

## TIMISKAMING FIRST NATION

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Subject : Comments on the CANADA-QUÉBEC COOPERATION AGREEMENT ON  
THE COORDINATION OF THE ENVIRONMENTAL AND IMPACT  
ASSESSMENT PROCESSES FOR THE GAZODUQ PROJECT

WHEREAS the Parties wish to coordinate the environmental and impact assessment processes with respect to the Gazoduq Project and to work together to reduce, to the extent possible, administrative delays, while ensuring compliance to the jurisdictions and laws and regulations of each Party, as well as the protection of the environment, and to ensure that the public has the opportunity to participate in a meaningful way in these procedures;

Comments by Timiskaming First Nation (TFN):

*Canada must uphold its constitutional obligation to Aboriginal people which takes precedence over provincial jurisdiction.*

5.5 The Parties recognize the importance of opportunities for meaningful public participation in the environmental and impact assessment processes.

Comments by Timiskaming First Nation (TFN):

*The meaningful participation of Aboriginal people should be specified as well. They have separate interests from the general public.*

7.2 At the stage that consists mainly in determining the conformity of the impact statement with the guidelines issued by the Agency, the Directive of the Quebec Minister of the Environment and the Fight Against Climate Change (the Directive) and the document on comments and issues raised by the public on the Directive, the Parties agree to cooperate with a view to exchanging information, coordinating their communications with Gazoduq Inc. on this subject and, where possible, harmonizing their requests.

Comments by Timiskaming First Nation (TFN):

*Harmonizing of requests should not go against specific requests from TFN. TFN should be part of the discussions if the requests come from TFN concerns.*

7.10 For the purposes of the environmental and impact assessment processes of the Project, the constitutional duty to consult and, where applicable, accommodate Indigenous groups is incumbent not on the BAPE Panel or the Federal Review Panel but on the Government of Quebec and the Government of Canada, represented for this purpose by the MELCC and the Agency respectively. The

BAPE Panel and the Federal Review Panel may, however, consult Indigenous communities within the framework of their respective mandates.

Comments by Timiskaming First Nation (TFN):

*In the case of accommodation from the Quebec government for the Gazoduq project, TFN considers that the directive from the Secrétariat aux affaires autochtones (SAA) to use already granted funds from the Aboriginal Initiatives Fund for consultation is totally inappropriate. Funds are already granted for non-forestry in the AIF agreement but do not take into account the additional quantity of work needed for the Gazoduq project. It is TFN's position that the Quebec government will not be able to fulfill its constitutional obligation to accommodate Aboriginal people if it adheres to this directive.*

7.12 The Parties agree to work together to promote consistency with respect to any conditions that may be imposed on Gazoduq Inc. with respect to the Project under the EQA and the IAA, as the case may be.

Comments by Timiskaming First Nation (TFN):

*The promotion of consistency should not go against specific requests made by TFN.*

7.13 Recognizing that the decisions made under the EQA by the Government of Quebec and under the IAA by the Government of Canada are separate, the Agency and the MELCC will keep each other informed of the timing of the respective decisions and will coordinate, to the extent possible, the announcement of these decisions. To the extent possible, neither Party will communicate its decision directly to Gazoduq Inc. or to the public without first informing the other Party.

Comments by Timiskaming First Nation (TFN):

*In the case that the decisions made by the two governments are in opposition, can the project go ahead or is unanimity required? It is TFN's position that if the province is for the project and the federal government is against it, the project should not go ahead.*

8.1 The Parties are committed to cooperate to prevent and, where appropriate, resolve any disputes concerning the implementation or interpretation of this Agreement. The Parties will make every effort to prevent disputes arising from this Agreement by keeping each other informed, in writing, of matters that could give rise to a conflict between them.

8.2 In the event of a dispute, the Parties shall attempt to resolve it by negotiating in good faith. Any dispute arising under this Agreement that cannot be resolved by the Management Committee as provided for in section 6.3 shall be submitted, for Quebec, to the Deputy Minister of the Environment and Fight Against Climate Change and, for Canada, to the President of the Agency so they may attempt to resolve it.

Comments by Timiskaming First Nation (TFN):

*In the case that the dispute is directly related to a request or a concern from Timiskaming First Nation, TFN is clear that we be present as our participation is integral to any meaningful discussions concerning the dispute.*

Randy Polson  
Natural resources director  
Timiskaming First Nation