



la Convention
de la Baie-James
et du Nord québécois

Comité consultatif
pour l'environnement
de la Baie-James

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MINUTES OF THE 56TH MEETING
OF THE JAMES BAY
ADVISORY COMMITTEE ON THE ENVIRONMENT

ADOPTED

DATE : November 13, 1990

LOCATION : Ministère de l'Environnement
3900 Marly
Sainte-Foy, Québec

PRESENT : Hubert Marcotte, Chairman, Canada
Louis-Edmond Hamelin, Canada
Gilles Frisque, Québec
Robert Daigneault, Québec
Alain Soucy, Québec
Marie Lessard, Québec
Paul Wilkinson, CRA
Hervé Chatagnier, Secretary

ABSENT : Jean-Guy Charest, Canada
Yvan Vigneault, Canada
Alan Penn, CRA
James Bobbish, CRA
Willie Iserhoff, CRA
Bernard Labonté, HFTCC

PARTICIPANTS (Item 2): Denis Bergeron, MENVIQ
Jean Piette, MENVIQ
Benoit Gauthier, MENVIQ

OBSERVERS : Pierre Marchand, Fisheries and
Oceans Canada



1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 10:30 a.m. and the following agenda was adopted:

1. Preliminaries and adoption of the agenda
2. Great Whale project assessment procedure: meeting with the Ministère de l'Environnement du Québec
3. Bill to establish a federal environmental assessment process (C-78)
4. Date and location of next meeting

2. GREAT WHALE PROJECT ASSESSMENT PROCEDURE: MEETING WITH THE MINISTERE DE L'ENVIRONNEMENT DU QUÉBEC

The Secretary tabled a copy of the letter dated November 8 from André Trudeau, Deputy Minister, to Michel Chevalier, COMEV Chairman.

This letter was in response to the Evaluating Committee's letter dated September 6 in which the Chairman informed the Deputy Minister that COMEV's CRA members refused to participate in commenting on the Great Whale complex access and lodging infrastructures guideline. The Committee noted that the answer from the Deputy Minister hinted at the possibility that, as of November 19, the guidelines and recommendations on the impact study contents could be sent to Hydro-Québec, even in the absence of the Evaluating Committee's recommendation. It should be remembered that COMEV had submitted a draft guideline on the entire project in March 1990 and that, following a decision to split the project, a request for a guideline on the access and lodging infrastructures only had been submitted to COMEV in August 1990.

The Secretary also tabled a writ of summons issued by the attorneys representing, among others, the Grand Council of the Crees and to which COMEV is one of the defendants. This writ contests the legality of splitting the Great Whale project for environmental impact review purposes.

The Minister's representatives, Denis Bergeron, Benoit Gauthier and Me Jean Piette introduced themselves to the Committee members. Mr. Gauthier explained that there must have been some confusion during the telephone conversations with the Committee Secretary regarding the Minister's presence at this meeting. According to Mr. Gauthier, it was not anticipated that the Minister would personally participate in this meeting.

Me Jean Piette informed the Committee that, despite the absence of a written response, the Québec government had taken the concerns raised by the Committee regarding the Great Whale project assessment procedure into consideration. These concerns were the subject of a letter dated July 23 to the Hon. Pierre Paradis. Me Piette recommended discussing the status of this issue during this meeting and indicated that a letter from MENVIQ would be sent to the Committee within a few days. The following items were presented to the Committee:

2.1 Agreement in principle on joint public review of the complex

Over the year, several consultations took place with the JBACE, KEAC, CRA and the KRG regarding the joint (Québec-Canada) public review of the Great Whale complex. Both governments subsequently drew up an agreement in principle whose purpose is to coordinate the assessment procedures applicable to the project. The agreement, which is aimed at respecting both FEARP and the JBNQA, provides for simultaneous procedures under the direction of a joint chairperson (COMEV, COMEX, KEQC, FEARP). However, the project's access infrastructures are not part of this agreement, which remains to be approved by Cabinet. One of the elements which makes approval of this agreement problematic is the Canada-Québec relationship as regards environmental jurisdiction, especially given the National Energy Board's recent decision. Should the agreement not be approved, the procedures provided for in the JBNQA will be applied as usual.

The choice of a joint chairperson is being discussed by the two environment ministers and, for reasons of confidentiality, it is difficult for MENVIQ to consult the Committee on the choice of a chairperson. However, the Committee was invited to provide MENVIQ with the names of potential candidates, if it wishes to do so.

Finally, the Québec government has budgeted \$3 million to finance the assessment procedure for the complex. This amount can be used by the various committees to retain the services of experts, to carry out public consultations and to enable interested members of the public to participate.

2.2 Splitting the project for environmental assessment purposes

The Québec representatives explained that the decision to split the project was in response to a notice from a legal consultant on this subject. This notice was reviewed and confirmed. In accordance with government policy, it would remain confidential, like all other government legal notices.

With regard to this decision to split the project, COMEV and the KEQC received requests from the Deputy Minister to prepare study guidelines on access and lodging infrastructures only. The KEQC was prepared to respond to this request shortly, whereas COMEV seemed reticent to do so, given the position of its CRA members, who were opposed to splitting the project and therefore to formulating a separate guideline on access infrastructures. In this context, the Deputy Minister called upon COMEV and the KEQC to respond to the request in a letter dated November 8.

Committee members expressed their concern about the fact that Hydro-Québec has apparently already completed its impact study on the access infrastructures without having obtained study guidelines. The Québec representatives explained

that Hydro-Québec could not be prevented from attempting to anticipate the contents of a future study guideline. It would be the COMEX's responsibility to decide whether the study corresponded adequately to the guidelines.

2.3 Consultation with the Committee

The Committee expressed its disappointment at not having been adequately consulted on the Great Whale project assessment procedure. According to the Committee, an adequate consultation means regular exchanges before and after major decisions are made. For example, members wondered why the Committee had not been consulted before the decision to split the project or before COMEV was called upon to respond to the abovementioned request. The Committee explained that, under the Environment Quality Act and the JBNQA, the Québec government must consult it before making decisions on the impact assessment and review procedure. In this context, it was stated that the draft agreement should be the subject of a consultation before being approved by Cabinet.

The Québec representatives explained that the Committee had already been consulted in July and that the Québec government did not usually go back to the advisory agencies for approval of decisions made after these consultations. In addition, the Québec government must maintain privileged ties between the minister concerned and Cabinet. In this context, the necessary consultations were carried out by the Minister before he presented his draft to Cabinet as part of the draft agreement on the Great Whale project assessment.

In closing, the Committee stressed its deep concern regarding the delicate situation currently prevailing with respect to this issue. According to the Committee, all actions to be taken must be carried out with full respect for the JBNQA and in the spirit of ensuring strict project impact assessment.

The Committee Chairman thanked the Québec representatives for their time, despite the absence of the Minister, and informed them that the Committee would soon submit its recommendations concerning the Great Whale project assessment procedure.

2.4 Internal Committee discussion

After discussion, the Committee decided to consult representatives of the Grand Council of the Crees before it submits its recommendations to the competent authorities concerning the Great Whale project assessment procedure. The Chairman was asked to invite Matthew Coon-Come, Grand Chief of the Grand Council of the Crees, to meet with the Committee as soon as possible so that the Committee could obtain his point of view on this topic. It was also agreed that a letter would be written to the Québec Minister of the Environment, Pierre Paradis, to immediately stress the Committee's deep concern regarding the delicate situation currently prevailing with respect to this issue and to ask him to put off any decision on sending impact study guidelines to Hydro-Québec in the absence of recommendations from COMEV until the Committee had the opportunity to send its recommendations. It was also decided that the Minister be asked which powers enabled him to send Hydro-Québec guidelines on the contents of the infrastructures impact study in the absence of recommendations from COMEV.

3. BILL TO ESTABLISH A FEDERAL ENVIRONMENTAL ASSESSMENT PROCESS (C-78)

Paul Wilkinson tabled part of a draft brief in English on the abovementioned subject. Given that the Committee was to present the brief during public hearings on this issue on November 20 in Ottawa, the members were asked to inform him of their comments as soon as possible. It should be remembered that the bill is aimed at a set of reforms to the FEARP.

4. DATE AND LOCATION OF NEXT MEETING

It was agreed to meet with the Grand Council of the Crees within a few days to discuss the Great Whale project assessment procedure. In this context, it was agreed that the members could be called together on short notice depending on the availability of representatives of the Grand Council of the Crees. It was also agreed to keep December 4 as the date of the next Committee meeting.

HERVÉ CHATAGNIER
Secretary