

Administrative Protocol Regarding Consultation Activities As Part of the Inventory Mandate And the Management of Final Residues in Quebec

between

The Office of Environmental Public Hearings (BAPE), a body created under section 6.1 of the Environment Quality Act (LQE) (CQLR, c. Q-2), incorporated under section 6.4 of the EQA and section 4 of the Rules of procedure of the Office of Environmental Public Hearings (CQLR, c. Q -2, r. 45.1) to fulfill the mandate of organizing an investigation and a public hearing concerning the inventory and the management of final residues;

(hereinafter referred to as the “BAPE Commission”)

and

The James Bay Advisory Committee on the Environment (JBACE), an organization created under article 22.3.1 of the James Bay and Northern Quebec Agreement, a Commission created for the specific purpose of this consultation to hold an investigation and a public consultation on the inventory and the management of final residues,

(hereinafter referred to as the “JBACE Commission”)

PREAMBLE

WHEREAS on January 28, 2021, the Minister of the Environment and the Fight against Climate Change entrusted the BAPE with the Mandate to hold an investigation and a public hearing on the inventory, and the management of final residues in Quebec, under section 6.3 of the EQA, which began on March 8, 2021, and will end on December 22, 2021 (the “Mandate”);

WHEREAS the Mandate includes the holding of a public hearing throughout Quebec by the BAPE Commission, including the territory defined under article 22.1.6 of the James Bay and Northern Quebec Agreement (JBNQA);

WHEREAS the JBACE acts as a “privileged and official body to which the responsible governments in the Territory appeal to their participation in the development of laws and regulations aimed at the environmental and social protection regime” and as such, it oversees the administration of the regime, through the free exchange of their points of view, their interests and their information (JBNQA, art. 22.3.24);

WHEREAS the JBACE and the BAPE Commission wish to combine their efforts in order to conduct a valid consultation with the populations living in the Territory, while ensuring special participation of the Cree in accordance with the principles established by the JBNQA;

WHEREAS the JBACE created a special commission (the JBACE Commission) as part of this consultation on the state of play and the management of final waste in Quebec, which is the subject of this Agreement;

THE PARTIES AGREE AS FOLLOWS:

I. BASIC PRINCIPLES

1. This Protocol is intended to lay down the administrative procedures for public consultation activities to be carried out in the James Bay Territory (hereinafter "Territory") or having an impact on it to give effect to the guiding principles established by the JBNQA, without compromising the jurisdictional autonomy of the parties.
2. The Parties will act as independent and impartial bodies, in accordance with the EQA and the JBNQA, as the case may be.
3. Nothing in this Protocol shall be deemed to limit the freedom of each party to investigate any other aspect of its choice related to the issues covered by the mandate of the BAPE Commission, it being understood that the aspects expressly provided for herein do not constitute a restrictive enumeration.
4. Nothing in this Protocol shall be deemed to restrict the right of each party to hear any other speaker that it deems appropriate within the framework of the prerogatives recognized by law, it being understood that the communities mentioned herein are heard in accordance with the guiding principles established by the JBNQA.

II. CONSULTATION

5. The consultation that the BAPE and JBACE Commissions will hold for the Territory will specifically consist of the following items:

Public session with regional representatives	September 16, 2021
Writing part of the section of the report on the Territory by the JBACE Commission	Week of August 23, 2021
Filing with the JBACE Commission of the section of the report written by the BAPE Commission	September 29, 2021
JBACE review of the section of the report	September 29 to October 5, 2021
Final approval of the section of the report	October 21, 2021

III. ROLES AND RESPONSIBILITIES

6. Public hearing procedure
 - a. The regional public hearing will be held jointly by the BAPE and JBACE Commissions and will be co-chaired by their respective presidents;
 - b. The BAPE and JBACE Commissions ensure that the public hearing takes into account and is organized according to the particularities of the region;
 - c. The public hearing is intended to reflect the specific participation of regional inhabitants under the JBNQA and their organizations;
 - d. Simultaneous interpretation will be provided in the appropriate language(s) to ensure the efficient transmission of information to the relevant public;

- e. All announcements and communications clearly indicate that the BAPE and JBACE Commissions jointly organized this public hearing;
 - f. The date and place of the public hearing are decided jointly by BAPE and JBACE Commission members;
 - g. BAPE and JBNQA Commission presidents may arrange the conduct of the public hearing to facilitate the participation of the Cree and Jamesians and grant the Cree the special place that the JBNQA recognizes them, it being understood that these measures must be clearly explained and justified to the participants;
 - h. The JBACE Commission stands ready to assist the BAPE Commission in facilitating communications with regional entities and communities. The BAPE ensures that all public events are accessible online; the JBACE ensures that they are communicated to regional inhabitants.
7. Public hearing references and documents
- a. The BAPE and JBACE Commissions make useful documentation available to each other;
 - b. BAPE and CCEBJ Commission Presidents identify documents to be translated.
 - c. The BAPE Commission ensures that their translation is carried out. The BAPE Commission assumes translation costs into English, French, and Cree.
8. Territory Consultation Report
- a. The BAPE and JBACE Commissions agree on a work plan for the section of the report related to consultation to be carried out in the Territory, or which will have repercussions on it, as well as for reference documents to be exchanged.
 - b. The BAPE Commission is responsible for drafting this section of the report which will be submitted to the JBACE for review and approval and will be signed by the presidents of both commissions upon adoption. The JBACE is responsible for drafting the territorial portrait for the Cree communities.
9. The drafting of the chapter specific to the Territory by the BAPE Commission and its review by the JBACE should in no case limit the right of each party to formulate observations and conclusions that are specific to it and to which the other party does not necessarily subscribe to, in which case their respective observations and conclusions will be clearly indicated in an addendum to that chapter which will then be signed separately, within the time limit set for the fulfilment of the mandate.

IV. CURRENT ADMINISTRATION

- 10. The BAPE and JBACE Commissions designate their respective presidents for carrying out the administrative procedures provided for in this Protocol during their work.
- 11. The JBACE Commission explicitly undertakes to ensure the confidentiality of files, including the identity of their authors, until they are made public by the BAPE Commission, of all preliminary files and of all the drafts of this section of the report as well as any information for which the commission presidents have granted confidentiality.
- 12. Any public announcements or press releases relating to this Protocol must be prepared jointly.
- 13. Any other administrative matter may also be validly resolved by verbal or written agreement between the persons designated by the BAPE Commission and the JBACE, and who have herein expressly and explicitly the mandate and the duty to resolve them.
- 14. Any question concerning the substance of this Protocol should be submitted to the parties.

IN WITNESS WHEREOF the Parties have signed:

THE OFFICE OF ENVIRONMENTAL PUBLIC
HEARINGS COMMISSION

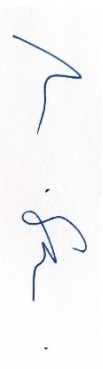
A handwritten signature in black ink, appearing to read 'J. Zayed', written over a light blue horizontal line.

Joseph Zayed

BAPE Commission President

Date
September 13, 2021

THE JAMES BAY ADVISORY COMMITTEE ON THE
ENVIRONMENT

A handwritten signature in blue ink, appearing to read 'M. Saganash', written over a light blue horizontal line.

Melissa Saganash

JBACE Committee President

Date
September 13, 2021