



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 60th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

ADOPTED

DATE: February 20, 1991

LOCATION: Cree Regional Authority
1 Place Ville-Marie
Suite 3438
Montréal, Québec

PRESENT: Hubert Marcotte, Chairman, Canada
Jean-Guy Charest, Canada
Louis-Edmond Hamelin, Canada
Pierre Marchand, Canada
Robert Daigneault, Québec
Gilles Frisque, Québec
Marie Lessard, Québec
Alain Soucy, Québec
Alan Penn, CRA
Paul Wilkinson, CRA
Hervé Chatagnier, Secretary

ABSENT: James Bobbish, CRA
Willie Iserhoff, CRA

OBSERVER: Raymond Houle, MENVIQ



1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 9:00 a.m. The following agenda was proposed by Alain Soucy, seconded by Jean-Guy Charest and adopted unanimously.

1. Preliminaries and adoption of the agenda
2. Adoption of the minutes of the 54th, 55th, 56th, 57th, 58th and 59th meetings
3. NBR hydro-electric development project
4. Great Whale hydro-electric development project
5. EM-1 hydro-electric development project
6. Language policy of committees established under the James Bay and Northern Québec Agreement
7. Five-year forest management plans
8. Amendments to the Act respecting ecological reserves
9. Internal management:
 - 9.1 Procedure for hiring a technical advisor
 - 9.2 Convening meetings
 - 9.3 1991-1992 budget
 - 9.4 1986-1989 Annual Report
10. Sustainable Development Action Plan
11. The Green Plan
12. The "Northern Road" project
13. Follow-up of the meeting with Conseil de la conservation et de l'environnement
14. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 54TH, 55TH, 56TH, 57TH, 58TH AND 59TH MEETINGS

The minutes of the following meetings were adopted unanimously with minor changes.

- 54th meeting: moved by Jean-Guy Charest, seconded by Gilles Frisque
- 55th meeting: moved by Alain Soucy, seconded by Louis-Edmond Hamelin
- 56th meeting: moved by Paul Wilkinson, seconded by Gilles Frisque
- 57th meeting: moved by Louis-Edmond Hamelin, seconded by Alan Penn

59th meeting: moved by Jean-Guy Charest, seconded by Marie Lessard

3. NBR HYDRO-ELECTRIC DEVELOPMENT PLAN

The Committee discussed the desirability of becoming involved in the NBR hydro-electric development plan at the assessment procedure level. In December, the Committee was told that Hydro-Québec had submitted preliminary information concerning the project on July 26, 1990. However, this information was never forwarded to the Evaluating Committee to allow it to recommend impact study guidelines for the project.

Given that Hydro-Québec intends to table its impact study in June 1993, the Committee expressed its concern that the government's role in influencing the scope and nature of impact studies through guidelines has already been compromised. The proponent has only two years to complete the ground surveys and has not yet received the guidelines on which these studies should be based.

CRA members tabled a draft letter on this subject for the Committee to send to Pierre Paradis, Minister of the Environment. Following discussion, the Committee decided to adopt the draft letter, which asks the Minister why the preliminary information was not forwarded to the Evaluating Committee. It also states the Committee's view that all the necessary measures must be taken to prepare, as soon as possible and according to the provisions of the JBNQA, impact study guidelines which would not compromise the nature and scope of the project assessment and review.

4. THE GREAT WHALE HYDRO-ELECTRIC DEVELOPMENT PROJECT

The Committee discussed follow-up to correspondence received on the Great Whale hydro-electric development project.

On February 7, the Committee was invited to submit its views, in writing, on the hydro-electric project access infrastructures proposed by Hydro-Québec. This

invitation was issued by Mireille Loignon of Fisheries and Oceans Canada within the context of the technical and scientific project assessment being carried out by this Department. After discussion, the committee decided to write Mireille Loignon thanking her for her invitation but stating that, given the nature of the Committee's mandates, which are based on monitoring assessment procedures rather than on technical project reviews, the Committee had no particular comments to make.

However, the Committee decided to write to Fisheries and Oceans for information about the progress made by the federal Environmental Assessment and Review Process (EARP) on the Great Whale project access infrastructures.

Moreover, the Committee decided to acknowledge reception of several letters sent to the Chairman about the Great Whale project, i.e. letters from the Federal Administrator (January 10, 1991), from the Québec Minister of the Environment (January 23, 1991), and from the Grand Chief of the Grand Council of the Crees (December 10, 1990).

Finally, CRA representatives tabled a copy of the federal-provincial agreement on the assessment of the Great Whale hydro-electric development project. The Secretary was asked to put this subject on the agenda for the next meeting so that the Committee's actions on this issue to date could be examined.

5. EM-1 HYDRO-ELECTRIC DEVELOPMENT PROJECT

The Chairman informed the Committee that, as agreed at the 59th meeting, he had prepared letters to be sent to the federal ministers concerned for information how the federal Environmental Assessment and Review Procedure (EARP) would be applied to this project. The Chairman was also preparing to send a letter to the Québec Minister of the Environment reiterating the Committee's November 13 request and informing him of its concerns with regard to the application of section 22 of the Environment Quality Act to this project.

6. LANGUAGE POLICY OF COMMITTEES ESTABLISHED UNDER THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT

The Committee discussed the problem of the language used within the context of the environmental protection regime established under section 22 of the James Bay and Northern Québec Agreement. The vast majority of impact studies are in French only, which prevents the Native peoples concerned from reading them.

As an example, the Committee noted Hydro-Québec's studies, such as the one on the Great Whale transportation infrastructures. This study is available only in French with a brief summary in French; which prevents the populations affected by the project from reading it. It was noted that the Evaluating Committee is aware of the problem and is attempting, using recommendations and study guidelines, to encourage proponents to submit the important elements of their studies in English. However, according to the provisions of Bill 101, it seems that the Government cannot force proponents to submit English versions of their studies. This was the reason given by Hydro-Québec for not having their study translated into English.

Following discussion, it was decided that a letter should be sent to the Minister of Higher Education and Science, Claude Ryan, informing him of this problem and asking him to look into the possibility of allowing two languages to be used within the context of the application of the environmental protection regime established under section 22 of the JBNQA. Louis-Edmond Hamelin and Alan Penn were mandated to prepare a draft letter on this subject.

7. FIVE-YEAR FOREST MANAGEMENT PLANS

The forestry sub-committee reported on discussions underway on what approach the Committee could take in analyzing the five-year plans received in December and January. It was mentioned that these management plans cover the three subsequent years, completing plans submitted in December 1989 and January 1990. They

target that part of the territory falling under the Agreement which is located in administrative region 08. Moreover, the Committee received the plans for the first two years of operations for the part of the territory located in administrative region 02.

According to the sub-committee, the Committee could take several approaches to commenting on the plans. Among them are the following:

- draw up a descriptive list of all the plans in order to inform the Cree communities concerned;
- have an analysis of the cumulative impact of forest operations on the territory falling under the Agreement done based on the plans;
- perform an analysis on a sample of the plans, similar to the one performed by the Committee in 1990;
- encourage the signing of a multi-party agreement (government-Native peoples-industry) on a forest management pilot project which meets both the needs of the Native peoples and industry.

The Committee will meet again soon to select an appropriate approach. Raymond Houle informed the Committee of his views on how the five-year plans are presented and the problems he had interpreting them during a preliminary analysis. Mr. Houle was asked to prepare a report on this subject for the next meeting.

Finally, the Committee was told about the introduction of a forest management strategy project developed by Forestry Canada. This strategy will be the subject of public consultation under the aegis of the Bureau d'audiences publiques sur l'environnement (BAPE).

8. AMENDMENTS TO THE ACT RESPECTING ECOLOGICAL RESERVES

CRA members tabled a memorandum containing suggestions and comments on proposed amendments to the Act respecting ecological reserves. The Committee received a request from Léopold Gaudreau, Director of conservation and ecological heritage at MENVIQ, on November 20, concerning a proposal to amend the Act respecting ecological reserves. The Committee was asked to comment on the proposed amendments before the end of February 1991.

Cree hunting, fishing and trapping rights within an ecological reserve located on the territory covered by the Agreement were discussed. Despite the fact that, according to section 24.3.6a of the JBNQA, Native peoples retain these rights in an ecological reserve, this right is not mentioned in the Act or the proposed amendments to it. Following discussion on the compatibility of traditional activities and the need for complete protection of areas designated as ecological reserves, it was decided that Léopold Gaudreau should be invited to the next meeting in order to clarify this situation.

9. INTERNAL MANAGEMENT

9.1 Procedure for hiring a technical advisor

The Committee was informed that, following interviews with four candidates for the position of technical advisor to the COMEV, COMEX and JBACE, the candidate chosen by the selection committee turned down their offer of employment. The Selection Committee's second choice appeared interesting. However, the candidate's training and experience did not meet the JBACE's requirements. After discussing the possibility of further investigating this individual's application, the Committee decided it could not offer the candidate the position.

9.2 Convening meetings

Committee members made several suggestions with regard to convening committee meetings. One proposal was to set Committee meetings every two months on a given date (e.g. the first Thursday of the month). It was also suggested that the number of items on the agenda be limited by establishing priorities. Due to the lack of time, it was decided that this subject be put on the agenda for the next meeting.

GIVEN THE LACK OF TIME, ITEMS 9.3 TO 13 WERE CARRIED OVER TO THE AGENDA FOR THE NEXT MEETING.

14. DATE AND LOCATION OF THE NEXT MEETING

The Committee agreed to hold the next meeting on March 21 in Québec City, beginning at 9:30 a.m.

HERVÉ CHATAGNIER
Secretary

June 5, 1992