



TOWARD A STRATEGIC ASSESSMENT OF THE NORTHERN PLAN, TRANSPORTATION SECTOR

Opinion of the James Bay Advisory Committee on the Environment (JBACE) Submitted to the Governments

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In 2008, the Québec government launched its Northern Plan, an initiative to promote economic development in northern Québec through exploitation of its mining and forest resources, as well as to accelerate development of energy and tourism. The Northern Plan is of concern to the James Bay Advisory Committee on the Environment¹ (JBACE) because it affects an area that has no development plan or land use plan and where there is still no regional institution that represents the population as a whole. Moreover, the Northern Plan would involve major changes to the way of life of the Crees who live in northern Québec and have a special relationship with the territory and its environment. In this respect, the territory is governed by the James Bay and Northern Québec Agreement (JBNQA), which establishes specific rights for the Crees with respect to access to wildlife resources and social and environmental protection (Sections 22 and 24 of the JBNQA) (see Appendix 1).

Given the scope of the proposed Northern Plan and the developments that will arise from it, the JBACE believes it is imperative to analyze the territory's environmental, social and institutional ability to cope with such an initiative, taking into account the specific characteristics of the land covered by the Agreement and sustainable development principles. An assessment of the major impacts created by the Northern Plan is necessary to limit potential adverse impacts; moreover, it would also be relevant to determine the main strategic orientations for the development and implementation of the Northern Plan so as to promote a co-ordinated approach to development projects. To meet these two major objectives, the JBACE recommends that the government use an analytical tool referred to as strategic environmental assessment (SEA) (see Appendix 2).

¹ The JBACE was established "to review and oversee the administration and management of the environmental and social protection regime established" by Section 22 of the JBNQA (para. 22.3.1) and must be consulted by the governments regarding any measure related to the physical or social environment of the James Bay Crees. In this respect, the JBACE is directly concerned by the implementation of the Northern Plan.

Considering the scope and multi-sector nature of the Northern Plan, the government will not be able to rely on project-based environmental assessment to analyze the cumulative impacts as well as the overall effect of the planned initiatives that will affect the territory and, above all, the way of life of the occupants and users of the territory. SEA, however, is a planning tool that can be incorporated into development of plans, policies or programs. In this regard, the Canadian Council of Ministers of the Environment (CCME) describes SEA as "an inherently proactive and futures-oriented approach" and "a means to ensure that planning and assessment for a region support the most *desired* outcomes rather than the most likely ones."²

The government has already taken a step in this direction by bringing together all the stakeholders and by creating sector-based discussion tables. The current organization chart is limited, however, to the structure itself: for the time being, the stakeholders have not been given clear guidelines that would enable them to co-ordinate their efforts on the basis of common objectives. To that end, it would be necessary to include in the existing initiative a more strategic thought process, which the Steering Committee could be responsible for.

An SEA approach could be incorporated into the development of the Northern Plan. But because the government has opted for a sector-based approach, the JBACE is of the opinion that a more in-depth analysis of the transportation sector could be especially relevant, because all the developments proposed under the Northern Plan will be based on implementation of a transportation network (see Appendix 3). Thus a strategic assessment of the transportation requirements would make it possible to do the following simultaneously:

a) take into consideration the major environmental and social issues, including:

- the opening-up of the territory;
- the relationship between the transportation network and development of all sectors as a whole and the resulting impacts;
- the specific impacts on the quality of the physical environment, on which the quality of life of the users of the territory depends;
- the accumulation of long-term environmental and social impacts caused by expansion of the transportation network in James Bay and the resulting developments; and
- socioeconomic data related to specific regional characteristics, such as demographic growth, capacity of the private sector and impacts related to climate change.

b) analyze, as a function of sustainable development principles, the various options for implementation of a transportation network in northern Québec (comparison of different road, rail, air and maritime transportation scenarios).

Making this strategic shift would have many other advantages regarding planning and implementation of the Northern Plan, including the following:

- By characterizing the environmental and social contexts of the territory affected by the Northern Plan, strategic analysis will facilitate project-based environmental assessment;
- If the opinions of the people living in the territory are sought from the outset and they are assured that a strategy based on broad principles oversees the

² Canadian Council of Ministers of the Environment (CCME). Regional Strategic Environmental Assessment in Canada: Principles and Guidance. 2009. p. 5

Northern Plan, the social acceptability of the projects will be improved significantly;

- The process of developing major orientations would build bridges and promote a co-ordinated approach between occasionally contradictory issues and the varied interests of the different stakeholders;
- An overview of the direct and indirect impacts would be obtained, as well as the cumulative impacts of the various development projects, for all the sectors combined.

The JBACE is therefore of the opinion that a strategic environmental assessment (SEA) of the transportation sector, an internationally recognized practice (see Appendix 2), would be the ultimate approach to incorporate a strategic framework into the development of the Northern Plan. The JBACE believes that this would be the best way for the government to act proactively regarding an initiative that may have negative environmental and social impacts if it does not adequately provide a strategic overview of all social, environmental and institutional concerns and issues during development and upstream from its implementation.

Appendix 1: The Northern Plan, the James Bay and Northern Québec Agreement (JBNQA)³ and regional structures

The territory affected by the Northern Plan is to a large extent the territory governed by the James Bay and Northern Québec Agreement (JBNQA), which the government has already undertaken to respect.⁴ In this respect, the JBACE would like to reiterate that any developments affecting the James Bay territory must take into account:

- The Crees' land tenure system: the James Bay territory is divided into 300 hunting, fishing and trapping territories assigned to families that live on the resources found there.
- Exclusive hunting, fishing and trapping rights. Section 24 of the JBNQA gives the Crees priority access to resources for the continuance of traditional pursuits that are protected "with respect to environmental and social protection by and in accordance with Section 22 [...]" (24.11.1).
- The guiding principles of Section 22, which include:
 - i. the environmental and social protection regime intended to reduce as much as possible the impacts on Native people of development activities affecting the Territory;
 - ii. protection of Native peoples, as well as their societies, communities and economies, in respect of development activities affecting the Territory;
 - iii. protection of wildlife resources, the physical and biological environment and the ecosystems in the Territory in respect of development activities affecting the Territory; and
 - iv. participation by the Crees in the application of this regime.

It is also important to note that there is no development plan or land use plan for James Bay and that, thus far, there is no regional structure that ensures fair representation for the Crees. It should be noted that all regions of Québec have a development plan that, among other things, allows for territorial planning based on co-ordinated development that creates conditions conducive to an increase in the standard of living (economic development), while preserving and enhancing the communities' social and cultural environment as well as their natural and built environment.⁵ In this context, the JBACE believes it is highly relevant to set guidelines for the various developments arising from the Northern Plan.

³ Given the JBACE's mandate, we have decided to focus our analysis on the specific case of James Bay. If an SEA is implemented, however, it should take into account the entire area covered by the Northern Plan.

⁴ Personal communication with Christian Dubois, Associate Deputy Minister, Northern Plan and Territory.

⁵ Website of the Ministère des Affaires municipales, Régions et Occupation du territoire, April 20, 2010.

Appendix 2: Definition of strategic environmental assessment

Generally speaking, SEA can be defined as a methodological tool that makes it possible "to incorporate environmental and social considerations ... early in the process of planning policies, plans and programs (PPPs), to ensure that such PPPs respect the guiding principles of sustainable development."⁶ SEA is strategic in that it serves as a reference framework that guides the preparation of related development projects. To be as effective as possible, SEA must therefore take place upstream from projects, during the planning process itself. In addition to being strategic, SEA is:

- "integrating" and transparent in that it solicits the views of various actors in society;
- based on a long-term vision that takes into account "the image of the future (or the desired situation) sought by various actors (local communities, civil society, governments, private enterprise, academia, etc.)"⁷;
- grounded in the principles of sustainable development during implementation of projects; and
- holistic because it takes into account a multitude of institutional, environmental and social factors, and establishes connections between them.

It should be noted that SEA is a widespread international practice used in many countries, including Canada. By setting up an SEA in the context of the Northern Plan, Québec would be taking an approach recognized by national and international organizations, such as the European Union, the United Nations and the World Bank. It should also be noted that the Canadian Council of Ministers of the Environment (CCME) encourages regional SEA, which it describes as follows:

R-SEA is envisaged as a means to assess the potential environmental effects, including cumulative effects, of strategic policy, plan and program alternatives for a region. In doing so, R-SEA can support the preparation of a preferred regional development strategy and environmental management framework, and inform subsequent project-based **environmental assessment** and decision processes.⁸

⁶ Crowley, M. et al., for the JBACE. Draft Scoping Document for a Strategic Environmental Assessment of the Transportation Sector in the James Bay Territory. April 2010, p. 4

⁷ Ibid: 9.

⁸ Canadian Council of Ministers of the Environment (CCME). Regional Strategic Environmental Assessment in Canada: Principles and Guidance. 2009. p. 5.

Appendix 3: SEA of the transportation sector

All developments implemented under the Northern Plan will depend on the transportation network put in place, hence the importance of planning that is a) based on solid knowledge of the territory (physical, social and institutional environments) and b) based on an analysis of the various opportunities and constraints pertaining to the transportation network and its impacts. An SEA of the transportation sector could provide guidance for the Northern Plan by meeting the following objectives:

- Describe the main issues related to transportation, including the opening-up of the territory, protection of the Crees' rights under the James Bay and Northern Québec Agreement (JBNQA) and conflicting land uses, for the entire James Bay territory, from the technical standpoint as well as with respect to the needs [constraints and opportunities] and values of the stakeholders concerned [...];
- Compare various scenarios for the development of transportation infrastructure (road, rail, maritime and air) in the James Bay territory, with respect to direct impacts on the physical environment and indirect impacts on other sectors of activity, such as mining, forestry, energy and tourism; and
- Make recommendations for development of the transportation sector in the territory so that it reflects the values and needs of all stakeholders concerned.⁹

Moreover, the JBACE is of the opinion that, in the context of the Northern Plan, an SEA on the transportation sector would be relevant, considering the scope of the issues affecting the territory as a northern environment and James Bay more specifically. These issues include:

- **The opening-up of the territory:** "The planned expansion of the transportation network will open up large areas that are now difficult to access. Travel in the territory will be easier and more frequent, and therefore may bring about significant land-use changes, by both the Crees and other users."¹⁰
- **The relationship between the transportation network and the development of all sectors combined and the resulting impacts:** "Improvement of the transportation infrastructure will promote development of sectors of activity that are themselves likely to have considerable impact on the physical and social environments. [...] These indirect impacts may even exceed the direct impacts of construction or operation of the transportation infrastructure itself."¹¹
- **The specific impacts on the quality of the physical environment, on which the quality of life of the users of the territory depends:** "Construction and maintenance of major transportation infrastructure have significant direct impacts on the natural environment [...]."¹²
- **The accumulation of long-term impacts caused by the expansion of the transportation network in James Bay, from the environmental and social standpoints:** "As a result of the useful life of such infrastructure, it has a major structuring effect on the occupation of the territory over the very long term."¹³

⁹ Crowley, M. et al., for the JBACE. Draft Scoping Document for a Strategic Environmental Assessment of the Transportation Sector in the James Bay Territory. April 2010, p. 15.

¹⁰ Ibid: 5

¹¹ Ibid: 5

¹² Ibid: 5

¹³ Ibid: 5.