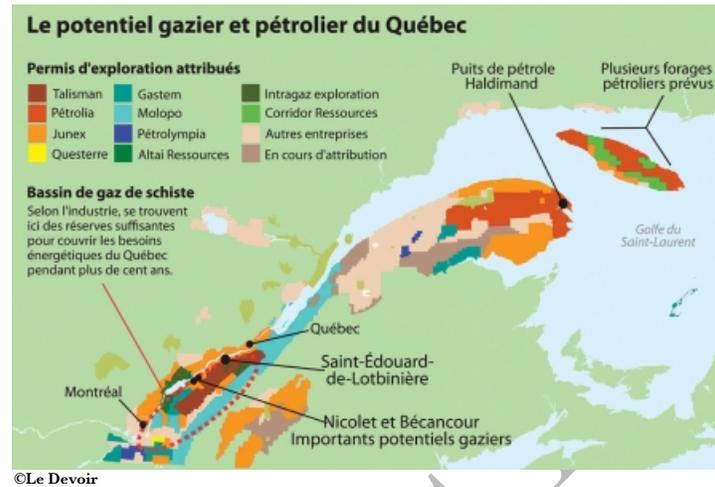




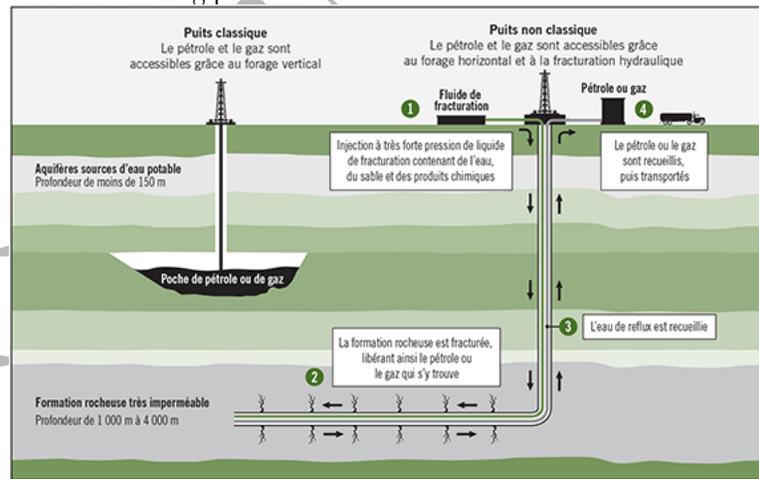
## INFORMATION SHEET FOR THE FIRST NATIONS OF QUEBEC AND LABRADOR

### EXPLORATION AND DEVELOPMENT OF SHALE GAS AND OIL



### 1. PROJECT DESCRIPTION

- Explanation of the shale fracking process:



- Gas and oil are qualified as “shale” when one has to cross a sedimentary layer of shale and extract it according to a “non-classic” or “non-conventional” process. In fact, instead of having access to gas or oil through drilling that goes directly to the pocket where it accumulates, one must fracture and inject the shale (the porous rock where gas and oil are dispersed in the form of droplets) in order to release the gas and oil confined there<sup>1</sup>.



- Fracking is generally done by using a large quantity of water (hydraulic fracking) added with other products (see following item), but fracking could be done by injection of liquefied propane. For example, the company Petrolia has mentioned that it will favor fracking by propane to explore the subsoil on Anticosti Island<sup>2</sup>.
  
- According to report from the Canadian Environment and Sustainable Development Commissioner, the concerns linked to this type of fracking used to develop non-classic resources is explained by the fact that the process required much higher volumes of water and chemicals than for procedures used to extract “classical” resources<sup>3</sup>.
  - ✓ The fracking fluid is made up of water, sand and chemicals including friction reducers, biocides, solvents, tension-active agents, deposit inhibitors and acids.
  - ✓ The process waste (flowback water) contains substances injected into the wells, along with minerals and salts released in the fractured rock formation. The flowback water can also contain heavy metals and radioactive isotopes<sup>4</sup>.
  - ✓ Oil and shale gas development require a territorial grid and numerous drillings, routes, and other structures on a limited territory. Therefore, the development of this type of hydrocarbons is more intrusive and can also have greater impacts on territory and landscapes than the development of traditional hydrocarbon sources.
  
- File background:
  - The first shale gas exploration works in Quebec were carried out between 2007 and 2010. However, the environmental laws in effect in Quebec were not able to adequately structure the authorizations required for shale gas exploration activities<sup>5</sup>.  
**\*Note that the legislative framework does not provide for the consultation of Aboriginal communities** or specific compensation measures for persons, organizations and municipalities which could undergo disturbances caused by gas development, other than infringement on private property, and does not provide for compensation caused by environmental prejudice<sup>6</sup>.
  
  - However, the modifications made to the Mining Act last December through Bill 70 propose several specific provisions for Aboriginal communities<sup>7</sup>, namely:
    - ✓ The present law must be interpreted in a manner compatible with the obligation to consult Aboriginal communities. The government consults Aboriginal communities directly when the circumstances require it.
    - ✓ The consideration of the rights and interests of Aboriginal communities is an integral part of the reconciliation of mining activities with the other land-use possibilities.
    - ✓ The minister elaborates, renders public and updates a consultation policy for Aboriginal communities specific to the mining sector.
  
  - On several occasions, the government has shown its intention of removing provisions relative to gas and oil from the Mining Act and place them in a new law on hydrocarbons (no law on hydrocarbons currently exists). But, in the current state of affairs, the application of these articles, at least the first two, could be claimed for the exploration and development of hydrocarbons (still entrenched in the Mining Act)\*.
  
  - A “de facto” moratorium exists which targets all hydraulic fracking. This moratorium was called following all the uproar about the shale gas industry around the end of 2010<sup>8</sup>.



- On August 31, 2010, the *ministère of Développement durable, de l'Environnement et des Parcs* (MDDEP, now MDDEFP with the wildlife sector), mandated the *Bureau d'audiences publiques sur l'environnement* (BAPE) to create a board of inquiry on sustainable development of the shale gas industry in Quebec<sup>9</sup>. The BAPE concluded that:
  - ✓ To meet the need to acquire knowledge on the shale gas exploration and development process and fill the gaps in the assessment of the process's risks, a strategic environmental assessment (SEA) is proposed.
  - ✓ During the assessment, hydraulic fracking would only be authorized for the work required by the assessment. Exploration works could continue (especially to obtain more knowledge), but without using hydraulic fracking.
  - ✓ Following this, an SEA has begun to gather knowledge through studies entrusted to specialists. Note that this is the first SEA in Quebec to be conducted "internally", whereas the SEAs concerning the exploration and development of hydrocarbons in the St. Lawrence were entrusted to private firms. In fact, the SEA committee is supported by the *Bureau of coordination sur les évaluations stratégiques*, which is under the authority of the MDDEFP. In addition, a team of experts from different ministries supports the SEA committee by carrying out the analyses and tasks requested by the committee and ensuring a link with the other experts from concerned ministries<sup>10</sup>. The public release of the SEA synthesis report on shale gas was done in February 2014<sup>11</sup>. According to the *Centre québécois du droit de l'environnement*<sup>12</sup>:
    - It was clearly established that during this EES, no hydraulic fracking would take place in Quebec unless authorized by the EES piloting committee.
    - In addition, in fall 2011, changes to the *Bylaw relating to the enforcement of the Environmental Quality Act* subjected any drilling for gas or oil in shale and any fracking operation to the procurement of an authorization certificate issued in virtue of Section 22 of the *Environmental Quality Act* (EQA), along with obligations of transparency during local public consultations.

In May 2013, the government of Quebec deposited Bill 37, *An Act to prohibit certain shale natural gas exploration and production activities*<sup>13</sup> :

- According to the *Centre québécois de droit de l'environnement*<sup>14</sup>, three main consequences must be considered if this bill is adopted:
  - ✓ The moratorium only concerned the St. Lawrence lowland region, where shale gas exploration activities are very unlikely in the short or medium term due to political and economic reasons, whereas the use of hydraulic fracking and "seeking of gas or oil in shale" seem much more probable for other places (such as Anticosti).
  - ✓ The proposed length of the moratorium in Bill 37 would be 5 years or until the adoption of a *Hydrocarbon Act*, which seems quite short.
  - ✓ The definitions of activities targeted by the Bill do not correspond to general usage in the hydrocarbon industry, which leads to "uncertainties and inconsistencies about the application of current support and surveillance mechanisms<sup>15</sup>".
- A parliamentary commission at the National Assembly was assigned to conduct specific consultations on Bill 37, starting February 2014. The commission's works were interrupted due to the electoral campaign.  
\*Note that no First Nation or First Nation organization figured on the hearing schedule\*



- During the next months (March 31st – November 28, 2014), the BAPE is mandated to hold an inquiry along with public hearings on issues linked to the exploration and development of shale gas in the Utica shale of the St. Lawrence lowlands, following the works of the SEA committee on shale gas<sup>16</sup>.
- The Anticosti case:
  - In February 2014, the government of Quebec (via *Ressources Québec*) signed agreements with certain permit-holding companies on Anticosti Island in order to explore the subsurface of Anticosti Island, which could possibly contain shale oil<sup>17</sup>.
    - ✓ The government announced that the exploration program, in partnership with the companies Petrolia, Corridor Resources and Maurel & Prom, would start in summer 2014 with stratigraphic wells (drilling intended to characterize the sedimentary strata of the subsurface). Following the stratigraphic wells, the agreement between the government and companies provides for the realization of 3 drilling activities with hydraulic fracking.
    - ✓ The government also signed an agreement in principle with the company Junex to jointly find a developer who would participate in the funding of their exploration program. This exploration program also includes the drilling of stratigraphic wells and drilling with hydraulic fracking.
  - The government of Quebec announced that these exploration works won't be submitted to BAPE hearings<sup>18</sup>, but in the event of positive results, the government would give the BAPE the mandate to hold public consultations on the development of hydrocarbons in Quebec<sup>19</sup>.

## 2. KEY STEPS IN THE BAPE COMMUNICATION AND HEARING PROCESS AND THE PARLIAMENTARY COMMISSION'S CONSULTATION PROCESS

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- BAPE hearing process (from March 31 – November 28, 2014)<sup>20</sup>:
  - How to obtain information on BAPE activities relative to the inquiry and hearings on shale gas:
    - ✓ The population is notified of the holding of public sessions by the media and more specifically by the publication of notices in newspapers.
    - ✓ Information can also be found on the BAPE web site:  
<http://www.bape.gouv.qc.ca/index.htm>  
[http://www.bape.gouv.qc.ca/sections/mandats/gaz\\_de\\_schiste-enjeux/index.htm](http://www.bape.gouv.qc.ca/sections/mandats/gaz_de_schiste-enjeux/index.htm)  
<http://www.bape.gouv.qc.ca/sections/english/>
    - ✓ For any other additional information, and to be registered oneself on the BAPE mailing list relating to the shale gas mandate, contact:  
Julie Olivier  
Communications advisor  
Telephone: 418 643-7447 ext. 539 (toll-free): 1 800 463-4732 ext. 539  
E-mail:[gaz\\_de\\_schiste@bape.gouv.qc.ca](mailto:gaz_de_schiste@bape.gouv.qc.ca)
  - The first part of the BAPE works is informative:
    - ✓ Public sessions are offered in the region concerned by the BAPE Mandate. The BAPE invited resource persons to answer questions necessary for the commission of inquiry and public questions. The number of sessions is determined by the commission according to its needs and the public's needs.



- ✓ Preliminary calendar works  
[http://www.bape.gouv.qc.ca/sections/mandats/gaz\\_de\\_schiste-issues/documents/Calendrier\\_complet\\_first\\_part.pdf](http://www.bape.gouv.qc.ca/sections/mandats/gaz_de_schiste-issues/documents/Calendrier_complet_first_part.pdf) planned.  
Hearing room: Salle Théâtre la Scène 300, avenue of la Concorde Nord, Saint-Hyacinthe<sup>21</sup>:  
\*Video-conference facilities will be set up, one in the *Église multifonctionnelle de Becancour* and another at the *Complexe des Seigneuries de Saint-Agapi\**  
\*The sessions will also be transmitted live in audio and video on the BAPE Web site. It will also be possible to transmit questions to the commission online with the help of an electronic form.
- The second part of the BAPE works (which start on June 2, 2014) is intended to gather citizens' arguments, opinions, and suggestions. Therefore, citizens are invited to express their opinions during one of the sessions on [the commission's schedule](#).
  - ✓ There is a minimum 21-day period between the end of the first part and the start of the second part of the hearing. This time will allow citizens to prepare their interventions. For this preparation, the BAPE encourages the participants to examine the [file content](#) available on the BAPE Web site, in the temporary [consultation centres](#) opened in areas concerned by the mandate and in [documentation centres](#) in Quebec and Montreal.
  - ✓ The BAPE recommends that the citizens deposit a position paper in order to present their position. However, they should know that it is also possible to verbally express a position in a public session without depositing a position paper. Here are suggestions for the position paper structure:  
[http://www.bape.gouv.qc.ca/sections/participer/eng\\_participate-ind.htm](http://www.bape.gouv.qc.ca/sections/participer/eng_participate-ind.htm)
  - ✓ **It is very important** of transmit one's **notice of intention to make a verbal presentation or present a position paper no later than May 16, 2014** at 4 pm by filling out the [Notice of intention](#) form.
  - ✓ The participant must **submit his or her position paper no later than May 29, 2014 at noon**. It must be sent by e-mail (preferably): [gaz\\_de\\_schiste@bape.gouv.qc.ca](mailto:gaz_de_schiste@bape.gouv.qc.ca)
- When the second part of the hearing is completed, the commission drafts its inquiry and public hearing report. No later than November 28, 2014, the BAPE submits its report with findings and an analysis from the *ministère de Développement durable, de l'Environnement et des Parcs*.
- Consultation process of the parliamentary commission in charge of specific consultations on Bill 37<sup>22</sup>:
  - The hearing on specific consultations is limited to persons and organizations selected by member MLAs of a commission according to their knowledge of the question under study. The chosen citizens and groups can produce a position paper or verbally express their opinion before the members of the commission.
  - To participate in the commission works, you can express your interest to the members of the *commission des transports et d'environnement* of the National Assembly: <http://www.assnat.qc.ca/fr/travaux-parlements/commissions/cte-40-1/index.html#membres> and to the MLAs involved in this file (minister and official spokespersons).



- Only selected persons and organizations can participate in the public hearings on specific consultations. However, all the citizens can express their opinion on the consultation subject by 2 means:
  - ✓ participate in an on-line consultation associated with specific consultations, (when the option is offered)
  - ✓ transmit a comment on the consultation subject.

### 3. PORTRAIT OF CERTAIN LEGAL ASPECTS LINKED TO THE FILE AND/OR PROCEDURES INITIATED BY OTHER FIRST NATIONS FOR SIMILAR PROJECTS

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- In Canada there exists an *Indian Oil and Gas Act*<sup>23</sup>. The enforcement of the law is co-managed by Aboriginal Affairs and Northern Development Canada (AANDC) and the Indian Resource Council of Canada. The co-management Board of Directors, called Indian Oil and Gas Canada (IOGC), is in charge of managing and regulating the exploration and development of oil and natural gas resources on First Nations lands.
  - Indian Resource Council of Canada  
<http://irccanada.ca/node/1>
  - The Indian Resource Council of Canada has set up a program: *National energy business centre of excellence*. This program seeks to equip First Nations in the management of oil and gas resources found on their lands.  
<http://www.fnresources.com/about-us>
  - Note that, according to the SEA on shale gas, Quebec cannot authorize the exploration or development of a subsurface resource on an Indian reserve without the participation and consent of the concerned First Nation<sup>24</sup>.
- Shale gas issues for the First Nations of New Brunswick:
  - Elements of legal, political and socio-economic analysis<sup>25</sup>
    - ✓ According to Nicole O'Byrne, assistant-professor at the law faculty of the University of New Brunswick, a legal remedy intended to prohibit shale gas could work (the case of Elsipogtog First Nation could lead to advances in this sense).
    - ✓ There were no treaties between First Nations and governments involving the surrender of lands.
    - ✓ However, the regional chief of the Assembly of First Nations of New Brunswick believes that the "legal remedy" is not currently optimal. He believes instead that they must sit down and discuss with the provincial government and the industry.



#### 4. PORTRAIT OF CERTAIN SOCIO-ECONOMIC BENEFITS/IMPACTS STEMMING FROM THE EXPLORATION/DEVELOPMENT OF SHALE GAS

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- Benefits:
  - The BAPE report deposited in 2011 presents an analytical basis for the potential socio-economic benefits of shale gas exploration and development (To complete and vary the source of analysis, see the EES report<sup>26</sup>, pp. 210-224). Here are some of the items addressed by the BAPE report<sup>27</sup>:
    - ✓ Economic efficiency, measuring the ratio of obstacles/competitive advantages:
      - Economic benefits currently represent just 20% of the expenses devoted to exploration/development activities. This low percentage is explained by the lack of a specialized workforce and businesses in Quebec. The *ministère des Finances* estimates that before projecting royalties and job creation, one must first obtain information on all Utica shale.
      - In a public hearing, *l'Association pétrolière et gazière du Québec* and *le ministère des Ressources naturelles et la Faune* mentioned the same economic assets regarding the potential of Utica shale – the quality of its natural gas, the proximity of markets and presence of gas pipelines and distribution ducts.
    - ✓ Economic projections:
      - The commission of inquiry finds that the National Energy Board and the U.S. Department of Energy, which follow the course of energy prices, disagree on the future price value of natural gas and that the current price development seems to indicate that it will remain relatively weak in the short term, which could slow down the search for gas pools.
      - The commission of inquiry finds that the scope of economic benefits is very variable according to the development scenarios. The future price of natural gas would also have a determining factor.
    - ✓ Taxation (Here the commission of inquiry examines the tax revenues of shale gas development with the principle of “equity and social solidarity”. This principle is intended to make industries pay their fair share for the use of government services and redistribute this wealth through taxation.):
      - There is no scenario established for the projection of tax revenues.
      - To take advantage of these activities, a clear limit must be established between exploration (which is less revenue-profitable for the Government of Quebec) and development.
    - ✓ Job creation:
      - *L'Association pétrolière et gazière du Québec* established a basic scenario for jobs related to drilling and natural gas development would generate about 5,000 direct and indirect jobs in Quebec. Their optimistic scenario (with more wells and gas volume) calculates about 19,000 jobs.
      - With the great need for manpower and specialized companies, the BAPE indicated that they must find and encourage Quebec companies able to develop expertise to get involved in the shale gas industry. Also, the BAPE indicated that the necessary training must be offered to industry works in order to favor local hiring.



- ✓ User pay:
    - The commission of inquiry finds that the Government of Quebec should set up a royalty regime that ensures substantial revenues for gas resource development, while compensating communities for disturbances caused by the industry on their territory. Such a mechanism, distinct from the royalties collected by the Government of Quebec, would allow them to reflect the real costs in virtue of the “user pay” concept.
  - ✓ Etc.
- Impacts:
- The SEA report elaborated an analysis structure for the socio-economic impacts of the shale gas industry (To complete and vary the analysis sources, see the BAPE report<sup>28</sup>, pp. 155-192). Here are some points elaborated by the SEA:
    - ✓ Social impacts<sup>29</sup>:
      - Visual impacts and impacts on natural heritage treasures: the impacts vary in intensity and length according to the gas project development phase. The impacts seem more pronounced when the industry sets up in a residential zone or an environment with a high landscape value.
      - Noise, trucking and housing needs: analyses reveal that noise and trucking represent one of the most disturbing nuisances for living environments. In addition, the housing-related impacts are complex and vary with time.
      - Gas transport infrastructures: A regionally-based assessment of the gas pipeline routes and their installations could be done before the exploration and development process.
    - ✓ Natural and technological risks (linked to security)<sup>30</sup>:
      - Earthquakes: Hydraulic fracking and the elimination of backflow water by injection into deep wells are likely to provoke earthquakes. A proper geological characterization of fracking sites or of wastewater elimination can limit the risk of earthquakes.
      - Landslides: Maps of high landslide risk zones are available from the MRN the MRC of certain municipalities in the SEA study zone and could be used to locate wells. Wells should not be located within high-risk zones.
      - Technological risks: *L'Institut national de santé publique du Québec (INSPQ)* notes that explosions, fires, spills and leaks of dangerous material are the types of incidents most likely to threaten the population's health. According to the SEA, the review of other States' accident reports shows that serious accidents frequently occur and can lead to major consequences.
    - ✓ Health risks<sup>31</sup>:
      - The INSPQ notes between other 5 types of potential risks: water contamination, air pollution, natural and technological risks, quality of life, hazards, and psychological and social disturbances. According to the INSPQ, the information currently available does not allow for adequate measurement of the scope of these risks.
    - ✓ Etc.



## 5. PORTRAIT OF CERTAIN ENVIRONMENTAL BENEFITS/IMPACTS STEMMING FROM THE EXPLORATION/DEVELOPMENT OF SHALE GAS

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- Benefits:
  - The SEA report presents an analytical base to assess the benefits of shale gas exploration and development compared to other energy systems<sup>32</sup>:
    - ✓ Analysis of the life cycle (the potential impacts of all operations linked to the industry on a social, environmental and economic level). Here are some of the addressed elements and examples:
      - “Climate change” indicator: the differences between shale gas and fuel oil are variable. Over 500 years, fuel oil presents more impacts than shale gas, but over 100 years, the warming potential due to shale gas equals that of fuel oil.
      - “Human health” indicator linked to fuel used in a bus, for example: in this case, using shale gas as fuel is less damaging than using diesel, which emits more nitrogen monoxide.
    - ✓ The SEA finds that its analysis of the life cycle has major limits associated with the quality of data. Due to the lack of significant data only the greenhouse gas results present solid perspectives. In this case, it would be useful to compare the annual production of natural gas and CO<sub>2</sub> equivalent to a typical well over a period of 25 years to obtain a better assessment.
- Impacts
  - The SEA report provided assessment on elements of the shale gas industry’s environmental impacts (To complete and vary the source of analysis, see the BAPE report<sup>33</sup>, pp. 97-151). Here are some of the types of impacts addressed by the EES:
    - ✓ Water-related issues<sup>34</sup>:
      - It is impossible to map deep waters (more than 100 m) using the current data.
      - Slow flow zones that cannot support sampling were identified in certain watersheds.
      - 3 chemical additives present a potential for resistance, bioaccumulation and toxicity. Specific attention should be paid to the management of these products and it would be relevant to start seeking substitution projects.
      - The backflow water contains components that could be harmful to aquatic life in the short or medium term.
      - Residue sampling procedures, the parameters to be analyzed and analysis in accredited labs are not part of MDDEFP requirements.
      - The characterization of the vulnerability of aquifers and potable water supply wells plays an important role for the protection of groundwater resources.
      - The vulnerability of aquifers at deep contamination sources is more difficult to determine regarding the sources situated on the surface and to date no sufficient data exists to characterize this vulnerability.
      - The behavior of new contaminants associated with shale gas development (fluid or gas) in shallow freshwater aquifers is unknown. The tests required in order to predict this behavior have not been conducted yet.
      - Quebec regulations do not frame elimination activities for wastewater coming from hydrocarbon production activities by injection in deep geological formations. Without such a framework, it would be preferable to increase our



knowledge of the risks associated with this injection practice and keep using known treatment techniques.

- ✓ Air quality<sup>35</sup>:
  - Without control measures and the reduction of atmospheric emissions, shale gas development, according to certain studied models, could have a major impact on air quality at the local and regional levels in sub-regions with high implantation densities.
  - Model studies indicate that the control of emissions at all levels and the use of combustion motors from the latest generation would allow them to stay within the norms and quality criteria for ambient air near the sites for all stages of implantation, except for NO<sub>2</sub> during fracking, for which the concentration would remain above normal up to 300 m from the centre of a multi-well site.
  - Without mitigation measures, odors could be perceived by certain individuals more than 5 km away from hydraulic fracking, up to 1 km for drilling, 700 m from a gas treatment plant and 150 m from a production site if there were fugitive leaks.
  
- ✓ Greenhouse gases<sup>36</sup>:
  - Any natural gas exploration or production activity coming from shale will increase the GG emissions on their territory.
  - The preliminary works, the exploration works, the pilot project and its development are the steps that contribute most to GG emissions due to their heavy use of machinery.
  - Fugitive emissions in the wells and during transport of gas are a very sensitive GG contributing factor, since they intervene for long periods of time.
  - According to the retained hypotheses, large scale development of shale gas in Quebec could considerably affect Quebec's balance, and compromise the reduction of GG.
  
- ✓ Etc.

## 6. TO BE CONTINUED / POSSIBLE ACTIONS

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- For First Nations who claim rights on Anticosti Island and for those concerned by shale oil elsewhere, they must ensure that this oil system doesn't escape the environmental assessments:
  - The SEA only deals with shale gas and not shale oil.
  - The BAPE works, which start on March 31, 2014, will not deal with shale oil. The mandate deals with shale gas in the St. Lawrence lowlands, which is thereby excludes shale gas outside the St. Lawrence lowlands.
  
- Participate in BAPE works that start on March 31, 2014.
  
- To have a say on Bill 37
  - Closely monitor the continuation of the works after the provincial election of April 7. Most of the hearings were conducted before the election, therefore if the commission continues its works, this would be for a very short period.

<http://www.assnat.qc.ca/en/travaux-parlementaires/commissions/CTE/mandats/Mandat-24767/index.html>



- The SEA on shale gas identified that the First Nations of Kahnawá:ke, Wôlinak and Odanak are situated in the shale gas study zone. Were these First Nations invited to express themselves within Bill 37 and specific consultations of the parliamentary commission? Are other First Nations concerned?
  - ✓ In the position paper that it submitted to the parliamentary commission on February 18, 2014<sup>37</sup>, the *Centre québécois de droit de l'environnement* finds that certain MRCs for which the territory is affected by an oil or natural gas exploration permit in the St. Lawrence lowlands, don't benefit from the protection of Section 1 of Bill (protection against the drilling, drilling operations and injectivity tests intended to explore for or develop natural gas in shale).
  - ✓ The *Centre québécois de droit de l'environnement* reports that the mechanism and principles, in virtue of which the MRCs were chosen for inclusion or exclusion from the list of MRCs targeted by the Bill, are totally obscure. The *Centre québécois de droit de l'environnement* requests that, if the Bill moves ahead, it must provide for the mechanism and principles, in virtue of which the MRCs were chosen for inclusion in or exclusion from the list of targeted MRCs.

If you have any questions or comments, do not hesitate to contact FNQLSDI.

## 7. REFERENCES

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- <sup>1</sup> ARTE.TV. «Qu'est-ce que le gaz de schiste et la fracturation hydraulique?», [online], 2013, [http://www.arte.tv/fr/qu-est-ce-que-le-gaz-de-shale-et-la-fracturation-hydraulique/7258938\\_CmC=7264280.html](http://www.arte.tv/fr/qu-est-ce-que-le-gaz-de-shale-et-la-fracturation-hydraulique/7258938_CmC=7264280.html).
- <sup>2</sup> RADIO-CANADA. «Île d'Anticosti : Pétrolia veut tester la fracturation au gel de propane», [online], August 26, 2014, <http://ici.radio-canada.ca/regions/bas-st-laurent/2013/08/25/001-petrolia-gaz-naturel.shtml>.
- <sup>3</sup> OFFICE OF THE AUDITOR GENERAL OF CANADA. «Report from the Canadian Environment and Sustainable Development Commissioner», [online], 2012, [http://www.oag-bvg.gc.ca/internet/English/parl\\_cesd\\_201212\\_05\\_e\\_37714.html](http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201212_05_e_37714.html).
- <sup>4</sup> *Id.*
- <sup>5</sup> CHAIRE DE RECHERCHE DU CANADA EN DROIT DE L'ENVIRONNEMENT. «Description de la législation québécoise encadrant les activités d'exploration et d'exploitation du gaz de schiste (L2-1)», *Évaluation environnementale stratégique sur le gaz de schiste*, [online], 2012, [http://ees-gazdeschiste.gouv.qc.ca/wordpress/wp-content/uploads/2013/02/Rapport-etude-L2-1\\_UL.pdf](http://ees-gazdeschiste.gouv.qc.ca/wordpress/wp-content/uploads/2013/02/Rapport-etude-L2-1_UL.pdf), (p. 23).
- <sup>6</sup> *Ibid.*, p. 22.
- <sup>7</sup> *Loi modifiant la Loi sur les mines*, 2013, ch. 32, a. 2, [online], <http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2013C32F.PDF>.
- <sup>8</sup> CENTRE QUÉBÉCOIS DU DROIT DE L'ENVIRONNEMENT. «Ressources naturelles et impasse des réformes : pour le meilleur et pour le pire», *Blogue du CQDE*, [online], 2013, <http://www.cqde.org/blogue-du-cqde/>.
- <sup>9</sup> BAPE. «Développement durable de l'industrie des gaz de schiste au Québec», [online], 2011, <http://www.bape.gouv.qc.ca/sections/rapports/publications/bape273.pdf>, (p. 1).
- <sup>10</sup> COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. *Le comité*, [online], 2014, <http://ees-gazdeschiste.gouv.qc.ca/le-comite/son-mandat/>.
- <sup>11</sup> COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. «Rapport synthèse : Évaluation environnementale stratégique sur le gaz de schiste», [online], 2014, [http://ees-gazdeschiste.gouv.qc.ca/wordpress/wp-content/uploads/2014/02/EES-rapport-synthese\\_final\\_web\\_janv-2014.pdf](http://ees-gazdeschiste.gouv.qc.ca/wordpress/wp-content/uploads/2014/02/EES-rapport-synthese_final_web_janv-2014.pdf).
- <sup>12</sup> CENTRE QUÉBÉCOIS DU DROIT DE L'ENVIRONNEMENT. «Ressources naturelles et impasse des réformes [...]», *Op. Cit.*
- <sup>13</sup> NATIONAL ASSEMBLY OF QUEBEC. *Bill no 37 : An Act to prohibit certain shale natural gas exploration and production activities*, [online], 2013, <http://www.fon.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-37-40-1.html>.
- <sup>14</sup> CENTRE QUÉBÉCOIS DU DROIT DE L'ENVIRONNEMENT. «Ressources naturelles et impasse des réformes [...]», *Op. Cit.*



- 15 CENTRE QUÉBÉCOIS DU DROIT DE L'ENVIRONNEMENT. *Mémoire dans le cadre des consultations particulières sur le projet de loi n° 37*, [online], 2014, <http://www.cqde.org/wp-content/uploads/2009/08/Mémoire-CODE-PL37-2014-vfinale-20140213.pdf>, (p. 11).
- 16 BAPE. *Enquête et audience publique : enjeux liés à l'exploration et à l'exploitation du gaz de schiste dans le shale d'Utica des Basses-Terres-du-Saint-Laurent*, [online], [http://www.bape.gouv.qc.ca/sections/mandats/gaz\\_de\\_schiste-enjeux/communiques/14-03-17-gaz\\_de\\_schiste-enjeux.htm](http://www.bape.gouv.qc.ca/sections/mandats/gaz_de_schiste-enjeux/communiques/14-03-17-gaz_de_schiste-enjeux.htm).
- 17 GOUVERNEMENT DU QUÉBEC. «Ententes de partenariat relatives à l'exploration pétrolière sur l'île d'Anticosti», [online], 2014, [http://www.finances.gouv.qc.ca/documents/Communiques/fr/COMFR\\_20140213-Ann.pdf](http://www.finances.gouv.qc.ca/documents/Communiques/fr/COMFR_20140213-Ann.pdf).
- 18 RADIO-CANADA. *Québec lance l'exploration pétrolière sur Anticosti*, [online], 2014, <http://ici.radio-canada.ca/nouvelles/economie/2014/02/13/006-annonce-quebec-economie-secteur-petrolier.shtml>
- 19 MARTINE OUELLET. «Potentiel pétrolier au Québec : Québec va de l'avant avec l'exploration pétrolière sur l'île d'Anticosti», *Site du Parti Québécois*, [online], 13 février 2014, <http://martineouellet.org/communiquer/potentiel-petrolier-au-quebec-quebec-va-de-l-avant-avec-l-exploration-petroliere-sur-l-il>.
- 20 BAPE. *Taking part*, [online], 2014, [http://www.bape.gouv.qc.ca/sections/participer/eng\\_participate-ind.htm](http://www.bape.gouv.qc.ca/sections/participer/eng_participate-ind.htm).
- 21 BAPE. *Gaz de schiste - Enjeux*, [online], 2014, [http://www.bape.gouv.qc.ca/sections/mandats/gaz\\_de\\_schiste-enjeux/index.htm#tableau](http://www.bape.gouv.qc.ca/sections/mandats/gaz_de_schiste-enjeux/index.htm#tableau).
- 22 NATIONAL ASSEMBLY OF QUEBEC. *Taking part in an online consultation*, [online], <http://www.assnat.qc.ca/en/exprimez-votre-opinion/participer-consultation-publique/participer-consultation.html>.
- 23 GOVERNMENT OF CANADA. *Indian oil and gas Canada*, [online], <http://www.pgic-iogc.gc.ca/eng/1100110010002/1100110010005>.
- 24 COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. «Rapport synthèse [...], *Op. Cit.*, (p. 203).
- 25 UNIVERSITY OF NEW BRUNSWICK. «UNB legal expert weighs in on shale gas debate», *Blog*, [online], 2013, <http://blogs.unb.ca/newsroom/2013/11/01/unb-legal-expert-weighs-in-on-shale-gas-debate/>.
- 26 COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. «Rapport synthèse [...], *Op. Cit.*, (pp. 210-224).
- 27 BAPE. «Développement durable de l'industrie des gaz de schiste au Québec», *Op. Cit.*, (pp. 193-218).
- 28 *Ibid.*, (pp. 155-192).
- 29 COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. «Rapport synthèse [...], *Op. Cit.*, (pp. 155-171).
- 30 *Ibid.*, (pp. 130-148).
- 31 *Ibid.*, (pp. 206-209).
- 32 *Ibid.*, (pp. 81-86).
- 33 BAPE. «Développement durable de l'industrie des gaz de schiste au Québec», *Op. Cit.*, (pp. 97-151).
- 34 COMITÉ DE L'ÉVALUATION ENVIRONNEMENTALE STRATÉGIQUE SUR LE GAZ DE SCHISTE. «Rapport synthèse [...], *Op. Cit.*, (pp. 87-118).
- 35 *Ibid.*, (pp. 119-123).
- 36 *Ibid.*, (pp. 124-129).
- 37 *Op. Cit.*, (pp. 17-18).