

**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 2

Session held on October 17, 2001, at 7:00 p.m.
Timiskaming First Nation Community Hall
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Notre-Dame-du-Nord

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CHAIRPERSON'S MESSAGE

CHAIRPERSON:

5 The hearing will recommence. I'd like to begin by asking Hydro-Québec whether they'll be tabling all of the figures we've seen this afternoon.

CLAUDE MERCIER:

10 Yes, Madame Chairman.

CHAIRPERSON:

15 Thank-you. I also wanted to ask some questions about the borrow pits. So, I'll start there. My work in this inquiry involves asking questions too. So, I'll begin with the question of the borrow pit; then I'll take your questions.

20 So, would it be possible to see the figures we saw this afternoon again but focussing specifically on the borrow pit issue and the areas where surplus materials will be stored. Then, please show us the routes that will be used to dispose of these materials or get them.

CLAUDE MERCIER:

25 For the rehabilitation of the Lake Talé and Lake Long dikes, we'll need materials from borrow pit #3. Here we can see the route used by the trucks to get to lakes Long and Talé.

 In terms of granular materials, we've estimated about five hundred trips from borrow pit #3 for the lakes Long and Talé dikes.

30 For the coarse rock from quarry C-4, close to the rockfill dam, here's the proposed route to get to the work area.

35 The surplus material that we'll have to remove, that cannot be reused...the proposed route would be this one. So, we need the station, including the station near the Rapides-des-Quinze generating station. So, we also have an area for bringing the rubbish that cannot be reused.

CHAIRPERSON:

40 The total, Mr. Mercier, when we add up the number of trucks, red arrows and blue arrows that have to go through the Municipality of Angliers, how many are there in all?

CLAUDE MERCIER :

45 Close to one thousand. We've added the two here, here, because here we avoid the municipality.

CHAIRPERSON:

50 OK.

CLAUDE MERCIER:

Eight hundred and forty trucks... we estimated small tandem trucks. So, that's a maximum.

CHAIRPERSON:

55 OK. Because in your impact study, you mention three hundred and forty. Has the estimate changed?

CLAUDE MERCIER:

60 Yes. We did some work over the summer. We did the detail engineering, based on our surveys for the secondary road to take us to the lakes Long and Talé dikes. At the beginning, it was only twenty trips of granular material but to rehabilitate, restore the forest road, we need another five

65 hundred trips. We did the detail engineering this year, for this portion of the road, about 1.2 kilometres.

CHAIRPERSON:

70 Good. Is anyone from the Municipality of Angliers in the room? Or the RCM? Yes, you can come to the resource person table, please.

If you agree, we'd like to take a look at the safety side of things.

75

CLAUDE MERCIER:

OK.

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CHAIRPERSON:

Mainly for the people of Angliers. We know that there's a school there.

CLAUDE MERCIER:

85

Yes.

CHAIRPERSON:

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Now, which month would the transport take place?

CLAUDE MERCIER:

95

In our new planning – before, we thought we'd do the work last fall; now we're planning to do the work in 2000. We recommend, depending on when we get the authorizations, doing the work here between May 1 and July 15, the work related to the lake Long and Talé dikes. So, we want to build the road between May 1 and about June 6. From June 6 to July 15, before the construction holidays – we'd have to check the exact dates – we'd work on the two dikes.

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Based on our schedule, that means that about twenty trucks would have to go through the municipality in a day.

CHAIRPERSON:

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Have you made arrangements for special safety measures in Angliers?

CLAUDE MERCIER:

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Special measures are planned. We've even worked recently on using one lane inside the city, in the municipality, to limit the impacts. I don't know whether we have information?

I'd ask Benoît Gagnon to present the route that we optimized in the municipality.

CHAIRPERSON:

Good evening!

BENOÎT GAGNON:

So, we can see on the map that the route, the point of entry into the village of Angliers, is just the other side of the federal Des Quinze dam and the exit point is here, on the other side, near Miller Bay. So, if we look at it on a bigger scale, the federal dam ends here and Miller Bay is here.

So, for the time being, the route is : we enter the village, we take Pionniers Road—the main street—and we come out on the other side, on Highway 391.

CHAIRPERSON:

Can you show us where the school is?

BENOÎT GAGNON:

Yes. The school is here. Actually, it's a building that groups together various community services. There's a school, a playground. The municipality's buildings are there, as well as public services. In fact, it's the nerve centre of Angliers. We've also envisaged, as mitigating measures, there will be a work timetable between the regular hours, between 7:00 in the morning and 7:00 at night. We'll also set up a communication program and tell people about the work.

We also looked at an alternative route, if we want to avoid going close to the school and the community centre. What we don't see on the map—it's not up to date—is that, at the end of the road, here, there's a dirt road that goes up the hill and comes out about here. So, that's Bellerive Street. So, we can actually avoid going through the downtown area and school by going here. It's a fairly wide gravel road that allows us to avoid the school zones.

CHAIRPERSON:

The school zone... does this involve elementary school children?

BENOÎT GAGNON:

Yes.

155 **CHAIRPERSON:**

Would it be more difficult for you to have to consider two options, avoiding the times when children begin and finish school?

160 **BENOÎT GAGNON:**

Actually, we've just been looking at this option because we've started discussions with the Municipality of Angliers for the follow-up committee, and this was one of the points they raised—their concerns about the traffic route. As far as we're concerned, in terms of distance, it's the same thing. So, in terms of kilometres travelled, it doesn't change the distance or travel time. So, 165 it's a scenario we want to propose to the municipality, to see whether they have any other objections that we weren't able to observe.

170 **CHAIRPERSON:**

OK. Now, the Municipality isn't here. Did you also work with the RCM on this matter...

BENOÎT GAGNON:

175 No.

CHAIRPERSON:

...or does it fall under municipal jurisdiction only? However, you witnessed the discussions. So, 180 are you looking at two scenarios?

BENOÎT GAGNON:

185 Yes.

CHAIRPERSON:

We'll specifically ask the Municipality to give us its point of view on the different scenarios in Part Two.

190 **BENOÎT GAGNON:**

Fine.
195

CHAIRPERSON:

Because I know, from having been in public hearings elsewhere, that, when doing work in the past, you avoided school zones or set up crossing guards for the youngsters' safety, mainly when school starts and finishes.

BENOÎT GAGNON:

Yes. That's true, yes.

CHAIRPERSON:

So, we'll let you continue working with the Municipality and maybe, in Part Two, the Municipality of Angliers will tell us which scenario is better, keeping the safety criterion in mind.

BENOÎT GAGNON:

OK. No problem.

CHAIRPERSON:

Fine. We'll hear the Municipality of Angliers on this issue in Part Two. Thank-you.

So, I turn the floor over to you. Mr. St-Denis had one more question but we'll hear Mrs. McDonald.

JEANNE McDONALD (TRANSLATION):

I presume that the question can address any issue, at this point?

CHAIRPERSON:

Yes.

JEANNE McDONALD (TRANSLATION):

One of our questions concerns language—English, French—and French-English information. Earlier, I asked whether we'd have access to English transcriptions. Based on what I understood from the various people involved here, the transcription is done separately in French and the audio cassettes can be obtained in English, but we don't know exactly when they'll be ready or available.

If I understand correctly, there's a procedure, if we ask that the information, after the public hearing that we are holding here, be available in writing—that is, English transcriptions--so, we wanted to ask whether it would be possible to get the transcriptions for this meeting and the information that has been transmitted here in order to help the community better understand this process. At this time, we have only press releases in English and we received a pamphlet in English describing the process. And, someone sent a document dating from 1993, I think, describing the BAPE's purpose and mission.

So, since the information is rather limited, we needed a way to try to find our own way of understanding this process and we asked for information in English first, but we were told that there was none in English. We also asked, directed this question at Hydro-Québec and they told us that they'd like to provide it, but that they don't have the time to actually translate and that it's expensive.

So, our question is the following: is it possible to have the verbatim, the transcription of this meeting, like you—you can have them in French, in English—for the benefit of the members of the community, to help us not only to inform them, but to work on certain recommendations and suggestions we might propose.

CHAIRPERSON:

I understand your question Mrs. McDonald. At the Commission—given the limits on what we can do--we decided to have the transcriptions in French because that is the basis required.

Now, we also decided to have simultaneous translation and, as you noticed, we also asked for an exception to have the transcriptions on audio cassettes in English, which we're going to be able to get for you as soon as possible. I'm sure that everyone will do everything needed to make sure it's as fast as possible. We could put these audiocassettes in your documentation centres for consultation.

As for the written transcriptions, I'll have to raise this matter with BAPE management because it's tied in with overall procedures. It's not the Commission that decides on this issue. So, I'll ask the Bureau and management will make that decision. Now, I'll pass on your expectations and we'll let you know as quickly as possible.

JEANNE McDONALD (TRANSLATION):

We really appreciate the audiocassettes but we know very well that there's a lot of work involved in transcribing them; it takes nine hours to produce written material for one hour of a meeting. So, that means—based on the number of hours it's taken us—it takes a lot of resources that we don't have and time that we don't have. So, that puts us at a disadvantage because the information you have is available to you right away in any form. So, this request is made with this in mind.

I'm sure you'll be able to find an answer that won't just apply to this particular hearing. We're constantly running into this problem in all other areas. And, if we could find a way to communicate well, it could solve a lot of the misunderstandings between us. Thank-you.

CHAIRPERSON:

Thank-you. Do you have any other questions?

JEANNE McDONALD (TRANSLATION):

I simply want to say that I have one other very important question. We'd like to ask it in a way that could...I'm just trying to find the right way to formulate it without being misunderstood on this matter.

We've given our presentation in numerous forums, over several years, and sometimes we see no results, you know? Personally, I was involved in this process at the federal level and, although we hold such public hearings, and even after many years, after presenting reports, there's always the question: How do we implement? How do we take this process and translate it into action?

And, we've had many disillusion. We have expressed our best thoughts, as best possible, to show who we are. It's like doing something and taking the time to listen to us and people listen, OK, but often, we repeated it, we said it in different ways, and maybe you could come and analyze the situation in three years or in the time it takes to complete all this...and where will we be then? Will we still be where we were before? Will there be any progress? Will we have moved forward at all?

So, it's hard for us to have confidence in the process and we need to see tangible results. Although we sometimes make these requests, there has to be much more to ensure that we have good relations and a good partnership with Hydro-Québec, because we are cooperating with the process. We are doing our best with very few resources, or even without resources, and we have been given certain opportunities, we've used some, but we don't feel that we've solved anything.

So, we're going to keep going and we'll respect the fact that you're listening to us now, but things are forgotten quickly after a certain time. So, we'll continue. These are our feelings. After many years of expressing these concerns, after many years, we need to see at least the glimmer of a change because if we don't, well, I don't know when we'll solve this.

So, I'd like to take this opportunity to thank each of you, and also our neighbours, those who came from outside our borders, the neighbouring communities, and we hope that things will improve. So, that's what I had to say. Maybe Daniel can add something. Thank-you.

CHAIRPERSON:

Thank-you.

DANIEL CHIEF (TRANSLATION):

I agree with Jeanne. We've been talking about this for a long time. We haven't seen much change. But I have hope that after your listening and the opportunity you are giving us to express our concerns, that something good will come of it and we'll be able to build a better relationship between us and Hydro-Québec, not only on this issue but on all non-Aboriginal issues that affect the Aboriginal and non-Aboriginal people. Thank-you for your time. That's all for me.

CHAIRPERSON:

Thank-you too. This afternoon, a standing committee was opened to dialogue on the questions, that is, in the long-term, we were told, and is probably a good forum for discussion that will give you the opportunity to communicate positively in the future. So, I'm pleased that you have agreed to work in this way. Thank-you.

So, now we'll call on Mr. Benoît St-Denis.

BENOÎT ST-DENIS:

Perhaps to continue what we'd started before the supper break, we'd indicated our concern about the preparation of the documentation and so forth and on the question of the profile of the First Nation, of the situation and so forth. We also pointed out that—perhaps to be more specific—that we had a chance to look at all the documents given us and nowhere did we see specifically that either recognition of the special needs of the First Nation, or other elements specific to the First Nation culture and reality, were addressed or planned, in Hydro-Québec's proposal.

The question refers to the Ministère de l'Environnement's assessment guidelines when we are directed to section 4, page 3: **Incentive to adopt a sustainable environment and development policy+*. So, we're here, as I see it, in the context of a proposed environmental assessment. For the First Nations, the dimension of sustainable development is a concept of excessive importance and, as the chief said earlier, it's part of the integrity of the First Nation.

Here, I see, where it says in point 3: **Integration of sustainable development objectives+*, it states:

**The project must target three objectives and plan for public participation in the planning and decision-making process, based on the principles of equity. 1: Maintain environmental integrity; 2: improve social equity; 3: improve economic effectiveness+* (Free translation)

It says:

**This principle shall target the integration, into an operational whole, of the social, environmental and economic dimensions. Any action or activity designed to respect the balance between these*

three dimensions is more likely to tend to satisfy the essential needs of both local populations, located near the project, and those served by it+. (Free translation)

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The question is, specifically in Hydro-Québec's current project, how, as concerns the specific reality of the First Nation, have the elements found in principle #3 been treated?

CLAUDE MERCIER:

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Madame Chairman, I could answer that the guidelines referred to are guidelines submitted by the Minister when a project is submitted under section 31. This project, it was around August, September 2000 that we, at Hydro-Québec, realized that because of the way we had to act on the dike, we were facing a section 31. And that's why, a few months later, September or October, we wanted to meet with the community in order to comply with the guidelines the Minister had given us.

380

So, I feel that Hydro-Québec has fulfilled its mandate in relation to the project being studied to meet with the populations concerned in the context of the work to be carried out on the rockfill dam and lake Long and Talé dikes.

385

CHAIRPERSON:

Now, if we look at the impacts feared, what remains of the impacts after mitigation, we see that there are safety aspects we've just looked at, road safety, and a few impacts in terms of aquatic wildlife which would, in some manner, be mitigated or offset by measures. There are also economic considerations; you discussed them in the impact study. Questions regarding access to areas to facilitate the observation of certain locations that have special features.

390

Now, in all of the impacts identified, there is also the question of artefacts, sites that could have archeological value. Now, in all of these aspects, are there issues that more specifically concern the First Nations?

395

CLAUDE MERCIER:

Madame Chairman, I'd like to add that in our studies, if we forgot certain impacts of which the Algonquin community is aware, I'd really like to be told so that we can analyze them and find mitigation measures together.

CHAIRPERSON:

So, specifically what impact are you referring to that could constitute a special stake for the Algonquin community here?

BENOÎT ST-DENIS:

Well, it boils down to the dimension that was raised in our first question. It's just that, well, we feel that since the start, when the planning process was begun, this reality should have been taken into account, recognized and respected. Just as in the guidelines, in passing, where I note:

**Characteristics of an impact study. The different parties concerned were associated in the project planning process and reflects the results of the consultations and talks carried out. The comparison...+ (Free translation)*

In other words, the importance of this dynamic is taken for granted—the involvement of the populations concerned as early as the planning stage and not after the fact. And, this is our concern.

How is it that once we recognize on a territory, this presence, this reality, this omnipresence of the First Nation, that now that everything has been decided—for example: to attribute all of the contracts via a Ville-Marie organization, for the artefact issue—now, sort of after the fact, we are trying to find solutions.

We aren't experts. That's what bothers us somewhat. Is it possible now, after the fact, to correct all of this? Do we have the resources to do so? Do we have the means? Personally, I don't see anything on the table right now, because the community doesn't have the resources, doesn't have the means, doesn't have the technical resources. So, we're sort of being presented a fait accompli.

CHAIRPERSON:

I think there are major openings...

BENOÎT ST-DENIS:

Yes.

445 **CHAIRPERSON:**

...this afternoon, all through the afternoon, for there to be productive discussions in various areas.

450 **BENOÎT ST-DENIS:**

Yes, we acknowledged it earlier. What we're talking about is the current project.

CHAIRPERSON:

455 Yes, but let me continue on that question. We can't go back in time. In a context where everyone finds answers—I'm not here to judge past situations, but to try to find solutions, if there are any, so that development is as harmonious and respectful as possible. Because sustainable development is everyone's business. Of all communities. And, at the Bureau d'audiences publiques, we also look at the files with all of their components. If you've read other reports
460 signed by us, you will have seen that we take those aspects into account, that we also take international agreements—commitments that governments have made--into consideration.

This being said, the future looks promising in terms of communication and discussion. We can't go back to the past. However, I'd ask you, if you see impacts that are not identified, based on the
465 information you've received here today, it would be useful for the Commission to be informed, so that we can delve into those questions properly, with the viewpoint of all the Algonquin communities and even the entire RCM concerned.

We'll examine them rigorously. We'll also ask the questions that need to be asked either of
470 Hydro-Québec or of the government departments concerned. But on the question of principle, we can only look to the future, we can't go back in time. And we've clearly understood the subject you've raised.

475 **BENOÎT ST-DENIS:**

May I ask one last sub-question?

CHAIRPERSON:

480 Go ahead.

BENOÎT ST-DENIS:

485 Here, with regard to this principle, which is appellant, we speak of the principle of equity. And, you tell us that we can only look ahead, that we can't return to the past. Recently, we've heard about well-known situations, be it federal civil servants or others, to correct errors of the past. Or, at least, to try to bring about a certain equity for the future.

490 Earlier, one of the speakers, Mrs. Polson, asked for guarantees. If the means are lacking, if now, currently, we have to trust in good faith, in good intentions, well is it possible to think about establishing—because, if not, we'd have to wait for everything to be done to see the results—is there some way to establish, is there a will to establish a follow-up principle, for equity control, from which we could judge the elements that concern the First Nation? We talked about
495 traditional lands, archeological sites, but also economic and other spinoffs.

Is there a will to establish some sort of method or means, such as those found in other sectors, be it job equity, equity in terms of representatives of minorities and so forth, is this an element we could conceive of, implement, recommend?

500

CHAIRPERSON:

I would appreciate your proposing solutions in Part Two of the public hearing from that very viewpoint. I would encourage you to think on it and your proposals will be more than welcome in
505 Part Two.

BENOÎT ST-DENIS:

510 Thank-you very much.

CHAIRPERSON:

Is anyone else signed up? Fine.

515 Well, I'd like to ask a question concerning management of Public Works and Government Services Canada structures. Mr. Yvon Morin, if you would come forward. Good evening, Mr Morin!

YVON MORIN:

520

Good evening!

CHAIRPERSON:

525

We know that your organization is responsible for managing the dam located by the Municipality. We know, at any rate, in the impact study, what was identified is that there might be, at any rate, that we're at the limit of the level where there could be problems concerning the water intake and maybe a return of Municipality of Angliers effluent towards the water intake.

530

Now, I know that this situation is not new. It was already observed. It's a situation that currently exists. It was not created by the work scheduled, but there's a problem there.

535

In the past, were you called to manage the structure that allows better water flow in exceptional cases?

YVON MORIN:

540 It is our obligation to let through a minimum flow so as to ensure water quality downstream of the dam. We have to let through at least 200 cubic meters per second to ensure water quality downstream of the dam. This year, it wasn't possible. We dropped down to 150 at one point because we didn't have water.

545 **CHAIRPERSON:**

OK. But it's been how long, Mr. Morin... that you've had that obligation?

YVON MORIN:

550 Always.

CHAIRPERSON:

555 And when it's possible, when nature supplies the water, there's no problem at the Municipality?

YVON MORIN:

560 Normally, there's no problem. There might be problems related to the exact location of the water intake, which is the Municipality's problem, but I was speaking with the mayor earlier and they are thinking of moving their water intake upstream of the dam.

CHAIRPERSON:

565 OK. And when the problems—I would have liked to get that information from the Municipality, but I would, nevertheless, like to hear what you have to say about this matter—when there were problems at the water intake, were they able to link them to the water flow or level?

YVON MORIN:

570 That's just what I mentioned to the mayor earlier, and it seems not. I tried to get precise information on the location of the water intake in order to get an idea of the potential problem. It could be due to other elements. There's a small stream that empties in from the side, that can bring mud and things. But the dam is operated so as to guarantee a minimum flow that will ensure minimum water quality. Maybe not ideal, but minimum water quality. The location of the water intake is outside our field.

575

CHAIRPERSON:

I wanted to see whether there was a more direct connection with the flow rather than the level, but you didn't...

YVON MORIN:

Clearly, both elements play a role. But the way I understand the project, they won't drop the level lower than if operating under minimum conditions. So, normally, the water intake should have been designed to take into account this minimum level, with a minimum flow.

CHAIRPERSON:

And, does it happen often that you're unable—I should say that nature is unable to supply the flow to which you would wish to respond?

YVON MORIN:

No. It's very, very rare.

CHAIRPERSON:

In terms of recurrence that means?

YVON MORIN:

In another context, I recently looked at water levels and flows over a long period and years like this one are practically inexistent, essentially, over almost one hundred years. Because the Des Quinze dam has existed since 1911, or thereabouts, 1915. Such low water levels or quantities are... it's pretty much a record. Not far from it.

CHAIRPERSON:

That's all. Thank-you.

Are there any other questions from the floor?

So, as concerns the questions we wanted to ask, that's all. Correct me if I'm wrong but the date to indicate whether you intend to submit a brief is the 12th? So, intentions to submit a brief, November 12. November 12, that means we'll be expecting a phone call or fax from you indicating that you wish to express your opinion at the public hearing. So, very simply, as I told you this afternoon, we'll make arrangements for it to be as accessible to you as possible. So, if people prefer to come in the afternoon, we'll do it in the afternoon. If everyone wants to come in the evening, we'll do it in the evening. We make arrangements to meet your expectations.

As I also mentioned, it's easy to prepare a brief. It can be one page or several pages. It's up to you. What is important is to express your opinion. If you have suggestions, please present them, and explain how you see things concretely, how the approaches you advocate can be put into practice.

So, in the meantime, we'll continue to work and we'll await your suggestions, your opinions in Part Two. Everything submitted goes to the documentation centres for consultation. So, if you have any questions between now and Part Two of the hearing, which will be held on November 20, I would invite you to contact the BAPE team at: 1-800-463-4732. They'll give you all the information you need to continue working with us.

Thank-you all for your cooperation. Until we meet again!

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:

LISE MAISONNEUVE, Official Stenographer