



May 10, 2017

The Honourable Catherine McKenna
Minister of Environment and Climate Change

Subject: Comments regarding the report of the Expert Panel for the Review of Environmental Assessment Processes

Dear Minister:

The James Bay Advisory Committee on the Environment (JBACE) has read the report of the Expert Panel for the Review of Environmental Assessment Processes released in April. The JBACE feels it is important to stress that the James Bay and Northern Québec Agreement (JBNQA) is a formal treaty that recognizes and affirms Aboriginal rights within the meaning of section 35 of the 1982 *Constitution Act*. The environmental and social protection regime established by Section 22 of the JBNQA provides for, among other things, protection of the rights and guarantees of the Cree people under the JBNQA, Cree involvement in the regime's implementation and minimization of the negative impacts of development. Therefore, environmental laws and impact assessment processes applicable in the territory of Eeyou Istchee James Bay must be consistent with the provisions of the Section 22 regime.

The JBACE endorses the approach of assessing all impacts as opposed to assessing strictly environmental impacts. We would emphasize in that regard that, for nearly 40 years, the environmental regimes established by the JBNQA have provided that due consideration be given to environmental as well as social impacts, with the latter including the economy, culture and health components inherent to the well-being of the people.

For years, the JBACE has been promoting strategic impact assessments upstream of project development to determine the major issues associated with a given type of development. The Expert Panel's recommendation in this regard has tremendous merit. However, it is imperative that strategic and regional impact assessments in the Eeyou Istchee James Bay territory respect the mandates of existing bodies established by Section 22 of the JBNQA and the guiding principles set out therein.

The JBACE also believes that regional assessments are necessary so as to consider the cumulative effects of development on valued components of the environment. That is why the JBACE wrote to your predecessor back in 2010 recommending a regional assessment of the effects of forest roads on woodland caribou habitat in Eeyou Istchee James Bay. Given that woodland caribou is a threatened species, the JBACE is reiterating its call for a regional assessment.

Lastly, the JBACE wishes to continue to be involved in upcoming developments in federal environmental assessment processes. Given that the JBACE is a tripartite committee composed

The Hon. Catherine McKenna

of representatives of the governments of Canada, Québec and the Cree Nation, the Government of Canada has everything to gain from considering the committee's recommendations during the design of any policies, laws and regulations that arise from the review of those processes.

Yours truly,

A handwritten signature in blue ink, appearing to read 'M. Saganash', is placed over a light blue rectangular background.

Melissa Saganash
Chairperson

cc: Matthew Coon Come, Chairperson, Cree Nation Government and Eeyou Istchee James Bay
Regional Government
Michael Barrett, Chairperson, Kativik Environmental Advisory Committee