



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 67TH MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT**

ADOPTED

- DATE** : September 10, 1991
- LOCATION** : Hôtel des Gouverneurs, Place Dupuis
1415 Saint-Hubert St.
Montréal, Québec
- PRESENT** : Paul Wilkinson, Chairman, CRA
Alan Penn, CRA
Willie Iserhoff, CRA
Marie Lessard, Québec
Gilles Frisque, Québec
Alain Soucy, Québec
Jean-Guy Charest, Canada
Louis-Edmond Hamelin, Canada
Hubert Marcotte, Canada
Hervé Chatagnier, Secretary, JBACE
Éric Chaîné, Technical Advisor, JBACE
- ABSENT** : James Bobbish, CRA
Robert Daigneault, Québec
Pierre Marchand, Canada
Roméo Saganash, HFTCC
- PARTICIPANTS:** Yves L. Pagé, Ministère de l'Environnement
(item 4)
Gaston Moisan, COMEX (item 5)
- OBSERVERS** : Ginette Lavoie, CRA



1. PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 10:45 a.m. and the following agenda was adopted unanimously:

1. Preliminaries and adoption of the agenda
2. Adoption of the minutes of the 63rd, 64th, 65th and 66th meetings
3. Tabling of documents
4. Environmental assessment of Hydro-Québec's 12th power transmission line
5. Functioning of the Provincial Review Committee (COMEX)
6. Language policy for the environmental protection regime
7. Recommendation on sustainable development
8. Federal Bill C-13
9. Date and location of the next meeting.

2. ADOPTION OF THE MINUTES OF THE 63RD, 64TH, 65TH AND 66TH MEETINGS

Since the minutes were available in French only, it was decided that their adoption would be postponed until the next meeting. Members were asked to submit their comments to the secretariat within a week. It was hoped, moreover, that the translated minutes would be available in two weeks' time, at the latest.

3. TABLING OF DOCUMENTS

Several documents relating to items on the agenda were tabled. Among these was a September 9 memorandum, tabled by Alan Penn, requesting that the Committee obtain certain information from Fisheries and Oceans Canada pertaining to Fisheries Act regulations. Since this information could be useful to the Committee in its review of an environmental assessment prepared by the Mining Association of Canada, the following resolution was adopted:

Resolution 91.67.01

THAT the JBACE request certain information from Fisheries and Oceans Canada pertaining to the application of the Fisheries Act, namely with respect to the mining effluents in the James Bay region.

MOVED BY: Alain Soucy
SECONDED BY: Gilles Frisque
ADOPTED UNANIMOUSLY

4. ENVIRONMENTAL ASSESSMENT OF HYDRO-QUÉBEC'S 12TH POWER TRANSMISSION LINE

A letter dated September 10 from Robert Brunette explaining the reasons for Hydro-Québec's refusal to attend the meeting was tabled.

The Chairman welcomed Yves L. Pagé, from the Ministère de l'Environnement du Québec (MENVIQ), and explained why this item was included on the JBACE's agenda.

According to Mr. Pagé, MENVIQ's position on the project's assessment and review is as follows: the proposed 12th power transmission line falls within the purview of the La Grande Complex (1975) and, in accordance with paragraph 8.1.2 and Schedule 1, Section 8 of the James Bay and Northern Québec Agreement (JBNQA), is not subject to the environmental protection regime established under the Agreement. It is, however, subject to section 22 of the Environment Quality Act (EQA). An administrative agreement was drawn up between MENVIQ and Hydro-Québec on the terms and conditions for enforcing this section. Since the environmental protection regime set out in Section 22 of the JBNQA does not apply in this instance, MENVIQ decided to seek COMEX's expertise as part of the project review process.

In his presentation, Mr. Pagé raised the following points:

Under the JBNQA, the proposed line would start to the last of the line which starts at the at the Lemoyne substation. Within this context, the government's jurisconsult is of the opinion that

the project under study is consistent with that provided for in the JBNQA.

- . MENVIQ did not consult with JBNQA negotiators to seek clarification on the project's definition contained in Schedule 1, Section 8. According to MENVIQ, the letter of the JBNQA takes precedence over the negotiators' intentions.
- . There are no studies available comparing proposed lines from the Lemoyne and Chissibi substations.
- . No impact study directive was sent to the promoter because section 22 of the EQA does not require one. Rather, this section specifies what information must be included in the proponent's impact study.
- . MENVIQ agrees that the power line alignment adopted by the promoter is the one having the least impact. The analytical methods used by the promoter were acceptable to MENVIQ and were found to be consistent with those applied to the section of 12th line located in the southern part of the province. Regional characteristics were also taken into account.
- . The promoter apparently agreed to follow the recommendations submitted by COMEX, in an advisory capacity.
- . The Nemaska Band Council's objection to the proposed line (i.e. that the line crossed Category II territory) was considered by the promoter but was not retained given the many technical constraints.

Louis-Edmond Hamelin expressed the opinion that it is the duty of the Committee to deal with such issues neutrally and objectively, which was something he felt was not always done.

The Chairman thanked Mr. Pagé for accepting the invitation to express MENVIQ's point of view on this matter.

The Committee decided to carry this item over to the agenda of the next meeting to give members time to consider what action should be taken.

5. FUNCTIONING OF THE PROVINCIAL REVIEW COMMITTEE (COMEX)

The Chairman welcomed Gaston Moisan, COMEX's Chairman, who had been invited to explain some of the problems COMEX had encountered while conducting its review of the Great Whale project.

In Mr. Moisan's opinion, the problems he was referring to stemmed from a meeting between COMEX and two representatives from the Grand Council of the Crees, Brian Craik and Me Robert Mainville. At that meeting, the Grand Council representatives indicated to COMEX that CRA members would no longer take part in the Great Whale project review unless the government agreed to the following conditions:

- that CRA members' involvement would not prejudice the legal proceedings under way;
- that access infrastructures would not be authorized before hydroelectric development;
- that the government would guarantee in writing that there would be no conflict of interest for Québec members.

According to Mr. Moisan, the Grand Council's position was reaffirmed at a subsequent meeting. Despite the Grand Council's decision, however, CRA members continued to express a desire to take part in the review process, thereby placing all COMEX members in a delicate situation.

Mr. Moisan went on to explain why CRA members were absent from COMEX's April 24, 1991 meeting. According to him, CRA members were present when this meeting was scheduled. However, faced with the possibility that the Cree members would not attend the meeting, it was decided that a CRA representative would be delegated to ensure representation; however, this individual withdrew on the morning of the meeting. Mr. Moisan pointed out that COMEX does not have internal guidelines for setting a quorum.

Mr. Moisan concluded by stating that the fundamental problem encountered during the review of the planned road network for the Great Whale complex was not so much the question of quorum but the fact that according to his perception CRA members did not participate. He has asked CRA members on several occasions for a clarification regarding this matter. Mr. Penn indicated that he would seek clarification from the Grand Council of the Crees concerning the Cree members future role in the Great Whale project review.

The Chairman thanked Mr. Moisan for appearing before the Committee to clarify the situation. After discussing the matter, the Committee decided to suspend discussions.

6. LANGUAGE POLICY FOR THE ENVIRONMENTAL PROTECTION REGIME

Committee members examined a draft letter addressed to Matthew Coon-Come, Grand Chief, regarding this item. The letter contains a proposal for resolving the language problem with regard to the environmental impact assessment and review procedure.

Questions were raised concerning the relevance of having the Committee submit this proposal to the Grand Council of the Crees before first adopting it and forwarding it to the appropriate authorities. After discussion on the matter, however, the Committee decided in favour of sending the letter to Chief Coon-Come, and to do so as soon as possible. Hubert Marcotte objected to the proposal being submitted to the Grand Council of the Crees for comment before being adopted by the JBACE.

7. RECOMMENDATION ON SUSTAINABLE DEVELOPMENT

The Chairman reviewed the developments leading up to this item. After discussing the matter, the Committee decided to adopt the following resolution:

Resolution 91.67.02

THAT the JBACE not make any recommendation on sustainable development and that, consequently, the file be closed.

MOVED BY: Gilles Frisque
SECONDED BY: Hubert Marcotte
ADOPTED UNANIMOUSLY

The Committee agreed, however, that it should study the problem of cumulative impacts. It was decided that this item should be carried over to a future meeting.

8. **FEDERAL BILL C-13**

Committee members were informed that it would be appropriate to review the proposed list of projects which would necessarily be subject to Bill C-13: An Act to Establish a Federal Environmental Assessment Process. The sub-committee mandated to study the bill will continue its analysis and will present its recommendations at the next meeting.

9. **DATE AND LOCATION OF THE NEXT MEETING**

The Committee decided to hold its next meeting at the Laboratoire Lasalle in Montréal on October 22, from 10:30 a.m to 4:00 p.m. At the meeting, Committee members will visit a scale model of the NBR hydroelectric complex.

HERVÉ CHATAGNIER
Secretary