



la Convention  
de la Baie-James  
et du Nord québécois

Siège social:  
Baie-du-Poste  
Lac Mistassini, via Chibougamau, Québec  
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Comité consultatif  
pour l'environnement  
de la Baie-James

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MINUTES OF THE 63RD MEETING  
OF THE JAMES BAY  
ADVISORY COMMITTEE ON THE ENVIRONMENT

ADOPTED

DATE : May 15, 1991

LOCATION : Grand Council of the Crees  
1 Place Ville-Marie, Suite 3438  
Montréal, Québec

PRESENT : Paul Wilkinson, Chairman, CRA  
Alan Penn, CRA  
Willie Iserhoff, CRA  
Hubert Marcotte, Canada  
Jean-Guy Charest, Canada  
Pierre Marchand, Canada  
Louis-Edmond Hamelin, Canada  
Robert Daigneault, Québec  
Marie Lessard, Québec  
Hervé Chatagnier, Secretary, JBACE  
Éric Chaîné, Technical Advisor, JBACE

ABSENT : Gilles Frisque, Québec  
Alain Soucy, Québec  
James Bobbish, CRA

PARTICIPANTS: Yvan Vigneault, Fisheries and Oceans  
(item 4)  
Glen Packman, Fisheries and Oceans  
(item 4)  
Daniel Ricard, Fisheries and Oceans  
(item 4)  
Raynald Marcoux, Paul F. Wilkinson  
and Assoc. (item 7)  
Robert Mainville, Attorney for the Grand  
Council of the Crees (item 10)  
Ginette Lajoie, CRA (item 6)



1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 10:30 a.m. and the following agenda was proposed by Jean-Guy Charest, seconded by Louis-Edmond Hamelin and adopted unanimously:

1. Preliminaries and adoption of the agenda;
2. Adoption of the minutes of the 60th, 61st and 62nd meetings;
3. Follow-up to the meeting with Michel Dorais, Chairman of the Federal Environmental Assessment and Review Office (FEARO);
4. Application of the EARP to the planned road network for the Great Whale complex;
5. Five-year forest management plans: Committee comments and general discussion of JBACE objectives;
6. Public hearings on the forest protection strategy;
7. Québec forum on sustainable development;
8. Amendments to the Act respecting ecological reserves;
9. Language policy for the environmental protection regime;
10. Preliminary ruling by the Federal Court of Appeal regarding the application of Section 22 of the JBNQA to the Great Whale project review;
11. Internal management:
  - 11.1 Lending of JBACE Secretary to the KEQC
  - 11.2 1986-1987 annual report
  - 11.3 Committee budget
  - 11.4 Appointment of members to the Executive Subcommittee
12. Feedback on the effectiveness of the Committee's actions in the Great Whale issue;
13. "Route du Nord" project;
14. Draft management policy for rare and endangered species;
15. Towards a government policy on Native issues;
16. Date and location of the next meeting.

2. ADOPTION OF THE MINUTES OF THE 60TH, 61ST AND 62ND MEETINGS

The minutes of the 60th, 61st and 62nd meetings were adopted unanimously with a few minor amendments.

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3. FOLLOW-UP TO THE MEETING WITH MICHEL DORAIS, CHAIRMAN OF THE FEDERAL ENVIRONMENTAL ASSESSMENT AND REVIEW OFFICE (FEARO)

The Committee discussed the possible replacement of Raymond Robinson as Federal Administrator of Section 22 of the James Bay and Northern Québec Agreement (JBNQA). During the Committee's meeting with the Chairman of FEARO, Michel Dorais, on April 12, Mr. Dorais invited the Committee to submit its recommendations regarding the application of Section 22 to the Minister of the Environment. The Committee wrote to Mr. Dorais on April 26 sharing their views on the necessary personal attributes and working qualities of a Federal Administrator.

After discussing the matter, the Committee decided to go along with the proposal of Judge Réjean Paul as a candidate for the position of Federal Administrator of the JBNQA. Mr. Paul is currently the Chairman of the Cree-Naskapi Commission and would seem to have the personal attributes and working qualities required to fill the position of Federal Administrator. The Chairman proposed to contact Mr. Paul to see if he is interested in the Committee's submitting his name.

4. PARTICIPATION OF THE FEARO IN THE PLANNED ROAD NETWORK FOR THE GREAT WHALE COMPLEX

The Chairman welcomed the representatives from Fisheries and Oceans, Yvan Vigneault, Glen Packman and Daniel Ricard.

He explained the Committee's mandate, specifically in regard to the assessment and review of the Great Whale project, i.e. to ensure that the assessment and review procedures applicable to the project are satisfactorily enforced.

The DFO representatives explained the steps currently being taken as part of the initial assessment of the planned road network for the Great Whale complex. Last November, Fisheries and Oceans, in conjunction with Transport Canada and Indian and Northern Affairs Canada, began hiring consultants for the initial project assessment. One of the firms chairs a coordinating committee mandated to oversee the assessment of various components, in particular:

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- the physical environment
  - vegetation
  - fish fauna
  - bird fauna
  - terrestrial fauna
  - the social environment

The final drafting of the report on the initial assessment is under way and, while no definite date has yet been set, the report should be completed in late June. As soon as a decision has been made in this regard, the report will be made public.

The representatives reported on public participation in the initial project assessment. Meetings were held at Poste-de-la-Baleine, Chisasibi and Matagami. The majority of comments shared during the meetings focused on the complex itself rather than on the road network. The Committee wondered whether a more scientific method shouldn't have been used to select the population interviewed and, because of the questions pertaining to the complex itself, whether the questions might not have been misunderstood.

One Committee member wondered about the consultant hiring criterium stipulating that the consulting firm must not have had any contracts with the project proponent. This particular criterium could penalize potentially good researchers.

The Chairman thanked the DFO representatives for attending the meeting and asked them to inform the Committee of any new developments on this issue.

5. FIVE-YEAR FOREST MANAGEMENT PLANS: COMMITTEE COMMENTS AND GENERAL DISCUSSION OF JBACE OBJECTIVES

The Committee discussed the general approach to be taken in reviewing five-year forest management plans. It was agreed that a more general approach is important, with stress placed on the social aspects of forestry.

This new approach has resulted in a document submitted to the Committee by Ginette Lajoie of the CRA. Ms. Lajoie explained the general content of the document to the Committee. According to Alan Penn, the report is consistent with the discussions of the Forestry Subcommittee.

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Committee members expressed their agreement with the new approach. It was agreed that the Committee would submit its comments on the report to the secretariat within ten days.

6. PUBLIC HEARINGS ON THE FOREST PROTECTION STRATEGY

As agreed at the 62nd meeting, the Committee will present a brief during the public hearings on the forest protection strategy to be held under the aegis of the Bureau d'audiences publiques sur l'environnement (BAPE). Ginette Lajoie and Alan Penn suggested the brief deal with the ecological aspects of the issue, particularly forest management strategies and the problem of establishing regeneration.

The Committee asked Mr. Penn to prepare a draft brief by May 30 so that Committee members can make their comments before June 7. Mr. Penn will submit the Committee's brief during the hearings, which will be held in Québec City on June 19 and 20.

7. QUÉBEC FORUM ON SUSTAINABLE DEVELOPMENT

Raynald Marcoux of Paul F. Wilkinson and Assoc. tabled a working document dealing with the problem of applying the concept of sustainable development to Northern Québec. On December 7, the Committee received a document from the Minister of the Environment that had been drafted for the Québec forum on sustainable development held in 1989. The Minister asked the Committee for its comments on the principles set forth in the document for establishing an action plan for sustainable development in Québec.

Committee members discussed the ambiguity of the concept of sustainable development and the lack of consensus on the nature of the economies of northern villages. The Committee agreed that the members would submit their suggestions regarding sustainable development to the secretariat within the next two weeks.

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8. AMENDMENTS TO THE ACT RESPECTING ECOLOGICAL RESERVES

In the absence of a draft recommendation on the proposed amendments to the Act respecting ecological reserves, the Committee decided to wait until it received the second version of the bill before submitting its comments. The MENVIQ had submitted the draft amendments to the Act respecting ecological reserves to the Committee on November 20. The MENVIQ representatives attended the 61st meeting of the JBACE in order to provide more details on the proposed amendments.

9. LANGUAGE POLICY FOR THE ENVIRONMENTAL PROTECTION REGIME

As agreed at the 60th meeting, Louis-Edmond Hamelin tabled a draft letter to the Grand Chief of the Grand Council of the Crees regarding the language problems surrounding the environmental protection regime. According to Mr. Hamelin, the letter proposes a compromise that might be acceptable to all parties involved. The Committee agreed to study Mr. Hamelin's proposal in greater detail before the next meeting. The CRA delegation will consult with the Cree leaders as to whether or not the proposal is acceptable.

10. PRELIMINARY RULING BY THE FEDERAL COURT OF APPEAL REGARDING THE APPLICATION OF SECTION 22 OF THE JBNQA TO THE GREAT WHALE PROJECT REVIEW

The Chairman welcomed Me Robert Mainville, attorney for the Grand Council of the Crees, and invited him to discuss the results of the preliminary ruling recently handed down by Judge Paul Rouleau. This ruling, concerns the application of the federal assessment procedure established under Section 22 of the JBNQA to the Great Whale project.

According to Me Mainville, the preliminary ruling handed down yesterday stipulates that the JBACE has the force of law. This ruling could have far-reaching consequences on the application of the environmental protection regime, among which could be the Government of Canada's obligation to translate, at its expense, all documentation sent to COMEV.

Again according to Me Mainville, a final ruling should be handed down by the courts in late June.

11. INTERNAL MANAGEMENT

11.1 Lending of JBACE Secretary to the KEQC

The Chairman informed the Committee that on May 8, it received a request from Québec's Deputy Minister of the Environment to lend its Secretary to the KEQC and COMEX for the next three months to oversee the organization of public hearings to be held as part of the review of the planned infrastructures for the Great Whale complex.

Each Committee member was asked to express his or her views on the matter and although several members held certain reservations, the Committee decided to approve the Deputy Minister's request on the following conditions:

- Mr. Chatagnier will be freed from his Committee duties for no longer than ninety (90) days, starting the day his temporary replacement takes over;
- the Committee will reiterate the need for the services of an analyst to ensure the follow-up of a number of important files and hopes that MENVIQ will make a commitment in this regard;

11.2 1986-1987 annual report

Pierre Marchand informed the Committee that he has submitted a copy of the draft 1986-1987 annual report to Alan Penn for his comments before its final adoption.

11.3 Committee budget

This item was carried over to the next meeting.

11.4 Appointment of members to the Executive Subcommittee

This item was carried over to the next meeting.

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12. FEEDBACK ON THE EFFECTIVENESS OF THE COMMITTEE'S ACTIONS IN THE GREAT WHALE ISSUE

This item was carried over to the next meeting.

13. "ROUTE DU NORD" PROJECT

This item was carried over to the next meeting.

14. DRAFT MANAGEMENT POLICY FOR RARE AND ENDANGERED SPECIES

This item was carried over to the next meeting.

15. A GOVERNMENT POLICY ON NATIVE ISSUES

This item was carried over to the next meeting.

16. DATE AND LOCATION OF THE NEXT MEETING

The Committee decided to hold its next meeting in Québec City on July 9, at Indian and Northern Affairs. If need be, a meeting could be held on July 11.



Hervé Chatagnier  
Secretary