



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 57TH MEETING  
OF THE JAMES BAY  
ADVISORY COMMITTEE ON THE ENVIRONMENT  
ADOPTED

DATE : November 22, 1990

LOCATION : Institut national de la recherche  
scientifique  
2635 Hochelaga, 6th floor  
Sainte-Foy, Québec

PRESENT : Hubert Marcotte, Chairman, Canada  
Jean-Guy Charest, Canada  
Louis-Edmond Hamelin, Canada  
Alain Soucy, Québec  
Gilles Frisque, Québec  
Alan Penn, CRA  
Paul Wilkinson, CRA  
Bernard Labonté, HFTCC  
Hervé Chatagnier, Secretary

ABSENT : Marie Lessard, Québec  
Robert Daigneault, Québec  
Yvan Vigneault, Canada  
James Bobbish, CRA  
Willie Iserhoff, CRA

PARTICIPANTS:  
(Item 2) Bill Namagoose, CRA  
Roméo Saganash, Grand Council of the  
Crees  
Robert Mainville, Attorney,  
Grand Council of the Crees  
John Ryan, CRA

OBSERVERS : Pierre Marchand, Fisheries and Oceans  
Canada



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1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 2:15 p.m. and the following agenda was adopted:

1. Preliminaries and adoption of the agenda
2. Bill to establish a federal environmental assessment process
3. Great Whale project assessment procedure: meeting with representatives of the Grand Council of the Crees and CRA
4. Date and location of next meeting

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

The Committee assessed its November 20 presentation before the special review committee on Bill C-78 concerning the abovementioned topic. During this presentation, the Committee was requested to follow up on certain elements in the brief and to respond to some of the questions asked during the hearing. Messrs. Penn, Frisque and Hamelin were mandated to take follow-up action as soon as possible.

3. GREAT WHALE PROJECT ASSESSMENT PROCEDURE: MEETING WITH REPRESENTATIVES OF THE GRAND COUNCIL OF THE CREES AND CRA

The Secretary tabled a copy of COMEV's recommendation of November 22 on the Great Whale complex access infrastructures impact study guideline. In the absence of consensus among COMEV members, each party stated its position. A letter dated November 19 from Raymond Robinson, Federal Administrator of Section 22 of the JBNQA, to Michel Chevalier, COMEV Chairman, was tabled. In this letter, Mr. Robinson expressed his opinion that the Great Whale project falls under provincial jurisdiction within the meaning of the JBNQA and that, if COMEV had to vote on this issue, the members appointed by Canada would not be entitled to vote under paragraph 22.5.7 of the JBNQA.

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After discussion, the Committee decided to write to Raymond Robinson to inform him of their disappointment regarding the position he has taken on the Great Whale project. It was to be emphasized that the JBNQA obviously provides that certain project categories can fall under both federal and provincial jurisdiction and that the views expressed in his letter of November 19 could threaten the quality and credibility of the Great Whale project environmental assessment. Paul Wilkinson was mandated to draft a letter on this issue and to submit it to the members for comments and adoption as soon as possible.

The Chairman welcomed the representatives of the Grand Council of the Crees and CRA, who presented their point of view on the Great Whale project assessment and raised the following points:

3.1 The draft agreement on joint public review of the project

The Grand Council of the Crees agreed with the general principle of bringing the assessment procedures applicable to the project into line as long as each committee (COMEV and COMEX) maintained its decisionmaking powers. According to the Cree representatives, it is essential that these powers be wholly respected. If such were the case, the Crees would participate in the impact assessment regime provided for in the JBNQA. However, the Cree representatives expressed the opinion that this regime is too modest in the sense that it does not enable all Quebeckers to participate in public hearings as part of the assessment procedure for major projects, as is the case elsewhere in Québec and Canada.

3.2 The federal government's role in the assessment procedure arising out of Section 22 of the JBNQA

The representatives of the Grand Council of the Crees deplored and challenged the federal government's position that the Great Whale project did not fall under its jurisdiction within the meaning of the JBNQA and that,

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consequently, the federal environmental procedures described in Sections 22 and 23 would not be applicable to it. According to the Crees, this represents another political strategy which could compromise the credibility and legitimacy of the committees created under the JBNQA.

In closing, the Cree representatives expressed their desire that the assessment regime provided for in the JBNQA be wholly respected. They asked the Committee to study this question as part of the Great Whale project and to issue recommendations on this topic.

The Chairman thanked the representatives for their time and informed them that the Committee would soon submit its recommendations to the competent authorities.

#### 3.4 Internal Committee discussion

After discussion, the Committee decided to submit the following recommendations to the two environment ministers and the Grand Chief of the Grand Council of the Crees:

1. Canada, Québec and the Crees must promise to wholly respect the principle of assessment set forth in Section 22 of the James Bay and Northern Québec Agreement (JBNQA). Such an assessment must be based on a general and specific view of the environment. It must also respect the principles set forth in this section, especially as regards the protection of Cree rights, culture and the economy, and the preservation of the ecosystems upon which they depend. Finally, such an assessment must ensure a privileged status and participation for the Crees;
2. There must be only one assessment of all the elements of the Great Whale project, including the access infrastructures. The Committee is firmly convinced that Section 22 does not allow for the separate

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assessment of the access infrastructures, since their existence can be justified only by the construction of the complex. Adequate environmental protection and the established rules governing environmental assessment call for an assessment of all the components of a single project;

3. The Cree/Canada assessment regime established by Section 22 must be applied to the Great Whale project. The Committee's position on this arises out of its concern to ensure a reasonable degree of environmental protection, including the Native communities. In the Committee's view, the letter and spirit of Section 22 do not allow for any other interpretation;
4. Finally, common sense, the pressing need to protect the environment and the just interests of all the parties demand that the various relevant regimes be applied simultaneously and harmoniously. The principle and conditions for bringing the regimes into line must, however, receive the approval of all parties.

Committee members also decided to ask the three parties to meet with the Committee to discuss the way in which each planned to respond to the four abovementioned recommendations. Paul Wilkinson was mandated to draft a letter to this end and to submit it to the Committee for adoption and comments as soon as possible.

4. DATE AND LOCATION OF NEXT MEETING

As agreed at recent meetings, the next Committee meeting will take place on December 4. It was decided to hold this meeting in Montreal in the CRA offices.

HERVÉ CHATAGNIER  
Secretary