



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 62nd MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT

ADOPTED

DATE: April 12, 1991

LOCATION: Lapointe Rosenstein Inc.
1010 Sherbrooke St. West
11th floor
Montréal, Québec

PRESENT: Paul Wilkinson, Chairman, CRA
Alan Penn, CRA
Jean-Guy Charest, Canada
Hubert Marcotte, Canada
Louis-Edmond Hamelin, Canada
Robert Daigneault, Québec
Alain Soucy, Québec
Marie Lessard, Québec

ABSENT: Gilles Frisque, Québec
James Bobbish, CRA
Willie Iserhoff, CRA

PARTICIPANTS: Michel Dorais, Federal Environmental
Assessment and Review Office (FEARO)
Carol Martin, FEARO

OBSERVERS: Raymond Houle, MENVIQ
Ginette Lajoie, CRA

1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Committee congratulated Mr. Wilkinson on being appointed Chairman for 1991-1992. The members also thanked Mr. Marcotte for his significant contribution as Chairman during 1990-1991.

The incoming 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. Meeting with FEARO representatives to discuss the federal government's plans regarding assessment and review of the Great Whale project as well as the appointment of a Federal Administrator
3. Date and location of the next meeting.

2. MEETING WITH FEARO REPRESENTATIVES TO DISCUSS THE FEDERAL GOVERNMENT'S PLANS REGARDING ASSESSMENT AND REVIEW OF THE GREAT WHALE PROJECT AS WELL AS THE APPOINTMENT OF A FEDERAL ADMINISTRATOR

After discussing the issues to be covered during the meeting with the Committee, the Chairman welcomed the FEARO representatives, who had requested the meeting to discuss the federal government's plans regarding assessment and review of the Great Whale project. They also wished to consult with the Committee about the possibility of appointing a Federal Administrator to enforce Section 22 of the James Bay and Northern Québec Agreement. The Committee congratulated Michel Dorais on his appointment as Chairman of FEARO. Mr. Dorais will assume his duties on May 1.

2.1 Assessment and review of the Great Whale project

Mr. Dorais reminded the Committee that the federal government's objective in assessing and reviewing the Great Whale project is to carry out as thorough a review as possible of the environmental impact of the project as a whole. It is in this respect that the Québec and federal governments signed an agreement providing for the

standardization of the various assessment procedures applicable to the project. According to Mr. Dorais, numerous factors make it difficult to enforce the agreement, in particular, the Cree's opposition to separate reviews of the complex and its access roads. A second factor is the federal government's failure to participate in the procedures established under Section 22 of the JBNQA based on legal notices issued by the Department of Justice.

Mr. Dorais informed the members that he read the recommendations formulated by the Committee in July 1990 on the project's assessment. He acknowledged the validity of the recommendations, notably the one recommending the project be assessed as a whole.

He further informed the Committee that a meeting between the federal and Québec ministers of the Environment and Cree and Inuit representatives has been scheduled for next week. The purpose of this meeting is to determine how much leeway exists enabling the parties to reach an agreement on the said assessment. If an agreement were reached, the JBACE could give its opinion on the matter.

With regard to assessment of the roads leading into the complex, Mr. Dorais explained that the Minister of Fisheries and Oceans has not yet received the results of his Department's initial assessment conducted as part of FEARO activities. However, a decision regarding whether or not public hearings will be held on the project is forthcoming.

The results of the initial assessment will be made public.

Committee members took turns expressing their frustration over the existing deadlock on project assessment. They were also frustrated to see that the Committee's recommendations on this issue have not been followed. Among other things, the members regret that the administrators responsible for this file consistently seem to adopt a sector-based approach.

Mr. Dorais told the Committee that he shared their frustrations and hopes that in the future he will be able to meet with the Committee on occasion to discuss matters of importance.

2.2 Appointment of a Federal Administrator

The Chairman informed Mr. Dorais of the Committee's views on the possible appointment of a Federal Administrator responsible for enforcing Section 22 of the JBNQA.

The Committee hopes that the candidate will be selected based on his or her qualifications rather than on the position to be filled. In the Committee's opinion, the potential candidate should:

- have considerable experience in environmental impact assessment and, preferably, extensive knowledge of the JBNQA, particularly Section 22, which deals with the environmental protection regime;
- boast a certain credibility with the native people and other parties in matters of the environment;
- be recognized as having leadership qualities;
- as the ideal candidate should be an independent thinker, he or she should not be employed in the public service.

Mr. Dorais informed the Committee that since the current Federal Administrator is leaving on May 1, the new administrator could be appointed within the next few days. As soon as the Minister has made a decision, the Committee will be informed.

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The Committee Chairman thanked the FEARO representatives for coming to the meeting and discussing the Great Whale project as well as consulting the Committee on the appointment of a new Federal Administrator. The Secretary was asked to draft a letter to Mr. Dorais confirming the Committee's opinion on this issue.

3. DATE AND LOCATION OF NEXT MEETING

The next Committee meeting will be held in Québec City on May 15.

HERVÉ CHATAGNIER
Secretary

June 5, 1992