiskaming First Nation made this request.

 Our mandate requires us to do all of the work within a four-month time frame. So, we'll have to submit our report no later than next February 15.

 After this time, the work of the Bureau d'audiences publiques is done. The Ministère de l'Environnement takes over, studies the file and makes a recommendation to the Minister. So, the

45 Minister takes two reports into consideration: the Bureau d'audiences publiques sur l'environnement report and the Ministère de l'Environnement report. He prepares a draft order-in-council and Cabinet makes the decision.

50 So, in order to answer your questions, to make sure that we cover all subjects, we've invited people for you. They're from different government departments and agencies. I'd ask them to introduce themselves now. I'd also point out to you that there are people who could join us by telephone. I'll give their names later on.

55 You have the floor.

YVES ROCHON:

60 Hello! My name is Yves Rochon. I'm from the Ministère de l'Environnement. I'll be acting as the Department's spokesman. With me is Jean Sylvain, who's in the room, project leader for the file, and Stéphanie Lafrenière, who's also in the room, who's the analyst for the file and who works at the Abitibi-Témiscamingue regional office.

NANCY DELAHAYE:

65 Hello! My name is Nancy Delahaye. I'm a biologist with the Société de la faune et des parcs, the Rouyn-Noranda regional office.

YVON MORIN:

70 Hello! Yvon Morin, Public Works and Government Services Canada, in charge of operating dams and public works on the Ottawa River.

75

CHAIRPERSON:

There's also a representative from the Ministère de la Sécurité publique in the room. Please stand up and introduce yourself.

80

MICHEL ROWAN:

Michel Rowan, Public Safety Abitibi-Témiscamingue.

85

CHAIRPERSON:

There are also people from the RCM.

90

DANIEL DUFOUR:

Daniel Dufour, RCM of Témiscamingue.

95

CHAIRPERSON:

The mayor of Angliers has also arrived, I think, his representative.

100

PAUL COULOMBE:

Paul Coulombe, mayor of Angliers.

105

CHAIRPERSON:

Welcome. So, these individuals have been invited but can also ask questions. We also have phone lines open to us. This afternoon, we'll be contacting Jean-Guy Jacques of Fisheries and Oceans Canada. And Philippe Nazon and Julie Lafleur are also available; they're from the Ministère des Ressources naturelles.

110

I'd also like to point out that the Bureau d'audiences publiques team is composed of Monique Lajoie, analyst; Renée Poliquin, coordinator of the Commission's secretariat; and Marielle Jean, information officer.

Responsible for sound this afternoon is Jean Métivier, and responsible for technical organization is Daniel Moisan. Our interpreters are Gilles Couture and Andrew Lamontagne. And Lise Maisonneuve will be doing the transcription.

115

So, let me point out that everything that's said during this session is noted and, then, recorded and also available in writing. It'll be available in the documentation centres for consultation. We'll also provide an English version, not a hard copy, but the electronic version.

So, everything that's said and the documents tabled are available in the documentation centres. There are three in the region. There's the Municipality of Angliers, located at 14, rue de la Baie Miller; the Municipality of Notre-Dame-du-Nord, 71, rue Principale; the Algonquin Development Association, right here, at 9, Avenue Algonquin. Then, there are also two permanent BAPE documentation centres located in Québec City and at the Université du Québec à Montréal.

You can reach the members of our team at all times at 1-800-463-4732. And, the Commission has a website, and many documents will be available on that site. If you have documents and they're available in electronic version, they could be found on the site. So, the address is <http://www.bape.gouv.qc.ca>.

The public hearing will take place in two parts. Part One is what we're going to be involved in beginning this afternoon. Its purpose is to get all of the information we need to properly study the project and get an idea what it's about so that you'll have the information you need to give your viewpoint in Part Two. So, Part One is this afternoon, this evening and, if need be, we'll continue tomorrow.

Part Two will take place beginning November 20 at the Saint-Eugène-de-Guigues recreation centre, in the afternoon and evening, or depending on your needs. We'll make arrangements with you so as to meet your expectations as best possible. So, you'll make the arrangements with the Commission secretariat and we'll be there when it suits you best for us to talk.

Then, after that, we'll write a report and, as I told you earlier, we'll submit it to the Minister of the Environment.

With respect to the procedure for this afternoon's meeting, I'll begin by asking the applicants to give their reasons for asking for the public hearing. Then, we'll ask the promoter to present the project under study.

There'll be a fifteen-minute break and, during that break, the register will be open for you to sign up if you have any questions. So, you have the right to sign up and sign up again.

The number of questions is two per person. I'd ask you to address the questions to me. And I'll redirect them either to Hydro-Québec or to the resource-persons, and these individuals will answer. And we'll work together that way.

I'd ask you to avoid preambles to questions, only what is necessary to clearly understand the question. And if we need to get further details on certain information, we'll do it together.

Clearly, we won't tolerate any form of demonstration of approval or disapproval. This is a question of respect for all. So, I'm counting on your cooperation to respect the Bureau's rules.

160 Also, the questions that can't be answered immediately will be answered in the coming days.
Once we send in a question, the people know that we need the answers quickly, especially to
enable you to prepare briefs. At the end of the session, we'll also explain the brief to you... how
to prepare for that. It's easy, it's just your opinion written up as simply and clearly as possible.
And we'd ask to receive the information you're going to be presenting in the brief at least one
165 week in advance.

We'd also like to point out that the Bureau d'audiences publiques sur l'environnement has
adopted a declaration of services to citizens and can provide you with a questionnaire to evaluate
the quality of our services. In order to help us serve you better, we'd ask you to complete the
170 questionnaire available at the back of the room.

We'd now ask the spokesperson for the applicant to come forward, introduce the people with
him, and explain why they asked that a public hearing be held.

175 **DANIEL CHIEF (TRANSLATION):**

Good afternoon! I'm Daniel Chief, chief of the First Nation of Timiskaming and with me is the
representative of Algonquin cultural affairs. I'd like to welcome you to our snowy little community.
I'll get right to the reason why we asked for this session.

180 This letter I'm going to read to you is to the attention of André Boisclair, it's a request for a public
hearing on the proposed rehabilitation of the Rapides-des-Quinze development rockfill dam and
dikes.

185

*Reading of document CR3 tabled

CHAIRPERSON:

190

Can you slow down for the transcription?

DANIEL CHIEF (TRANSLATION):

195 OK.

CHAIRPERSON:

200 Thank-you.

DANIEL CHIEF (TRANSLATION):

It's fast when you read.

205 Reading of document CR3 tabled.

CHAIRPERSON:

210 Thank-you for your presentation.

DANIEL CHIEF (TRANSLATION):

Meaguetch.

215 **CHAIRPERSON:**

Meaguetch.

220 I'd now ask Hydro-Québec to present the project under study.

CLAUDE MERCIER:

225 Madame Chairman, allow me to introduce myself. Claude Mercier, engineering administrator at Hydro-Québec, responsible for rehabilitation studies.

230 For the project in question, I was assisted by several specialists, only some of whom are present here today. Let me introduce them: Diane Tremblay, hydraulics engineer; Benoît Gagnon, environment project leader, and Michel Desfossés, advisor and relations with the La Grande River region community. I also have other specialists in the room, who'll join us if need be. OK, I'm ready for the presentation.

235 Madame Chairman, ladies and gentlemen, hello! As Mrs. Journault indicated, I'll be speaking this afternoon on behalf of Hydro-Québec to present the project to rehabilitate the Rapides-des-Quinze development rockfill dam and dikes. With me are corporate specialists. Their involvement will allow us to quickly and thoroughly answer the questions that could be raised by the Commission or the population.

In my presentation, I'll deal with four main subjects: the reason for the project, the nature of the project, the process of communication and discussion with the community, and the environmental impacts and mitigation measures. But first, I'd like to describe the Rapides-des-Quinze hydroelectric development.

It's located at the headwaters of the Ottawa River, on the territories of the municipalities of Guérin, Saint-Eugène-de-Guigues and Angliers, in the Regional County Municipality of Témiscamingue. The Timiskaming First Nation community of Notre-Dame-du-Nord is located about 20 kilometres west of the proposed work area.

The development includes a generating station, equipped with six sets of turbine-type alternating current generators of a total capacity of 95 megawatts, and a dam, located about 1.5 kilometre upstream of the generating station.

I'd like to present the work area. Quickly, on the Ottawa River, here is the Rapides-des-Quinze generating station, the transforming station. Via this road, here, we have access to the main spillway and the rockfill dam. So, the work we'll be discussing today is located right here.

The Rapides-des-Quinze dam includes the concrete spillway 400 metres long and 20 metres high. On the right bank, this spillway is supported by a backfilled dam approximately 410 metres long. About 4.5 kilometres southwest of the spillway, two small dikes built on lakes Long and Talé are used to contain the reservoir waters.

Note that the project under study involves only the backfilled structures of the Rapides-des-Quinze development. Let me remind you that this hydroelectric development is one of the oldest in Abitibi-Témiscamingue that is still operating. Many of these structures date from 1923, which explains why it's essential to do rehabilitation work on them to ensure their sustainability and public safety.

Studies conducted in 1998 on the dam and dikes led us to realize that the crest of the grout curtain does not comply with safety criteria defined based on maximum probable flood. This constitutes the highest existing safety criterion for flooding. We also decided to flatten the grade of the downstream slope of the rockfill dam to make it conform to current stability criteria.

In short, the project is designed to ensure public safety and the protection of property at maximum probable flood, thereby making the development comply with the prescriptions of the Dam Safety Act, an Act that resulted from the recommendations of the Nicolet Commission following flooding in the Saguenay; ensuring that the body of water is maintained; limiting material losses that might result from flooding; and protecting the environment.

The \$2.8-million project targets the backfilled structures of the Rapides-des-Quinze development, that is, the dam adjacent to the main spillway and the dikes on lakes Long and Talé. The rockfill dam requires priority civil engineering work. This involves rehabilitation that will not affect the

operating levels of the body of water Petit réservoir des Quinze at all. However, the levels of the reservoir will have to be lowered to the minimum operating level for the duration of the work, namely about two to three months. We also have to make the dam .5 metre higher in order to respect maximum probable flood levels.

The work planned consists in locally excavating the existing backfill on the upstream slope of the dam and dikes. The excavated materials will be used to fill part of the downstream slope, which will be flattened. A geomembrane will be installed on the upstream side, followed by backfilling of the upstream side and raising of the dam. The materials will come from a quarry located immediately on the right bank of the dam.

Work on the rockfill dam will be done between August 1 and November 1, 2002. However, certain activities could be carried out beforehand, without, however, impacting on the body of water.

To better gauge the community's opinion and take it into consideration in the project design phase, Hydro-Québec held several information and consultation meetings, between the months of May 1999 and July 2001, with the RCM, the municipalities concerned, recreational tourism organizations and the Timiskaming First Nation community. These meetings allowed participants to express various concerns, which Hydro-Québec intends to address by setting up a follow-up committee to monitor the work with the community.

More specifically, the following concerns were raised: maximization of economic spinoffs for the local populations, the possibility of a negative impact due to lowering the water level of the Petit réservoir des Quinze, the possible impact of rehabilitation work on the practical development of tourism and recreational activities.

Notably, there was talk of a link between the banks on which those concerned had counted for many years to access certain attractions, the proposed extension of the Témiscamingue linear park, and the work's impact on the giants' kettles and the trails leading to them.

For the link between the banks, Hydro-Québec would like to reaffirm that it can be used permanently once the work is finished. It will be reserved exclusively for cyclists and hikers, namely, the linear park clientele. For this purpose, Hydro-Québec will develop the main dam crest by adding safety elements. Hydro-Québec has taken most of these concerns into account and proposed solutions. We'd also like to point out that the measures proposed have been received favourably by the three municipalities concerned.

The project we're talking about today is a low-impact project, with the impact being limited mainly to the time the work is done.

In terms of environmental impacts, certain changes in the physical environment are anticipated. Rehabilitation of the rockfill dam will require temporarily lowering water levels in the Petit réservoir des Quinze by 60 centimetres compared to the maximum operating level during the

time the work is being done. However, since this level is rarely reached, the body of water will resemble the situation experienced by users during the month of August. Hydro-Québec will, however, ensure that measures are implemented so as not to disturb the activities of those using the body of water.

Water quality would be altered temporarily, among others, during clearing, excavation and dry backfilling activities. However, these activities will be concentrated on the rockfill dam and Lake Long dike sites. Aquatic backfilling activities are planned for the Lake Talé dike, but will be carried out using rocky materials that are unlikely to alter water quality.

Rehabilitation of the downstream slope of the dam will be done entirely on land. This activity will have only a minor effect on water quality.

On the whole, the following mitigation measures are planned to minimize impacts on water: for backfilling in watercourses, using the fewest possible materials containing fine particles likely to promote turbidity; using worksite vehicles and machines that are in perfect working; and taking all precautions necessary to avoid fuel or contaminant spills.

Certain impacts on the biological environment are feared. Among others, there'll be a loss of approximately 4 hectares of forest habitat, that is, 1.5 hectares for the restoration of an old road and 1.6 kilometres to access the dikes, and about 2.5 hectares for clearing, stripping existing borrow pits and a new quarry.

During construction, the surrounding wildlife environment will be temporarily disturbed. Mitigation measures include restricting clearing to necessary areas; storing demolition waste in a disposal area; and reforesting the areas affected.

Only work involved in strengthening, raising the main dam and dikes might disturb the aquatic environment. In the Petit réservoir des Quinze, the only known spawning grounds is located at the foot of the Angliers dam. It is inhabited mainly by walleye and chub. We foresee no impact on this spawning ground during the work. Disturbances to the habitat of the fish near the dam will be temporary and the new coarse rock offers more shelter for young fish and small species. Raising and broadening the Lake Talé dike could disturb the fish habitat temporarily. Similarly, on the downstream side, the dike broadening could infringe somewhat on the basin's floodplain at the base of the structures.

Too offset habitat losses, we'll do some development to improve Lake Talé's habitat quality and diversity. Construction of a shoal, technically called a berm, at the foot of the dike would improve the area as a site for the growth of fry, by creating shallows. This shoal would allow planting of grassy riverside and aquatic vegetation that could constitute a spawning ground in the floodplain for northern pike and perch, and a fry rearing site for small fish.

As far as the human environment is concerned, the impacts are few and generally limited to the construction period. In terms of land use, use of the area adjacent to the dam is restricted to one

of the trails leading to the giants' kettles. The trail located downstream of the dam would remain accessible throughout the work's duration. To ensure public safety, access to the dam would be on request to the foreman.

As concerns use of bodies of water, the Municipality of Angliers takes its water downstream of the Angliers dam. The brook trout fish farm, located downstream of Angliers, has cages on the left bank of the reservoir. These two users could be affected if the level of the Petit réservoir des Quinze fell below the minimum exploitation level. Although this situation is improbable, agreements have been concluded with the Municipality of Angliers and the Des Quinze fish farm to quickly solve any problem caused by the work.

The structural work will have little impact on the use of these waters for recreation and tourism. The immediate vicinity of the dikes have no cottages or main residences. And, use of the reservoir for recreation and tourism is concentrated on the approaches of the Angliers dam.

Finally, quality of life in the project area's habitants will remain largely unchanged. The worksite adjoining the rockfill dam will be located approximately 4 kilometres from the village of Angliers. Nuisances due to the work will be relatively minor: mainly traffic, increased noise and traffic disturbances, primarily due to materials transport and the coming and going of worksite machinery and heavy vehicles.

The main mitigation measures envisaged are: an information program, a timetable, road signs, dust control liquid spreading, restoration of a section of Highway 391 over approximately 2 kilometres in the Municipality of Angliers should damages be caused to the highway and restricted use of braking engines.

Project realization will have local and regional economic spinoffs. A local organization, COMAXTEN, has been duly mandated to act as the liaison between the general contractors and community resources. A good portion of the expenditures will be linked to unskilled jobs and service delivery. The spinoffs will be felt by the entire RCM of Témiscamingue.

In closing, the rehabilitation work on the rockfill dam and the two dikes will guarantee enhanced public safety and protection of property, and result in no change in current water level management. And, this work is very localized, has little impact and is of short duration. Further, the versatile measures implemented on the dam will allow it to be used as a link between the banks for recreational and tourism activities. Thank-you.

CHAIRPERSON:

Thank-you. Well, we'll take a 15-minute break. During this break, you can sign up to ask questions. So, I repeat, you must sign up in this register, and I'll call people in the order they signed up. Two questions at a time and you can come back, if you need to. OK? See you soon.

(SESSION SUSPENDED)

(SESSION RESUMED)

CHAIRPERSON:

Sorry for the delay. It's just that there were some people who were working on a miracle, and they did it. I'd announced that there'd be English cassettes but apparently it wasn't possible. And, during the break, it became possible once again. So, you'll have the recording thanks to everyone's cooperation. Thank-you.

So, we'll call on Mrs. Jeanne McDonald first, please.

JEANNE McDONALD (TRANSLATION):

My name is Jeanne McDonald. I work for the community in the fields of culture and tradition. We have some questions to ask. Allow me to ask the first.

Our people, our members, this year, in 2001, still practice traditional activities, such as hunting, fishing, trapping on the lands and in the waters. We don't consider recreational fishing and hunting for tourism and recreational services in the field of recreation the same thing.

You can see the difference when you look at it from a cultural angle. Are there any options that might reconcile these differences?

CHAIRPERSON:

So, your concern has to do with land use to ensure good neighbourliness.

JEANNE McDONALD (TRANSLATION):

Yes.

CHAIRPERSON:

Could you explain to us how you fear the subject under study might influence your traditional activities?

JEANNE McDONALD (TRANSLATION):

I'm not too sure I understood your question.

CHAIRPERSON:

I'd like to know, so that we can find answers for all, if you feel that the project as such, the project under study can influence, can change things as with regard to your traditional activities.

JEANNE McDONALD (TRANSLATION):

I think the first question we're asking is because we feel that there's a fundamental cultural viewpoint lacking in our communications, in the discussions we've had, to express that there are traditional hunting, fishing and trapping activities that are, on one hand, historic and that tell the story of the people of the region of Lake Témiscamingue and the waters involved.

There are people who having traplines in this specific location and we're simply trying to promote the difference that exists between sport hunting and fishing and that which is practiced spiritually, that is, for subsistence: hunting, fishing and trapping.

470

But there are also the activities linked directly to our traditions or our spiritual world. And, for this reason, we're trying to point out that we don't have the same understanding of this activity. Well, it's very difficult to explain what it is, except for the fact that there are activities that are encouraged for tourism purposes, such as sports fishing and hunting. There's always been a conflict with the Aboriginal viewpoint, because we don't see the activity in the same way. And, it's that cultural perspective that we're talking about here.

475

So, what we're saying is, is there sufficient understanding to be able to reconcile these differences?

480

CHAIRPERSON:

We're going to work together, in the coming days, to find solutions, if you have solutions that will allow us an even better dialogue.

485

However, my mandate doesn't touch on the whole problem you are raising. OK? I have to see whether the project under study is compatible with all uses of the environment, including traditional activities, with the full scope and what that means for you.

490

So, I'm prepared to ensure that there's a bridge that's as harmonious as possible between the communities, but I have to look at the question in terms of the project under study. I haven't been mandated by the Québec government or the federal government, which also has jurisdiction in this field, to look at the whole problem you're raising.

495

However, as I'm telling you, I'll do everything I can so that we can find solutions with Hydro-Québec, with the organizations, with you, for the dialogue to be productive. So, let's take this exercise as precisely one example of harmonious meetings between the communities, in order to find solutions and live in harmony together with respect for all.

500

This is the sense I encourage you to work in. That's how I see my work. And, I encourage all of the partners, here, to do it in this sense of listening and respect, understanding the full importance you attach to your activities, to the activities you mentioned earlier.

505

So, I'm prepared to deal with this question, but in the context of the project under study.

JEANNE McDONALD (TRANSLATION):

510 So, if I understand correctly, I think that this particular question, or questions we've raised are addressed to Hydro-Québec. If I understand the procedure here, we talk to you, it's to you that we address our question that should be directed at Hydro-Québec, the promoter. And we've raised a concern. We know there's no solution because obviously, we wouldn't need to come here to talk about it if we knew there was a solution.

515 So, I think that one of the reasons we're asking these questions is to generate a dialogue or get a response. And, based on that response, we'll know whether we understand each other well or not. So, that's the reason for this question. It's to raise the issue of a cultural perspective. We have to acknowledge that there are differences. So, we'll at least put forth the question although we know there's no answer at this point in time.

520 So, I'll get to my second question. If..

CHAIRPERSON:

525 That's fine. However, if Hydro-Québec has comments or additional information to provide on this overall aspect...

CLAUDE MERCIER:

530 I have no comment, Madame Chairman.

CHAIRPERSON:

535 OK. We'll take your second question.

JEANNE McDONALD (TRANSLATION):

540 We also understand, according to information we've received, that there are archeological sites that will be affected by the work done in the context of this project. We also know, and we realize that there must be risks, depending on the different phases in the work done by Hydro-Québec, like road construction and clearing.

545 Since we ourselves don't have information as to where these archeological sites are located, we'd like to know what is the risk of destroying these sites. And, it's something we believe... If this information is available, maybe Hydro-Québec could give it to us.

CHAIRPERSON:

550 OK. Thank-you.

So, Mr. Mercier, would it be possible to have a map on which you'd locate for us the sites that might have archeological value?

555 **CLAUDE MERCIER:**

Yes, Madame Chairman. I'll take a few moments to prepare the presentation. We have a few transparencies to put up on the screen.

560 **CHAIRPERSON:**

Good.

565 **CLAUDE MERCIER:**

In the context of the studies carried out in 1999-2000, Hydro-Québec worked systematically. There is, how should I say, a recipe for being able to evaluate or identify certain areas of potential archeological interest.

570 So, three sectors were studied: a first sector in Rapides des Cyprés. You see, here, under *Zone with archeological potential+, the areas identified in sector 1. That information is available, Madame Chairman.

575 **CHAIRPERSON:**

This map will be tabled.

580 **CLAUDE MERCIER:**

In sector 2, Lake Long, other zones were identified. With them, there are areas that are quite close to the lakes Long and Talé dikes. So, here, I'll tell you that in summer 2001, we surveyed these two areas because they were close to the work.

585 **CHAIRPERSON:**

And I'm curious to know whether you found anything.

CLAUDE MERCIER:

590

We found nothing, Madame Chairman.

The third sector... studies also supplied this information in sector 3, which is Rapides Kakake, so, other areas were identified.

595

So, the only place, I don't have another transparency, but in the restricted study area, the restricted work area, the only place where there might possibly be an impact, was in the work area for the lakes Long and Talé dikes.

600

But, as we can see on the map, these zones are adjacent. It's not directly on the exact site of the work.

CHAIRPERSON:

605

So, in these areas, OK, you've shown us a lot of information. That's interesting for people. That's part of the new knowledge you would have of the territory. However, I'll ask you to come back to the map later.

CLAUDE MERCIER:

610

Sector 2.

CHAIRPERSON:

615

Yes, precisely in the dike area where you intend to do the work, precisely the dike on Lake...

CLAUDE MERCIER:

620

Yes, the raising of the lakes Long and Talé dikes.

CHAIRPERSON:

625 Lake Long and Lake Talé, on the sites where you intend to do the work, isn't it considered at a potential level?

CLAUDE MERCIER:

630 Not at all.

CHAIRPERSON:

But, there's a potential...

635 **CLAUDE MERCIER:**

In the areas in question.

CHAIRPERSON:

640 ... nearby. Can you tell us whether, in those areas, you intend to go to get borrow materials or put materials back into those locations? Do you intend to do clearing there or make changes to the terrain?

645 **CLAUDE MERCIER:**

There's no work planned in these areas, the areas on the map here. We can do the work without having to go into the two zones identified here.

650 **CHAIRPERSON:**

On that map, do we see the area where the materials will come from and, if you have to dispose of materials, where will they be located?

655 **CLAUDE MERCIER:**

Yes.

CHAIRPERSON:

660 As well as showing us the access road.

CLAUDE MERCIER:

The two lakes Long and Talé dikes are here. On the other map, I could bring it back, the areas were more on this side. And the access road to reach the lakes Long and Talé dikes will go through here. That's the existing forest road that we'll redevelop, rehabilitate to have access to the lakes Long and Talé dikes.

The quarries or borrow pits are not on this map, I have another map, but they're shown: the borrow pit, DA-3, in this region. And the quarry is right next to the reservoir, here, on this side, about 200 metres from the rockfill dike. So the work, so quarry C-4, the borrow pit and the area where residual materials that are not used for the work will be stored very close to the station.

So, no material will be taken from this sector, no material will be stored in the two areas identified as having archeological potential.

CHAIRPERSON:

You can ask for more details, if you wish.

JEANNE McDONALD (TRANSLATION):

Yes. I think it's the first map of this kind we see. We know there are unidentified sites... burial grounds are located here but have not yet been found, as they were found in Obadjiwan, the Old Fort in Ville-Marie, the Old Fort's park. Work had to be stopped because they found vestiges belonging to our ancestors in this region. It seems that these sites could not be identified beforehand. Now, we estimate them to be 6000 years old. Since this location, this land was occupied by the Algonquins at this time, it is very possible that, in the region, there are other similar sites.

So, if there were discoveries of this type, we just wanted to be sure that you are well aware of this possibility. So, we just wanted to be sure that this was duly noted. And we don't know whether Hydro-Québec has intentions, if ever they discovered something. And if they do, what do they intend to do?

CHAIRPERSON:

OK. The question is clear.

CLAUDE MERCIER:

705 Can we summarize, please?

CHAIRPERSON:

710 Well, the question directed at Hydro-Québec is to the effect that given that in other projects, it has happened that sites where artefacts were found were identified and this required stopping work for a time in order to proceed with digs, well the question you are being asked concerns what is your approach if such a situation occurs in the case of the work we're looking at together today. Who would you tell and what exactly is your process to ensure that those areas are treated properly?

715

CLAUDE MERCIER:

Madame Chairman, I'd like to refer to the draft design study, page 77, which states, and I quote:

720 **If foundations or any other vestige of historical or archeological interest is unearthed, the work must be stopped and no object or vestige moved before the Ministère des Affaires culturelles gives its authorization to proceed with the work.** (Free translation)

Our procedures reflect current practice. We systematically stop the work.

725

CHAIRPERSON:

To your knowledge, does the Ministère des Affaires culturelles contact the communities?

730

CLAUDE MERCIER:

I don't have the answer to that question, Madame Chairman, but it's current practice.

CHAIRPERSON:

735

OK. So, did you understand the answer? There is a procedure, but there's nothing to stop people from talking to one another as well.

740

So, maybe Hydro-Québec, if these things happen, how do you proceed with... even if you inform the Ministère des Affaires culturelles, are you also open to talking to the region or the communities?

CLAUDE MERCIER:

If we can have a contact, I see no problem answering or, if you wish, informing the community should any vestige be found, without overriding the official door, which is the Ministère des Affaires culturelles.

CHAIRPERSON:

OK. So, an offer has been made to contact the community. You'll have to provide a name so that there can be communication and for it to be effective.

Now, you'll been given the map you saw. You'll have that basic information. I understand that Hydro-Québec is also open to listening to the information you might provide concerning locations that might be vulnerable or contain vestiges of the past.

CLAUDE MERCIER:

Madame Chairman, I'd like to inform the community that we're interested in obtaining any information that the community has so that it can be integrated into the project in the context of all archeological vestiges or research.

CHAIRPERSON:

OK. You can talk again and this information could be provided in Part Two of the hearing, for instance. If you want to mark it on a map or on the visual aids of your choice, we'll take it at that time. And, if you want to send it to us in the next few days, we'll make it available to everyone.

JEANNE McDONALD (TRADUCTION) :

OK. That concludes my questions. And I'd like to thank you very much.

CHAIRPERSON:

Thank-you.
Alright, we now have Mr. Daniel Chief, who is also signed up.

DANIEL CHIEF (TRANSLATION):

Good afternoon. Daniel Chief, Chief of the Timiskaming First Nation.

My question is, we understand that since May 1999, Hydro-Québec has been heading the planning of the studies for this project, our concern is why was the Timiskaming First Nation not consulted or involved in this process?

We received a letter from Daniel Rivard, dated June 21, 2001, regarding certain attempts to organize a meeting, but we feel that these efforts don't meet our requirements for a full-fledged consultation on the part of Hydro-Québec. So, I'd like to have a few comments on that.

CHAIRPERSON:

OK. Do you understand the question?

CLAUDE MERCIER:

Yes, Madame Chairman.

CHAIRPERSON:

Without putting the approach that was used on trial, maybe some historic facts, then also see how, in future, we can work more closely together.

CLAUDE MERCIER:

Madame Chairman, I'd like to explain to the community that in 99, in a restricted study area, the municipalities concerned were Angliers, Saint-Eugène-de-Guigues and Guérin. We didn't meet with Notre-Dame-du-Nord because, as far as we were concerned, it wasn't in our restricted study area.

At any rate, in September or October 2000, Hydro-Québec contacted the community precisely in order to meet them and hear their expectations regarding the project under study. We met with the community twice.

CHAIRPERSON:

Two meetings here?

CLAUDE MERCIER:

I don't have the details, but I'd like to ask Michel Lemay, the person who met, who initiated the meetings in the past with the community. He'll be able to summarize our approach since September 2000 in relation to the study under way for you.

CHAIRPERSON:

OK.

MICHEL LEMAY:

Hello, Madame Chairman. To put things in context for you, as head of community relations, I'm not directly involved in the project process. I became involved half-way through the project process when it was time, among other things, to begin to hold meetings with the community.

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To begin with, at the outset, things got started in a way that wasn't necessarily clear, the requests, in that it was sort of in meeting people that we knew in the community, that told us that they'd heard talk of a project and that they'd like to have some information. And, as of that time, we indicated that we were very interested in coming to meet the community.

840

Earlier, June 2001 was given as one of the reference dates. Discussions and approaches began much earlier than that. Don't forget that at the beginning, the project... there were several scenarios.

845

Upstream of that we have to remember that this isn't a construction project, but a project involving maintenance of our facilities. As we indicated earlier, the project does not add kilowatts, the project doesn't change the role, and the impacts anticipated at that time were based on the fact that this was maintenance work not construction work.

850

After that, we studied a dozen scenarios until about fall 2001, in April 2000, to arrive at a final scenario. Clearly, we don't begin presentations in any community whatsoever before we know the final version of the project. Otherwise, a presentation is useless.

855

Of course, research and engineering work was carried out in the field in preparation for this final scenario. I'm told that the final scenario was known in October 2000. And, at that time, the company began its information sessions involving the public.

860

What we also have to understand is that, in a approach, I'd say, of respect and what is given precedence, it means going and meeting with the groups impacted. Because everyone can, and rightfully so and we respect that, be interested in having information on Hydro-Québec's projects; However, we have to start by meeting with the groups possibly most affected, at any rate, according to our studies. And that's what was done.

865

As I mentioned earlier, once we had gotten wind of the fact that the community wanted information—that was around October 5, 2000—we proposed meetings. So, we'll recall that in fall, late summer, early fall 2000, the final version of the project was known, So, we were in a position to begin to explain the project to those who asked us. So, on October 5, a meeting was proposed and the meeting didn't take place, no representative came.

870

We've listed, in chronological order, 16 acts--meetings, measures, faxes, letters, etc.--showing, I'd say, the efforts, intentions or meetings that took place in this file. It's probably normal that people feel that there hasn't been much discussion because, what we need to understand, is that the individuals involved changed during the discussion process. We met different people from the community at different meetings. Were the contents passed on to others in the community? That

875 I don't know. But there were 16 information acts. And each time, we showed our good intentions to meet with the people. There were two official meetings that went relatively well.

At the first meeting, among other things, we gave information on the Rapides-des-Quinze project by presenting overheads that are probably the same. And, at the same time, we talked about the
880 Tabaret project and also gave a bit of information on the Tabaret project.

There was a second meeting, the dates are all written down, we had a second meeting...

CHAIRPERSON:

885 OK, but can you please give us the dates for those two meetings?

MICHEL LEMAY:

890 The first official meeting was held on April 17, 2001. As I told you, in fall 2000 we started making overtures, but we had problems in coordinating ourselves to organize a meeting. And, on April 17, there was, I'd say, the first meeting where we were able to present the project overheads and the project.

CHAIRPERSON:

895 Where was this meeting held?

MICHEL LEMAY:

900 That meeting, if I remember correctly, was held in our Notre-Dame-du-Nord offices. And we have the minutes. We have the people that attended. So, the 16 acts I mentioned are recorded, we have the documents at the office. So, we can show that there truly was an information meeting.

905

CHAIRPERSON:

And how did you pass on that information regarding the holding of this meeting, here, for the community?

MICHEL LEMAY:

Well, at first, there were perfectly appropriate phone calls between us and, among others, Mr. Hambury of the community, who was the Band Council advisor at that time and, if I remember correctly, Mr. Polson, another advisor.

After that, there were elections, the people involved change a bit, but we definitely did have discussions verbally, by phone and by letter. We coordinated a meeting with a summons in good and due form and the subjects that were supposed to be discussed at the meeting. And the meeting was held, the first one, on April 17, 2001.

After that, there were further discussions and we'd even offered to set up a working committee. What needs to be understood is that I am not the one managing the projects. I contribute to smooth project operations with regard to community relations, but my real job is to establish ongoing relations with the community.

In the first meeting, we answered the questions about the project, and at that time we'd offered the option—regardless of the project, because the two things really are separate—of setting up a joint working committee for all other current files, be it questions about Hydro-Québec, be it when the work is being done, coordination, be it any other expectation, over which Hydro has control and can act.

The second meeting was used to try to set up the working committee and the meeting was held here in the office of the Algonquin Development Association, in the presence of representatives of the Band Council and a Saugeen Power economic committee.

CHAIRPERSON:

Does this offer still hold?

MICHEL LEMAY:

The offer does, in fact, still hold. And, we'd be pleased to set up a joint committee, as I was saying, not necessarily related to the project but for long-term, ongoing relations, and the offer still holds.

CHAIRPERSON:

950 OK. Now, as you've mentioned, you're offering to work, to meet with the people of the community so that there'll be good relations on all issues that might concern either side. But, for the project for which we need to study the overall impacts, are you also open to discussing this issue in such a committee, which could be set up with your cooperation?

955 **MICHEL LEMAY:**

I'd say yes. In fact, I'd proposed a process allowing us to talk about the two concerns. There was what I'd call the short-term process, which constituted seeing what we can do in the context of the project--I'd proposed setting up a joint committee, which would still continue after the project in question was completed.

960 So, the two proposals were on the table—the standing committee and also analyzing what could be done in the context of the project, to the extent that we can do things within the context of the project.

965 **CHAIRPERSON:**

OK. I think the message has been given. Mr. Chief, you'll have to study this question and make proposals when it suits your community.

970

DANIEL CHIEF (TRANSLATION):

975 Yes, we'd really like to work with Hydro-Québec and I know, I'm aware of the meetings to which Mr. Lemay is referring. In October 2000, well, that meeting didn't take place because, at that time, the Timiskaming First Nation was faced with the Adams mines issue and other matters were going on. So, that meeting didn't take place.

980 And the other, April 17, he says there were three representatives on our part. These three representatives were delegates from the joint Saugeen Committee. So, they had no authority to act on behalf of the members of the First Nation and it was only for the economic aspect of the project and not the environmental issues we're discussing today.

985 And the meeting held on May 22, two days after I was elected, or at most a week, at the Timiskaming First Nation, here, in my opinion, to my mind, it was simply an information session. And I, as chief, was there solely as an observer. So, we're still concerned about knowing where the consultation aspect was, with the chief and the advisors here.

990 So, I think this question hadn't been addressed. Especially since this story began in 99 and it was only at the end that we obtained information and that they involved us in the project.

CHAIRPERSON:

995 So, I think that now you'll be able to establish productive relations.

DANIEL CHIEF (TRANSLATION):

Yes. We're in the final stages of the project, but we can still take action to work together anyway.

1000 **CHAIRPERSON:**

Good. I can take one more question. I have to tell you that we've made arrangements with Fisheries and Oceans Canada. Specialist Jean-Guy Jacques will be available at 4:00 p.m. to answer our questions. So, if you have questions concerning aquatic wildlife, we have people both 1005 from Québec, the Société de la faune et des parcs du Québec, and also the federal representative could answer questions.

So, if you don't mind, we'll deal with that issue now. If you have questions about wildlife and aquatic wildlife, I'll take them now to get the experts' answers. 1010

DANIEL CHIEF (TRANSLATION):

1015 Now I have a question, but it's go nothing to do with aquatic wildlife. So far, the people looking for jobs or economic opportunities disclaimed the lack of skills or certification, or they're not registered, recognized by the Construction Office. Are there other ways to solve these questions?

1020 We're wondering how far you have to go, for example, when a project occurs and we don't know... and we don't have time to train people for this project because we were informed too late for them to obtain their certification. Is there something Hydro-Québec can do to give us a hand in this area and help us obtain the certification and offer economic opportunities at certain times?

CHAIRPERSON:

1025 I'll ask Hydro-Québec the question. But I'll also ask the spokesman for the Commission de la construction du Québec, who is here, to please come forward to the table, Mr. Gérard Magella Fortin, to explain the process to us.

1030 So, Hydro-Québec, do you comply with the existing rules for all workers on Québec territory?

CLAUDE MERCIER:

Absolutely, Madame Chairman.

1035 **CHAIRPERSON:**

So, the body that governs whether people can have work permits for working on a worksite, if I understand correctly, is really the Commission de la construction du Québec?

1040 **CLAUDE MERCIER:**

Yes.

CHAIRPERSON:

So, we'll hear you. Have you clearly understood the concern? I think it's a concern that is shared by all people in the region. So, Mr. Fortin, could you tell us what has to be done for workers to get the permits required to work and tell us what could be done to facilitate the participation of regional workers, be they from the First Nation or from anywhere in the region, here.

GÉRARD MAGELLA FORTIN:

Madame Chairman, before specifically addressing the case in question, work performed by Hydro-Québec is work that is subject to the Act R-20. Act R-20... we're referring to the Act respecting labour relations, vocational training and manpower management in the construction industry.

There are different types of construction worksite jobs that are considered subject to Act and other that are not subject to it. Actually, section 19 of Act R-20 indicates the types of worksites that are exempt from the Act.

This being said, at the risk of repeating myself, this is work that must clearly be done by contractors licensed by the Régie du bâtiment du Québec, employees who hold certificates of competency and they must be managed in keeping with the provisions of the four collective agreements in force.

I took part in a meeting with a number of representatives from the Band Council, construction contractors, I think, if I remember correctly, last June, and the goal of that meeting, among other things, was to provide information, among other things, to those individuals concerning means for integrating into the construction industry.

In passing, the Québec construction industry, we're the only one that has a form, that is governed by legislation and that supervises, among other things, all trades, all occupations. An aside, when we speak of trades and occupations, we're talking about some 25 different trades; when we speak of occupations, we're referring to workers, journeypersons, skilled workers, etc.

This being said, following the explanations given to these individuals, I personally had offered my collaboration. We were then supposed to receive people from the community, lists of people that would enable us to analyze the file in order to obtain certificates of competency.

Well, I have to tell you, we're still waiting for those lists. I've received no information concerning persons who may have accumulated experience in the construction field in the community and who, eventually, we could analyze as a file in order to admit them to the qualification examination.

CHAIRPERSON:

Let's stop there, Mr. Fortin. The message you have just given us is very, very important.

1090 So, if I understand correctly, you're waiting for information. There's still time to do it. Could you tell us, so that the people can tell the community of the expectations, the requirements you have to express. What is the nature of the files? How must these files be put together?

1095 Overall, I think that this will require perhaps a working meeting with you, but could you, for the benefit of all involved, tell us what you expect from these files, so that it's clearly understood.

GÉRARD MAGELLA FORTIN:

1100 I must admit that when we refer to any aspect regarding analysis of files, it's from a rather arduous technical viewpoint. I won't give you a detailed explanation, precisely due to the scope of the file.

1105 However, in the same way as the meeting I attended in June, I'm still open, the Commission is still open to holding meetings not only with members of the Band Council, but also the community, so that eventually we can analyze every file individually so as to allow, among other things, salaried workers to know whether they meet the eligibility conditions in terms of the different competency cards. In this regard, we are open. However...

CHAIRPERSON:

1110 Do you have a question requiring clarification, Mr. Chief?

DANIEL CHIEF (TRANSLATION):

1115 Perhaps a suggestion. Hydro-Québec must have dealt with other First Nations before this project and may they have information as to how they dealt with those cases as concerns hiring local Aboriginal people. I'm sure they weren't all certified. So, they might have information that could be useful to us here, that is, their past experience.

CHAIRPERSON:

1120 Well, maybe they weren't certified when the project was announced, but they must have followed the procedure. So, what's important is to know what procedures could be carried out in the context of other projects. We are fortunate to have an example of openness here, and there's an offer of collaboration, I think you receive it.

1125 Now, we'll still hear in the case of other projects, if you have this information now or if you prefer to wait to see whether this information is available.

1130 **CLAUDE MERCIER:**

According to the information I have to date, we're still governed by the CCQ.

CHAIRPERSON:

1135

OK. That's what I had also understood in cases involving the study of other files I've studied. However, I think that the sense of Mr. Chief's question understands clearly that the workers will have to obtain the certification. But were there procedures to facilitate, that is, meetings that allowed this information to be provided in other cases?

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CLAUDE MERCIER:

I'd like to call on Michel Lemay, who could tell you what's been done to date.

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CHAIRPERSON:

OK.

MICHEL LEMAY:

1150

As concerns the question asked, indeed, things were done during the series of acts I listed earlier. And, following one of the meetings we'd had with the community, we'd raised a number of concerns ourselves. Some were territorial, others were related to the CCQ, others dealt with information on the project. So, based on these expectations, we set up meetings to answer, in any case, what concerns us on the project.

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As for the CCQ, as we said, we're an organization like any other organization governed, unfortunately sometimes, by the existing legislation and we have no control over those elements. However, we said and we raised the possibility or the fact that, elsewhere, things might have been done in partnership in this regard.

1160

I'm not necessarily aware of all of Hydro-Québec's current files, but at that time we'd said: *Yes, why not go and get information and together look at what can be done.+ And we'd proposed a meeting to discuss, among other things, the territorial component and the CCQ component, and the meeting didn't take place.

1165

And we'd coordinated our efforts with the gentleman from the CCQ, Mr. Fortin, to organize a joint information meeting for them to explain the game rules and to tell us what we can do, at Hydro-Québec, if we can do anything to find a solution.

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CHAIRPERSON:

Good.

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So, Mr. Chief, you are being made an offer. That's the way I understand it, anyway. It's not in writing, but we understand that it's important for you to meet with Mr. Fortin again, that this

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meeting will also be attended by a Hydro-Québec representative, so that dialogue can be established clearly in the interest of all involved, that you'll get complete information that will let your people have all of the rights and follow the procedures required to obtain the necessary certification to apply.

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Now, I know that Hydro-Québec, in its files, promotes local hiring by including clauses promoting local jobs in the specifications. Is this the case? Could you explain to us how you will proceed? We have two or three minutes before calling, to move to the aquatic wildlife aspect, but in the meantime, we're listening to you.

CLAUDE MERCIER:

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No, I can't present it in two or three minutes, it takes a little longer than that. I'd like to have Michel Desfossés answer. So, can we come back to it afterwards?

CHAIRPERSON:

1195 We'll come back to it afterwards.

CLAUDE MERCIER:

1200 Thank-you.

CHAIRPERSON:

1205 Well, OK. If there are people in the room who have questions concerning aquatic wildlife, could you raise your hand? I'm raising mine. There are two. OK.

Alright, we're on line with Jean-Guy Jacques, from Fisheries and Oceans Canada. Good afternoon!

JEAN-GUY JACQUES:

1210 Yes, hello!

CHAIRPERSON:

1215 Hello. Thank-you very much for joining us. OK, we have a first question from Mrs. McDonald. You have the floor, Mrs. McDonald.

JEANNE McDONALD (TRANSLATION):

1220 Can I ask you to explain? I'm not sure I understand. You say we're consulting, someone is available? How is he available?

CHAIRPERSON:

1225 By telephone.

JEANNE McDONALD (TRANSLATION):

1230 Who is this person?

CHAIRPERSON:

1235 He's from Fisheries and Oceans Canada, Mr. Jean-Guy Jacques. So, the question of aquatic wildlife is a shared jurisdiction with Québec. And, to ensure that we have answers from all of the people that could have something to say on the matter, we also asked Fisheries and Oceans to delegate someone, and that's done by telephone, to answer the questions you might have on this subject.

1240 **JEANNE McDONALD (TRANSLATION):**

Now, I think I understand. I wasn't sure where this person was.

1245 When we speak, and I'm only presuming, I'm simply trying to formulate this question, the question deals with water and rights of water and also jurisdictions over water, so I don't know whether the person available will be able to answer the question. But we certainly have concerns, not only concerning aquatic wildlife, but also concerning the rights of water.

1250 For example, one question is whether there are property rights to these resources: the rivers, and bodies of water? And we'd also like to know more about the Ottawa River, the Rivière des Outaouais, to which we believe Lake Témiscamingue's Rivière des Quinze belongs. And if this is the case, what are the jurisdictions for this body of water in particular? Is it international, provincial or federal? We'd like to understand, to be informed, who has jurisdiction over the body of water?

1255 **CHAIRPERSON:**

Do you have any explanations for us?

1260 **JEAN-GUY JACQUES:**

1265 In that regard, in terms of jurisdiction over water, that's not really our field of expertise, if you will. It's more in term of fish habitat management, we're responsible for fish habitat as such and, consequently, for what is related to fish habitat. And the question of jurisdiction over the ownership of water is not really within our field of expertise, if you will.

CHAIRPERSON:

1270 We'll ask the Ministère de l'Environnement to give us some information. Mr. Rochon.

YVES ROCHON:

1275 Yes. That's a very complex question you're asking. Normally, I could check for this particular file, because jurisdiction can vary from one territory to another, given the history of a territory's acquisition.

1280 Normally, a body of water that is located on public lands, and that is navigable, is a public body of water. As such, it belongs to everyone. It's managed by the Province of Québec. So, waterbeds, like public lands, fall under the jurisdiction of the Province of Québec. The federal government has certain powers, as Mr. Jacques said, in terms of fish habitats. This is managed federally, although at the provincial level, we also have certain resource management powers.

1285 Now, there are some lands, I'll ask Mr. Sylvain to bring me the information, that could be private. Example, property that was acquired under the seigneurial system by people, and sold time and again until the present... it could be private if the body of water is not navigable.

1290 Now, I'm under the impression that they'll validate for me that the body of water currently under study is in the public domain.

CHAIRPERSON:

Do you have any further information to give us? Is it in the public domain?

1295 **YVES ROCHON:**

Could you give me five minutes to find...

CHAIRPERSON:

1300 In that case, I'd ask you to do your research and we'll finish the aquatic wildlife question. OK?

1305 So, as Mr. Rochon told us, the question of water rights is a complicated area. There are several jurisdictions in the field that intervene, depending on uses.

Alright, there's the question of aquatic wildlife and, if you don't mind, we'll look at that question because we have Mr. Jacques with us via the telephone.

1310 The aquatic wildlife question is a jurisdiction that is both covered by the federal government and the Québec government. And both have a similar approach, in the sense that the project promoter is required to ensure that there are no habitat losses. This is now a regulatory requirement. So, promoters must show that they have done everything possible to ensure, both in designing their project and in the habitat mitigation measures, that the environment recovers and produces at least as much as prior to the work.

1315

Mr. Jacques, have I clearly understood the sense of your Department's policy?

JEAN-GUY JACQUES:

1320 Yes. The fish habitat policy is based on the Fisheries Act. In the Fisheries Act, there's a section that states one shall not destroy, disturb or deteriorate fish habitat, except with the Minister's permission, it's section 35.2, but it's a bit technical.

1325 The policy mentions that if there are fish habitat losses, they must be offset so as to arrive at no net fish habitat loss, as you were saying. So, a project that causes fish habitat losses must include mitigation measures that ensure that, following the project, there'll be no decrease in habitats and the environment's production capacity. Yes, that's about it, the policy.

CHAIRPERSON:

1330 OK. So, in the case at hand, have you studied the file submitted by Hydro-Québec?

JEAN-GUY JACQUES:

1335 That's right. And, after analyzing it in terms of the work planned, the structures proposed, the mitigation measures proposed in the study and additional measures that we mentioned in our notification letter, we are of the opinion that there is no significant habitat deterioration, disturbance or loss requiring the Minister's authorization in this regard.

1340 So, we can consider that the project causes no losses, as proposed by the promoter.

CHAIRPERSON:

1345 So, Mr. Jacques, you issued a notice?

JEAN-GUY JACQUES:

1350 Yes, we issued a notification letter to the promoter last March 21, I believe, explaining a bit about how we analyzed the file, we agreed with the mitigation measures proposed, and we also added certain measures, details.

1355 But based on the evaluation of the file, the losses anticipated, the mitigation measures, the other measures proposed in the study, we feel that the project does not require authorization under section 35.2 of the Fisheries Act. We issued a notification letter to that effect.

CHAIRPERSON:

1360 Very well, Mr. Jacques.

Mr. Mercier, do you have the notice that Mr. Jacques is referring to?

CLAUDE MERCIER:

1365 Yes, Madame Chairman, we can table it.

CHAIRPERSON:

1370 Good, we appreciate it. Yes, a question.

JEANNE McDONALD (TRANSLATION):

1375 Yes, I think that now I understand the specific aspects of the aquatic habitat, the question now would be how long will it take?

We understand that this project will run over several years. According to the information provided earlier, it's said that the habitat, that there are areas that will be impacted and that could affect the river's aquatic life. But how and over how much time will that run before the situation is back to normal?

1380 Are there... how much time will it take for... will it take the three-year period? Will it take ten years before the situation is back to normal? How much time will it take before everything is back to normal?

1385 **CHAIRPERSON:**

I think it would be important to bring back the map so we can see the exact location of the bodies of water that could be altered in terms of aquatic wildlife.

1390 Now, the project we're studying will take three months in the aquatic environment. It's a drop in water levels. And I'd ask you to show us exactly, in the dike area where you plan to develop things to optimize wildlife productivity, to describe for us the work you propose, and with your knowledge of other environmental follow-ups, how much time does it take for wildlife productivity to emerge from the habitats created.

1395

CLAUDE MERCIER:

We'll show you the maps. We've done a bit of research.

1400 OK, at the main dam, when the time comes to do the rehabilitation work, the water level in the area in varies between the maximum level and the minimum level, normally. In the summer, such as the month of August, for 10 years—can someone confirm for me the average water level we have, to show exactly where the water is located, we have statistics—on average, in August, the water is at 255.7. So, we can see that it's between the two levels, here, so, possibly 255.7. We
1405 drop, if we want to compare with the summer period, by approximately 20 centimetres, at the very most. We can't go lower than the level. Our work is done at the minimum operating level.

So, at the main dam, during the work period, from August 1 to November 1, at the latest, there would be no impact on aquatic wildlife. I think the gentleman from Fisheries and Oceans
1410 confirmed this. That's at the main dam.

At the Lake Long dike, here, the dike is shown at its current height. So, we're going to lower the level. But, as I indicated earlier, it's not 256, it's the maximum level. We're at level 257; We'll lower to 255 to do our work. Once again, there's no impact on the aquatic wildlife.

1415

However, as a mitigation measures, it's at the Lake Talé dike that, yes, there's a negative impact. However, as the mitigation measure, that was accepted by Fisheries and Oceans, we're going to build a berm specifically to promote aquatic wildlife. And normally, the results, we get results after two years following the construction of the berm.

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CHAIRPERSON:

Do you intend to perform monitoring to assess the effectiveness of that measure?

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CLAUDE MERCIER:

Yes, Madame Chairman, we plan to. In fact, it's definite. It's described in the draft design that there'll be monitoring to determine the berm's effectiveness.

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CHAIRPERSON:

And the information you get from this follow-up, how can people be informed of it?

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CLAUDE MERCIER:

This is information that is requested by Fisheries and Oceans, that's found in their correspondence and that will be available to the public.

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CHAIRPERSON:

Are you going to have a website?

CLAUDE MERCIER:

1445

We hadn't planned on it. But it's available via the follow-up committee.

CHAIRPERSON:

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Via the follow-up committee, OK. And the follow-up committee, how will it make information available, do you know?

CLAUDE MERCIER:

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Well, Madame Chairman, we're still studying that. We're not even at the project stage yet. So, the follow-up committee...

CHAIRPERSON:

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So, you're open..

CLAUDE MERCIER:

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Yes, of course.

CHAIRPERSON:

1470

...to suggestions?

CLAUDE MERCIER:

There'll be a follow-up committee, and we'll monitor everything.

1475

CHAIRPERSON:

Good. So, I understand that you're open to suggestions that would allow the population to be well-informed of the results.

1480

CLAUDE MERCIER:

Yes. There's also a clarification, Madame Chairman. There was talk of work lasting three years; the work will run only three months.

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CHAIRPERSON:

I had made the rectification before you began.

CLAUDE MERCIER:

1490

OK.

CHAIRPERSON:

1495

Good. Alright, we got the answers, I think. Fisheries and Oceans experts have studied the matter.

Now, the Société de la faune et des parcs du Québec too. Nancy Delahaye is here. So, I'd ask Mrs. Delahaye for her opinion on the aquatic wildlife issue.

1500

NANCY DELAHAYE:

1505 Yes, unlike Fisheries and Oceans Canada, in our case, we also look at fish habitat in our legislation, which is the Act respecting the conservation and development of wildlife, but it's not an authorization that's issued, it's a notice from the Ministère de l'Environnement. And, in terms of the study submitted by Hydro-Québec, the principle of zero net habitat loss has been respected.

1510 And, what was also very important for us was that the work will be done outside the periods that are critical for the species present in these waters, that is, that work will be done as of June and before November. So, as far as we're concerned, there was no problem associated with aquatic wildlife.

CHAIRPERSON:

1515 So, we've had the experts' answers both from the federal side and the Québec government side. Do you require any further information, Mrs. McDonald, or does the answer satisfy you?

JEANNE McDONALD (TRANSLATION):

1520 I could say probably, to the extent that... it's very difficult to interpret the information received here, because we also have a spiritual view, and this spiritual view includes a holistic mindset. In other words, we don't tend to see fish as an aquatic resource or an aquatic habitat. It's a separate way of looking at and analyzing a situation.

1525 But our point, the point we're trying to get across, is that there are intercultural communications that we've not yet created. Because when we speak of the spiritual world, we mean the inhabitants, the fish, the animals, the river, the plants. And the fact that these dams have been there for a very long time, since before our generation, we're already living with the disturbances created 80 years ago, in our grandparents' time.

1530

So, all we want to say is that we want this way of thinking to be recognized. Recognizing it means that life is there, be it fish, because these elements of the natural world, we belong to it, and we're telling you that the environment you're dealing with, be it just fish habitat or something else, the people are also part of this environment.

1535

The Algonquins experience the same impacts as the wildlife and fish you speak of... to the point that we have a system of clans. And in this system of clans, there's a fish clan. And in the fish clan, the clan chief is a turtle. And there's also a bear clan that's in charge of the world of medicine, plants and so forth.

1540

It's just to show you that we must express the fact that we have spiritual concerns about the life of the animals living on our lands, and that includes all life found in the river and everything found there.

1545

So, I wanted us to express or I, personally, wanted to express that, so that the participants could think about it. We have to interpret your information based on our way of thinking, just as you take our information and have to interpret it based on your way of understanding things.

1550

So, that's all I have to say.

CHAIRPERSON:

1555

Thank-you. I think attitudes are changing. Since I've been working in the environment field, at least 25 years now, I think that things are evolving towards greater respect for all components of the Earth. Whether plants or animals. People listen more, they show more consideration for living beings whether they see them as a *resource+ or simply as existing for their intrinsic value.

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So, now, in all projects under study, it must be shown that habitats will be reconstituted to continue to shelter plant and animal beings, so that life reclaims its rights. So, to some extent, the concerns you are expressing, with the spiritual vocabulary you bring, to some extent, it has been heard and things are changing toward a greater respect for nature.

1565

I think there'll be a second part and it would be interesting to hear from you how you would like to obtain information for all evolution, for environment quality. This is called environmental monitoring. So, how do you see that information. That's another thing I'd ask you: would it be possible in your brief, in Part Two, to tell us how you'd like to obtain this information.

DANIEL CHIEF (TRANSLATION):

1570

Just to add to what Jeanne was saying, it's difficult to explain exactly... it's difficult for an Aboriginal person to explain to a non-Aboriginal person what we feel when we're dealing with nature. It's part of your being and it's very difficult to express in words.

1575

For instance, if I see Canada geese in full flight and they seem lost, because they return to their habitat year after year and they expect to find a certain environment, and because of the way man has changed and modelled their lands, we see them turning in circles, it affects me.

1580

So, put yourself in their place. You, a person, you leave your home. You come back and your home has been moved or no longer exists. You're going to turn in circles and ask yourself *What's going on?+. Well, we feel that, we feel what the animals feel. And it's very difficult to explain that to non-Aboriginal people. It's part of our very being.

1585

This is why the question of the environment is very delicate. Each time we affect nature, we affect our inner selves as humans. It's hard to express, but we feel pain. It's as if someone was torn away from us, as if someone ripped something out of your being. Personally, I find it very difficult to try to use words to describe what we feel.

1590

So, I thought I could perhaps try to add that to Jeanne's presentation to try to explain this concept and convince myself that I can communicate it, tell you what we feel.

1595

I know that, well, there are resources. For economic reasons, we have to change nature, but to what point, I don't know. So, it's very hard for me to state it clearly, but it's just something I wanted to tell you.

I don't even remember what your question just before this was.

CHAIRPERSON:

1600

I was giving you my opinion that things are evolving and that people are more respectful of nature than a few decades ago. It's my viewpoint. But there are so many viewpoints, there are so many regions in the world. I know it's not universal, but it's at least something we all hope for, to have greater respect for living beings.

1605

OK? Do you have any other questions to ask Mr. Jacques?

CLAUDE MERCIER:

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Madame Chairman, I'd like to add a point, I mean continue the discussion. May I?

CHAIRPERSON:

Yes.

1615

CLAUDE MERCIER:

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Hydro-Québec respects the vision and ideas of the Algonquin community. There's no doubt about it. In the context of the project at hand, I'd like to remind you that the project is for the safety of people and property. It's a small project that lasts three months and that's being carried out within the operating limits. So, there are practically no impacts on the aquatic wildlife or any wildlife, except for the work at the Lake Talé dike. So, we have mitigation measures, for which we'll have results within two years and which are available to anyone who asks for them.

1625 **CHAIRPERSON:**

OK. If there are no other questions for Mr. Jacques, we'll wish him a good evening. Mr. Jacques, do you have any additional information to provide?

1630 **JEAN-GUY JACQUES:**

No, I have no further points to add on this.

1635 **CHAIRPERSON:**

Well, thank-you.

1640 **JEAN-GUY JACQUES:**

Fine, thank-you, goodbye.

1645 **CHAIRPERSON:**

Goodbye.

Are there further questions? Because we have Barbara Polson, who had also signed up. Are you ready? OK, hello!

1650 **BARBARA POLSON (TRANSLATION):**

Hello!

1655 **CHAIRPERSON:**

Before hearing you, we'll ask whether Hydro-Québec is ready to make the presentation we asked for earlier?

1660 **CLAUDE MERCIER:**

Yes, we're ready to make the presentation on local and regional economic spinoffs. I'd ask Michel Desfossés to make the presentation.

1665 **CHAIRPERSON:**

Mr. Fortin, what about you? You can be with us this afternoon, can you be with us this evening?

GÉRARD MAGELLA FORTIN:

1670 Yes.

MICHEL DESFOSSÉS:

1675 Hello, Madame Chairman.

CHAIRPERSON:

Hello.

1680 **MICHEL DESFOSSÉS:**

1685 So, at the people's request, you asked to take another look at the specific economic spinoff mechanisms in the context of the project we're discussing here. I'd like to point out that the presentation we're going to watch will last a few minutes and that it deals with all of the work to be done at the Rapides-des-Quinze development.

So, to some extent, we'll go beyond the reference framework for today's discussion to talk about other aspects of the development.

1690

CHAIRPERSON:

That'll be welcome.

1695 **MICHEL DESFOSSÉS:**

Great. OK, a few reminders to situate the project overall in terms of financial scope. If we look at all of the costs associated with it, both Hydro-Québec's internal costs, interest costs, portions entrusted to outside contractors, we're talking about a project of approximately \$80 million, part of which—and that's what we're interested in here today, the potential local and regional economic spinoffs—is in the order of about \$40 million, because these are contracts that can be contracted out.

1700
1705 So, the overall work for the complex is divided over the years 2001 to 2003, including work at the generating station, the spillway and our dams.

1710 The principle of optimizing local and regional economic spinoffs was recognized by Hydro-Québec's board of directors when it adopted the recommendation of the regional office to go ahead with the work. And, to make that commitment tangible, one of the dimensions referred to, is the fact that Hydro-Québec acts as a general contractor and manages its calls for tenders. And that translates into dividing the work packages into as many separate calls for tenders, which gives a chance to a more contractors to submit proposals to Hydro-Québec. We're talking about a dozen or so work packages for all of the work included here.

1715 To touch on Hydro-Québec's reference framework, which was mentioned earlier, it's that Hydro-Québec has a policy on economic spinoffs. First off, it favours "buying Québec"; second, "buying Québec" is based on looking for the best price possible. And, in the case at hand here, we wanted the local and regional spinoffs to be significant. We also said earlier that everything has to be done according to the rules, regulations and laws that apply to Hydro-Québec, as they do to any other promoter. That's for the call for tender aspect.

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1725 For worksite procurement, in other words, any activity that's to be carried out on site and that constitutes the purchase of goods and services, we' also hoped, in the context of the concerns raised by the communities in this project, to have a mechanism that constitutes a reference for local goods and services, the producers of those goods and services, for the contractors that will be doing the work.

1730 Clearly, this implies, right off, that our internal policies and business practices apply, but we don't have direct control over the contractors' practices, which may differ slightly from ours.

So, actually, there are two prime times: worksite procurement, in step two, once the work has been started and, in step one, the call for tender process during which mechanisms have been set up. Those are the two prime times.

1735 One way to optimize spinoffs here—it's one of the ways, I stress that it's not the only way—but
that mechanism is unique in the Rapides-des-Quinze case, in many projects, we've seen the
company develop committees to maximize economic spinoffs. Here, the community had already
adopted a multiproject structure, irrespective of Hydro-Québec. So, it goes without saying that in
1740 this kind of a context, instead of creating a parallel structure, Hydro-Québec is participating in the
activity with the resources set up by the community.

So, there you have it. Mainly, I think this is what needed to be understood here. There's already a
structured mechanism in the community. That organization, with which certain agreements have
already been concluded since February, actually consists of making regional participation in the
1745 calls for tenders more dynamic, making them known to the contractors; acting like a single
window—we mentioned the worksite mode earlier—acting like a single reference window, a
worksite agent can literally present the regional offer of services to the contractors on the site;
also ensuring a liaison with the Abitibi-Témiscamingue local development centres, the five RCMs
in region 08, to be region-wide. And clearly, the COMAXTEN here, among others, understands
1750 that Hydro-Québec is tied to these practices. That's that.

Now, let's go on. In fact, what this chart here summarizes is it that, for the time being, in the
agreement between Hydro-Québec and Témiscamingue, there's room for local contractors and
for regional contractors, whose interests are represented, among others, by the local
1755 development centres of the territory's four other RCMs.

I'd like to highlight the special clause included in the calls for tenders to promote the participation
of sub-contractors from the region. Those points, bear with me, were referred to earlier so I'll get
to the essence, the main mechanism, which follows.

1760 If we look at the special clause to promote regional sub-contracting that is included in Hydro-
Québec's calls for tenders, we note two principles. On one hand, to ensure that general
contractors know and acknowledge that regional supply is available to help them fulfil their
mandate, so, to promote the pooling of these people so that they can eventually arrive at
1765 agreements. This is one of the spirits of the thing and it translates notably by the reimbursement
of costs incurred by general contractors in order to work with regional contractors.

In passing, it doesn't cost more, because they'll have to deal with sub-contractors from their area
anyway. So, this clause recognizes the idea that these people should be put in touch with each
1770 other and they consider the regional supply from where it comes in the Abitibi-Témiscamingue
region.

We advocate regional eligibility because we want to have people who are established in the
region, who have a regional business base. Clearly, it's important in a context like this one.

1775 Another aspect of our call for tenders: the general contractor has to ensure that the sub-
contractors have expertise can be verified through the presence of key staff on the worksite or in
relation to the project and that we really have, that we're really dealing with... it's another way to

1780 make sure that there's really a regional supplier there and a genuine, duly constituted and representative team.

1785 I'll move on to the next point. Once again, we can talk about what's covered by the regional sub-contracting clause since there are provisions that are pre-specified for questions like construction workers, in terms of the number of workers from a labour pool. These things are not covered by the clause, since things already exist under legislation or regulations. So because Hydro-Québec works with these contingencies, the contractors too, it was useless to put added value in, in the clause.

1790 So, to summarize, supporting documents are required for the general contractor and the regional sub-contractors to be paid. So, that's it. I think we've covered all of the small specific aspects involved.

1795 Let's look at how that applies more specifically. Let's say this chart represents what happens in a Hydro-Québec call for tenders and let's imagine, fictitiously, that we, at Hydro-Québec, have estimated that the following work, architecture, civil, mechanical, electrical work for a call for tenders has a value, estimated by us, of \$25 000, the whole could represent – we estimate at Hydro-Québec that this work could be carried out for a cost of about \$100 000.

1800 The work Hydro-Québec is doing here in the region, on that, is to see what the response capacity of the territory's contractors is or, indeed, the territory's contractors, potential sub-contractors. Can we, in the Abitibi-Témiscamingue region, do the work and, to what extent within that activity.

1805 So, an amount is applied here based on the regional supply we can detect. All that to say that, for all intents and purposes, here \$10 000 of the \$100 000 of work. So, it's the first input we're working with. We estimate it--together with the people from the community--the region's response capacity.

1810 Let's go to the next plate. When we spoke of our incentive clause for the region—you recall that we estimated the Abitibi-Témiscamingue region's response capacity at \$10 000--Hydro-Québec indicates in its tender document, thereby officially states, in the tender document that the contractor must fill 40% of this \$10 000 by adding it to the amounts the contractor has to calculate to establish his tender. So, Hydro-Québec *forces+ that amount in the tender document.

1815 In case a contractor, here, didn't consider the regional supply of potential sub-contractors, for argument's sake, let's estimate that he defined his costs at \$25 000 per item here, so, \$100 000, he has to add \$4 000 to his tender, making it \$104 000--the amount being *forced+. So, that's the first hypothesis, without considering regional supply.

1820 If we now redo the exercise with a general contractor who has considered the supply of services of regional contractors, he would have taken our figure, as a reference, and would have arrived at \$10 000. He would have defined his costs and also added the \$4 000 we were talking about earlier. However, because he presented his supporting documents to Hydro-Québec, he could be

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reimbursed the \$4 000 he first tenders, allowing him to revise his tender before submitting it to Hydro-Québec, to estimate that he'd receive \$4 000 from Hydro, and to decrease it by this amount.

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I'd say that this mechanism doesn't cover all hypotheses but at least allows people to consider regional supply and, therefore, be competitive while working with regional sub-contractors. That's roughly the idea.

1835

It's a very accounting-oriented approach, but it's been used by Hydro-Québec in the past in files like Sainte-Marguerite III. So, further work has been done on the form of that clause. It applies in other projects and we hope to see it here to promote economic spinoffs. That's roughly the idea.

CHAIRPERSON:

So, in other cases, the economic spinoffs you've estimated using that approach are more lucrative than in the past?

MICHEL DESFOSSÉS:

To date, this approach of estimates made in conjunction with the community, based on the supplier files the community has, gives us relatively good reason to believe that we'll reflect the community's situation quite well. So far, it seems to be the case. But I'd tell you that since the project is in the early stages, the exercise will let us see if, in the long run, the estimates were actually as accurate as possible. But it also seems to be corroborated by the people we talked with in the community about it, so far, anyway. But it's also an impression I'm giving you here, it's not a factual reality yet. We'll see in the coming months.

CHAIRPERSON:

OK, don't go too far away.

MICHEL DESFOSSÉS:

Fine.

CHAIRPERSON:

Any questions on this subject? Mrs. Polson, did your question deal with economic spinoffs or was it on another subject?

BARBARA POLSON (TRANSLATION):

I have just one question. No jobs will be offered our members, the members of our community, due to a lack of certification. Would Hydro-Québec be prepared to sit down and negotiate a different form of compensation for our First Nation?

CHAIRPERSON:

In your preamble, you stated that the people of the First Nation would not be asked to work on the project. This is not what I've understood. The openness is there. We received calls this afternoon to the effect that cooperation is desired and there's an invitation to work together to find mechanisms that would enable your people, with the same rights as all of the people of the region, to take part in this work, also to work on the worksite.

So, this was the call we launched and we received positive answers from both sides of the table. And I also understood that Mr. Chief was positive about this invitation and was prepared to

1880 discuss and receive information in order to pass it on as effectively as possible to his community,
So, there's an openness there.

But don't wait for our report to meet. If you're ready to meet in the coming weeks, don't hesitate to
do so. If you encounter any problems, you can mention them to us, but I see an openness on the
1885 part of all involved. So, I think you'll be able to work together.

BARBARA POLSON (TRANSLATION):

Thank-you.
1890

CHAIRPERSON:

Are there any other questions?

1895 **CLAUDE MERCIER:**

Madame Chairman, Mr. Desfossés would like to add something.

CHAIRPERSON:
1900

OK.

MICHEL DESFOSSÉS:

1905 Madame Chairman, I'd just like to add to what you've just said, discussion is possible, interesting
and desirable clearly with regard to the labour issue, worker hiring, but also with regard to the
application of the sub-contracting clause, which also concerns the community's companies. And,
I'd like to see those discussions incorporated into the discussion with the community and what
affects the companies.

1910 **CHAIRPERSON:**

It 'd be useful for you to give us an overview of the options that might enable the community to
benefit from this approach.

1915 **MICHEL DESFOSSÉS:**

In that respect, I think that the key to action in that respect, in terms of the sub-contracting clause,
is the best possible knowledge of the services and/or companies available on the territory. And,
1920 the presence or participation of these companies in the various exercises attended by the general
contractors.

1925

For instance, I should tell you that using a list of companies, we can tell people that a compulsory worksite visit will be held at such and such a time and that the general contractors who have to prepare their tender and the potential sub-contractors will be there. Information is the best tool to be able to reach the companies.

CHAIRPERSON:

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So, it would be important to have a work session with the community to very clearly inform them of the mechanisms and the means available to them to have the most productive interface possible with Hydro-Québec.

MICHEL DESFOSSÉS:

1935

Yes. I think that aptly summarizes the type of thing to do.

CHAIRPERSON:

1940

When would you be prepared to hold this meeting?

MICHEL DESFOSSÉS:

1945

In the context of the work we're talking about here, today, since it will be done on a slightly longer time horizon, we're talking 2002 – we have some time – for activities to occur now or soon. There are exercises that could be envisaged, at any rate, meetings will probably be needed, I think, by the end of the month maybe to be able to keep pace.

CHAIRPERSON:

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So, Mr. Chief, an invitation is extended to you for a meeting that could be general to cover the question of economic spinoffs, to facilitate mutual understanding and to discuss the offers you could make, labour offers, of available workers, also the contracts that could be attributed. So, an offer is on the table. I think it's open and I hear you on this issue.

1955

DANIEL CHIEF (TRANSLATION):

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That would involve our local contractors and it's at that time that we could ask if there's a possibility, a guarantee on Hydro-Québec's part that we could be hired by Hydro-Québec. It's just question I'm throwing out.

CHAIRPERSON:

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OK. I'll take it...

DANIEL CHIEF (TRANSLATION):

Can they make commitments, make a commitment?

1970

CHAIRPERSON:

We understand that there's a basic question to answer first. To work, you have to be recognized, have the required certification. However, is there a block reserved in the contracts for regional participation?

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MICHEL DESFOSSÉS:

Madame Chairman, what we're talking about here is done within the framework of Hydro-Québec's usual calls for tender, so, calls for tenders that are sometimes regional and sometimes provincial in scope. As far as I'm concerned, I can't answer you concerning a commitment to that effect. I'm not authorized to do that.

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CHAIRPERSON:

However, we understand that the approach you're proposing promotes small, local contractors being hired by the bigger contractors. It's always interesting for a contractor to use local workers or local sub-contractors, at last it's interesting from a financial viewpoint.

1985

MICHEL DESFOSSÉS:

That's the spirit of this incentive clause, it's to put these people in touch with one another as often as possible within the call for tenders.

1990

CHAIRPERSON:

So, that's the approach proposed Mr. Chief, which makes it lucrative for employers, for contractors, to do business with local companies.

1995

DANIEL CHIEF (TRANSLATION) :

I'm sure. I think what we need to agree to first is a meeting with Mr., I forget his name, Desfossés. So, this would be another step towards working together.

2000

CHAIRPERSON:

Good. Are there any other questions on this point? I'd invite you to come forward, please.

2005

BENOÎT ST-DENIS:

2010 Benoît St-Denis, Algonquin Development Association. You'll have to excuse me, unfortunately, I couldn't be here for the beginning of the discussion so I have no idea of everything that's been talked about.

2015 I have one question. When Hydro-Québec gets involved in a region to work with other communities, other nations, they do a regional profile, they contact the main representatives and others, for whatever project, and when there's a large Aboriginal community in a region, like here – here, we're talking in the region, 40% is Aboriginal, Notre-Dame-du-Nord, Timiskaming, and Témiscamingue, that's about 15% – normally, they identify the main interest groups, and then they try to develop a profile, define needs, etc.

2020 By looking at Hydro's different documents, we see that they started in 99, I don't know the exact date, but in 99 to contact local groups, RCMs, municipalities and others and, with them, have tried to outline the interests, concerns and so forth regarding the project at hand. And this is referred to as pre-planning, evaluation, etc., and there's a constant of meetings and so forth. As far as I know, the First Nation or the First Nations were not involved in that initial process.

2025

Yes, it's true, Hydro told us that they'd tried to meet with the First Nation, etc., but that was done, I was there at the first meeting in April...

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CHAIRPERSON:

April of what year are you referring to?

2035

BENOÎT ST-DENIS:

This year. April, I don't remember the exact date, but it was in April.

CHAIRPERSON:

2040

April 17?

BENOÎT ST-DENIS:

2045

I don't remember the date, but it was in April. I was with two advisors at the time, Randy Polson and Mr. Hambury, and we knew--because we'd see the letters--that Hydro has tried to make contact with the First Nation the previous fall. But the previous fall, the First Nation told them they had a major file. There was talk of the famous Toronto project to come and dump their garbage here in the Adam mine. So, all of the community's resources were used for that major project.

2050

And there was no-one available, and we also didn't know all of the details of the Des Quinze project at the time.

2055

So, yes, there was an initial contact as such, but we're mainly talking information session. To my knowledge, there's never been talk of becoming a partner or sitting down, talking, defining needs, etc.

2060

The point I'm trying to make is that we know that in other Québec regions, be it on the North Shore or elsewhere—because I work with these other Aboriginal economic development officers--Hydro will do everything possible to get a profile of the needs of the Aboriginal or non-Aboriginal communities.

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And, Hydro is well aware that the situation, here, there's an employment rate upward of 80% in the community. Hydro also knows that the land they're on is former reserve land, since the reserve was created in 1856...it's one of the oldest in Canada. Hydro also knows that this land is land used by the members--hunting, fishing, trapping, and so on. Even if in the report, they refer to vacation resorts and sport fishing and so forth, and they don't talk about Aboriginal use, it remains a fact.

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In other words, there are plenty of elements that recognize the Aboriginal, First Nation, presence, reality, omnipresence, in the territory, in the project and elsewhere.

What I'm wondering is, during the preparatory planning and analysis of the population's profile, Hydro knew what the situation here is.

2075 Today, it's easy to say that, if the First Nation wants jobs, it'll have to qualify with the Commission
de la construction du Québec. We met with them, the officers from the Commission. Basically,
the understanding we came out with was that, to qualify, just about everybody here would have to
take courses, qualify, abide by the rules. Then, there's seniority, there's this, there's that. There're
all kinds of things and rules. In other words, maybe that community will, in addition have to
2080 agree— it's too loud?

CHAIRPERSON:

It's too fast.
2085

BENOÎT ST-DENIS:

It seems the First Nation will have to agree to unionize all of its member who to go and work.
That's quite the job. It's a problem. We'll have to see how we can qualify the members. All that to
2090 say: There's a project, the First Nation recognizes that, in the project components—from what
we've understood—there are safety elements in it. We can't argue that.

But, during the planning, when the community profiles were drawn up, how is it that they were
able to meet with four municipalities, but completely forget the First Nations? And, once
2095 everything was planned and organized and decided, well, then the First Nations were contacted.
Hydro was well aware of the situation of the community and its members.

So, the question is the following.

2100 **CHAIRPERSON:**

Yes, your question.

BENOÎT ST-DENIS:

2105 Today, we're being told: *OK, now, yes, we're going to try to contribute, and so on, etc.+ As far as
we're concerned, the problem is the following: the land is traditional community land. Community
activities are carried out there--traditional hunting, fishing, trapping--that are not currently
recognized in Hydro-Québec's documents. There are sites there identified as archeological sites,
2110 ancient burial grounds. They say there are twenty-one or twenty-three. No one ever thought to
involve the First Nation in it.

There's talk of economic spinoffs. In addition to this project, there's talk, with the various
municipal players, of four other recreational tourism projects that could eventually limit the access
2115 to these lands or change land access by-laws, land, once again, used by the members of the
community, without ever having contacted the First Nation.

2120

All of these things will have an impact on land use by our members. Has Hydro-Québec planned, envisaged compensation for the fact that there could be constraints on the use of the land, on the exercise of activities and so forth? We don't see that anywhere.

2125

Second, when we talk jobs, Hydro knew the situation here and Hydro is very well aware of how complicated the problem is, to qualify in order to get jobs.

CHAIRPERSON:

If you don't mind, we'll ask the first question.

2130

CLAUDE MERCIER:

I'd like the question to be asked again because the preamble lasted more than ten minutes. There are a lot of things we've already answered since the beginning of the session. What exactly is the question?

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CHAIRPERSON:

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Well, if I've understood correctly, it's to know, I know you'd prefer – I won't ask why Hydro-Québec didn't do this or that, because they told us earlier that they made attempts. We understand that there were constraints and that you were preoccupied with issues that were major for you but, is it the link you're questioning?

BENOÎT ST-DENIS:

2145 To help the gentleman, knowing that planning with the regional and local players began in 99, how can Hydro explain that everything was planned, decided, or almost everything, and that it was only once everything was established, planned, decided, like they said that we'd work with the organization in Ville-Marie for contracts, then with another city, then such and such a municipality for such and such an ecotourism project, and once everything was decided, 2150 established, studied... well, then it's time to inform the First Nation. In other words, you don't acknowledge that the First Nation has a right to participate in the planning process.

CHAIRPERSON:

2155 We'll see, if you would...

BENOÎT ST-DENIS:

2160 We're very concerned by that question.

CHAIRPERSON:

2165 We'll see whether they had that intention and whether they still have it. Not simply to inform but to work in an approach that also involves listening.

CLAUDE MERCIER:

2170 It's true that the studies began in 1999. As I indicated in my presentation earlier, the restricted study area surrounded the municipalities of Saint-Eugène-de-Guigues, Guérin and Angliers. We only met with these three municipalities and not four, as mentioned.

2175 From 99, the studies, my predecessor developed two study variants. How can I put it, in the past, these studies didn't constitute a request for hearings, for a 31. We were subject to a section 22 and not a 31.

Why? I can give you the background. The why now, in September 2000, Hydro-Québec contacted the community? It was around September, under my leadership, because I was responsible for the studies, with the type of rehabilitation planned for the dike, we were facing a section 31. So, we took the opportunity to broaden our communications.

2180 Now, there's one thing I noted, namely, the land use constraints. The project that Hydro-Québec wants to carry out is a rehabilitation project. Comparatively, if you are referring to other projects that involve compensation measures, these are new generating station construction projects, that is, energy production.

2185

In the context of the project at hand, a rehabilitation project, it's a project – how can I put it in lay terms – it's extensive maintenance we have to do on our facilities. So, at Hydro-Québec, there are no compensation measures for this type of project. So, there I've answered another question too.

2190

CHAIRPERSON:

So, there are environmental mitigation measures when there are impacts, but there's no financial compensation.

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CLAUDE MERCIER:

None at all.

2200

CHAIRPERSON:

The approach to which you give precedence... you try to optimize regional economic spinoffs.

CLAUDE MERCIER:

2205

Yes, Madame Chairman.

CHAIRPERSON:

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So, this is the component that was opened up this afternoon, and I think there's a call for listening to each other and cooperating for the future.

As I said in my opening statement and at the preparatory meeting, I'm not mandated to look at what happened in the past and why people didn't go to meetings or why meetings were held at such and such a time or this type of thing. What we want to do is find means, as you requested in your opening statement, Mr. Chief, so that there is better cooperation and listening to each other.

2215

So, this is why I'm asking you to make proposals too in Part Two of the public hearing and, as I said earlier, don't wait until we've finished working to meet. There's no objection in our rules of procedure stating that you can't begin mutual collaboration.

2220

And now, it's 5:10 p.m. and I think it's time to rest a bit. We'll start again this evening at 7:00 p.m. A word, Mr. Chief?

2225

DANIEL CHIEF (TRANSLATION):

2230 I just wanted to say, as I indicated in my opening statement, we need to negotiate. And I think
now is better than not at all. OK, it's been said. We should sit down and negotiate something
here. At last these doors are open, at least that's been understood.

CHAIRPERSON:

2235 See you this evening.

2240 I, the undersigned, **LISE MAISONNEUVE**, official stenographer, certify under my oath of office
that the above pages constitute and contain the exact, accurate transcription of the stenographic
notes I took using a stenomask, all in keeping with the law.

AND I HAVE SIGNED:

2245 _____
LISE MAISONNEUVE, Official Stenographer