

## **ENVIRONMENTAL IMPACT ASSESSMENT PROCESS**



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1 SUMMARY

2 Hydro-Québec’s major projects (hydro-electric stations, power transmission lines and switching  
3 and transmission substations) are submitted to a mandatory environmental impact assessment  
4 and review process, which may trigger the intervention of the Bureau d’audiences publiques sur  
5 l’environnement (the “**Bureau**”), an independent body responsible for consulting stakeholders  
6 with respect to such projects. Any project carried out in a territory covered by an agreement with  
7 Aboriginal people is subject to a similar process. However, the Aboriginal people have special  
8 rights with respect to consultation and participation in such a process.

9 ANALYSIS

10 The *Regulation respecting environmental impact assessment and review*, R.R.Q., c. Q-2, r. 9 (the  
11 “**Regulation**”), adopted pursuant to the *Environment Quality Act* (the “**Act**”), identifies the  
12 projects that are subject to the environmental impact assessment and review process. Pursuant to  
13 section 2(k) of the Regulation, the construction or relocation of an electric power transmission  
14 line of 315 kV or more over a distance of 2 km and the construction or relocation of a control  
15 and transformer station of 315 kV or more are subject to the environmental impact assessment  
16 and review process.

17 Pursuant to section 2(l) of the Regulation, the construction, reconstruction and subsequent  
18 operation of hydro-electric or fossil fuel-fired generating stations with a capacity of more than  
19 5MW, or any other electric power generating station with a capacity of more than 10MW, or the  
20 construction or enlargement of a nuclear power facility are also subject to the environmental  
21 impact assessment and review process.

22 The Regulation provides that the environmental impact assessment that must be prepared by  
23 Hydro-Québec pursuant to section 31.2 of the Act must contain, *inter alia*, a description of the  
24 various options to the project put forth, including the project’s location, the means and methods  
25 for carrying out and developing the project and the reasons justifying the option chosen.

26 The *Rules of procedure relating to the conduct of public hearings*, R.R.Q., c. Q-2, r. 19 (the  
27 “**Rules of procedure**”) provide that Hydro-Québec is required to explain its project publicly and  
28 that any intervenants may ask pertinent questions and may make known orally and in writing  
29 their opinions and suggestions pertaining to the project. The Bureau’s report is public.

30 More specifically, the public consultation process is as follows:

- 31 (a) After receiving the environmental impact assessment statement, pursuant to  
32 Section 31.3 of the Act, the Minister of Sustainable Development, Environment

- 1 and Parks makes it public and gives to the proponent of the project instructions to  
2 initiate the public information and consultation phase with respect to the project;
- 3 (b) As soon as the Minister makes the impact assessment statement public, the Bureau  
4 must announce the public information and consultation phase through a press  
5 release;
- 6 (c) Within 15 days of receiving the Minister’s instructions concerning the public  
7 information and consultation phase, the proponent of the project must publish a  
8 notice in accordance with Sections 7 and 8 of the Regulation in a daily and a  
9 weekly newspaper circulated in the region where the project is likely to be carried  
10 out, as well as in a daily newspaper in Montréal and in Québec;
- 11 (d) The proponent of the project must also, within 21 days following the publication  
12 of the first notice, publish a second notice in a weekly newspaper circulated in the  
13 same region;
- 14 (e) The file of any project subject to the environmental impact assessment and review  
15 process must be made available to the public at reference centres in Québec and  
16 Montréal, and at a reference centre in the region where the project is likely to be  
17 undertaken, for 45 days after the date when the Minister made the environmental  
18 impact assessment statement public and for any other additional period of time  
19 granted by the Minister. The file must contain the information set forth in Section  
20 12 of the Regulation. Such file will be available until the end of the hearing,  
21 if any;
- 22 (f) Any person, group or municipality may, within this 45 day period, make a request  
23 in writing to the Minister for a public hearing on the project to be held under  
24 Section 31.3 of the Act. Unless he considers such application to be frivolous, the  
25 Minister must direct the Bureau to hold a public hearing and report its findings to  
26 him (section 31.3(3) of the Act);
- 27 (g) Every public hearing ordered by the Minister must be announced by the Bureau by  
28 means of a press release and a notice on its web-site as well as through a notice  
29 published in a daily and a weekly newspaper circulated in the region where the  
30 project is likely to be carried out, and in a daily newspaper in Québec and  
31 in Montréal;
- 32 (h) No fewer than 5 days following the publishing of the notices, the Bureau holds the  
33 first part of the hearing pursuant to Sections 22 to 26 of the Rules of procedure.  
34 During the first part of the hearing, the proponent of the project must summarize  
35 and explain the content of the impact assessment statement and other elements of  
36 the file submitted in support of its project. Any person may then ask pertinent  
37 questions pertaining to the project;

- 1 (i) No fewer than 21 days following the first part of the hearing, and pursuant to  
2 Sections 27 to 29 of the Rules of procedure, the Bureau holds the second part of  
3 the hearing, during which any person who submitted a brief may make known  
4 orally his opinion and suggestions pertaining to the project, the assessment study,  
5 the technical review, or any other document forming part of the file. Any brief  
6 must be filed at least 4 days before the second part of the hearing begins;
- 7 (j) The time limit within which the Bureau must hold a public hearing and make a  
8 report to the Minister is 4 months from the time when it receives instructions from  
9 the Minister.
- 10 In practice, Hydro-Québec regularly holds prior consultations with intervenors likely to be  
11 affected by one of its projects before the Bureau reviews such project.
- 12 Where a project is undertaken in a territory subject to Aboriginal rights, Aboriginal people have  
13 special rights with respect to the environmental impact assessment process.

Hydro-Québec TransÉnergie  
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