



la Convention  
de la Baie-James  
et du Nord québécois

**Comité consultatif  
pour l'environnement  
de la Baie-James**

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Siège social:  
Baie-du-Poste  
Lac Mistassini, via Chibougamau, Québec  
G0W 1C0

Secrétariat et correspondance générale:  
Édifice Marly  
3900, rue de Marly, 4<sup>e</sup> étage,  
boîte 50,  
Sainte-Foy (Québec)  
G1X 4E4  
(418) 643-8388 ou 7974

**MINUTES OF THE 73rd MEETING  
OF THE JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

**(ADOPTED)**

**DATE:** September 3, 1992

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

**PRESENT:** Robert Daigneault, Chairman, Québec  
Gilles Frisque, Québec  
Marie Lessard, Québec  
Alain Soucy, Québec  
René Boudreault, Canada  
Jean-Guy Charest, Canada  
Hubert Marcotte, Canada  
Alan Penn, CRA  
Paul F. Wilkinson, CRA

**ABSENT:** Pierre Marchand, Canada  
Willie Iserhoff, CRA  
Phillip Awashish, CRA

**OBSERVERS:** Yvan Vigneault, Fisheries and Oceans Canada  
Sam Gull, Local Environment Administrator  
(item 10), Waswanipi

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1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 10:30 a.m. and the following agenda was adopted.

1. Call to order and adoption of the agenda;
2. Adoption of the minutes of the 71st and 72nd meetings;
3. JBACE secretariat;
4. Business related to the 72nd meeting;
5. Review of the 1991-1992 Annual Report;
6. Review of the environmental and social protection regime established under Section 22 of the JBNQA;
7. Summary of the meeting with Ministère des Forêts du Québec representatives and planning of JBACE activities;
  - 7.1 General five-year forest management plans;
  - 7.2 Review of the Regulation respecting; standards of forest management for forests in the public domain;
  - 7.3 Forest protection strategy and policy respecting development of resource access roads.
8. Letter from Normand Tétreault of the MFO concerning construction of a logging road;
9. Draft JBACE newsletter;
10. Priority environmental issues;
11. Varia;
  - 11.1 Route du Nord;
  - 11.2 EM-1 and LA-1 hydroelectric development projects;
  - 11.3 Regulation respecting wildlife habitats;
  - 11.4 MLCP park development;
  - 11.5 Progress report on the activities of the standardization committee for the ecological monitoring of hydroelectric development projects;
12. Date and location of next meeting.

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2. ADOPTION OF THE MINUTES OF THE 71st AND 72nd MEETINGS

The minutes of the 71st and 72nd meetings were adopted with minor amendments.

3. JBACE SECRETARIAT

The Executive Sub-Committee tabled a proposal (memo from Robert Daigneault dated August 28, 1992) aimed at solving the problem of the JBACE secretariat staff's lack of availability as a result of their work load at the COMEX and the COMEV. After discussing the matter, the Committee decided to adopt the following resolution:

RESOLUTION 73-92

WHEREAS the JBACE agreed in 1989 to loan secretarial services to the COMEX;

WHEREAS pursuant to Section 22 of the James Bay and Northern Québec Agreement, the JBACE must provide the Evaluating Committee with secretariat services;

WHEREAS the JBACE is of the opinion that the secretariat staff is not sufficiently available and that, henceforth, the secretariat should play a proactive role within the JBACE;

IT IS RESOLVED THAT the JBACE shall take steps to terminate the lending of secretarial services to the Review Committee;

The JBACE Chairman shall meet with the Chairman of the Evaluating Committee (COMEV) to establish a means of coordinating the JBACE's and the COMEV's needs based on the following principles:

- the Secretary and technical advisor shall attend all JBACE meetings;
- should the JBACE and the COMEV

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meetings be held at the same time, in principle, the JBACE shall be given priority; however, where necessary, the committee chairmen could agree to give priority to the COMEV.

MOVED BY: Alain Soucy  
SECONDED BY: J. Hubert Marcotte

IN FAVOR : 8  
AGAINST : 1

Mr. Alan Penn was absent from the meeting during the discussion on the JBACE secretariat. He wishes to record his disagreement with the resolution 73-92. The resolution in his view reflects a misunderstanding of the nature of the work of the secretariat and its relation to the JBACE. Its implementation would render significantly more difficult the already problematic role of the JBACE with respect to its mandate to oversee the environmental impact assessment and review procedure in the JBNQA.

It was agreed that the Chairman should write to Yves L. Pagé of the Direction générale des évaluations environnementales to inform him of this decision. Furthermore, the Chairman proposed to meet with the Chairman of the COMEV to establish a means of coordinating the JBACE and the COMEV needs.

4. BUSINESS RELATED TO THE 72nd MEETING

The secretariat tabled the list of documents received or forwarded since the last meeting. Included was, among other things, a letter from Environment Minister Pierre Paradis, dated August 6, 1992, in answer to the Committee's budget request for 1992-1993. It was decided to send an acknowledgement of receipt, informing the Minister of the possible effect his decision could have on JBACE activities. The secretariat was asked to prepare a draft budget proposal for 1993-1994.

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5. REVIEW OF THE 1991-1992 ANNUAL REPORT

Committee members voiced their opinions on the draft 1991-1992 Annual Report submitted by the secretariat. While the Committee approved the content of the report, it was agreed that the secretariat would abridge the existing draft. The secretariat was asked to submit sample models for the 1992-1993 Annual Report at the next meeting.

6. REVIEW OF THE ENVIRONMENTAL AND SOCIAL PROTECTION REGIME ESTABLISHED UNDER SECTION 22 OF THE JBNQA

The Committee reviewed the correspondence received from various parties in response to its invitation to comment on the environmental and social protection regime established under Section 22 of the JBNQA.

On July 17, the Committee wrote to various parties concerned informing them of its intention to undertake a global review of the regime for the purpose of issuing specific recommendations to the authorities in charge. The parties were invited to forward their comments and suggestions regarding possible amendments to the regime, be they to schedules 1, 2 and 3 of Section 22 or to the actual environmental assessment procedure.

The members discussed possible questions regarding the nature and scope of the planned review and it was decided that a second letter could be sent to the parties clarifying the Committee's intentions. The letter would explain that the planned review of the environmental protection regime could focus on the following three points:

- administration of the environmental and social protection regime (secretariats, available budgets and human resources, relations between the committees and MENVIQ, etc.);
- the legislation governing the application of the environmental and social protection regime (schedules 1 and 2 of the JBNQA, the Regulation respecting the environmental and

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social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec, etc.);

- the sub-sections of Section 22 of the JBNQA.

The Committee will also invite the parties to meet with the secretariat to obtain additional information on this subject.

Finally, the members were reminded that, on July 10, Alan Penn submitted a document entitled "The implementation of Section 22 of the JBNQA: Selected issues for further studies" to the Committee. The members agreed to comment on this document before the next meeting.

7. SUMMARY OF THE MEETING WITH MINISTÈRE DES FORÊTS DU QUÉBEC (MFO) REPRESENTATIVES AND PLANNING OF JBACE ACTIVITIES

The Committee's technical advisor tabled a document summarizing the meeting with the JBACE's subcommittee on forestry and MFO representatives, including Rémy Girard, Deputy Minister of Forests. The purpose of the meeting, which was held on August 21, 1992, was to discuss the recommendations issued by the Committee on July 29, 1991 on the five-year forest management plans. The outcome of the meeting was discussed, along with Mr. Girard's letter of response, dated August 20, to the Committee's recommendations.

7.1 General five-year forest management plans

At the meeting on August 21, the JBACE was informed that, in keeping with the Environment Quality Act, the general forest management plans will be submitted to the Committee in spring 1993 for a 60-day period of consultation. The documents in question set out the general management strategy that serves as a guideline for the general forest management plans. A five-year plan will be drafted for each common area. The Committee questioned the relevance and use of examining the general plans. The secretariat was

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asked to study the matter and propose possible solutions regarding the review of the plans.

7.2 Review of the Regulation respecting standards of forest management for forests in the public domain

The Committee was informed that the MFO is currently reviewing the Regulation respecting standards of management for forests in the public domain. At present, the MFO is involved in interdepartmental consultation with the MLCP, MENVIQ, MER and others. The project is to be submitted for public consultation in early 1993. Given the importance of the Regulation's provisions on forest management methods, the Committee decided that it should follow the project's progress closely. The first step will be to write Mr. Girard requesting that a working meeting between the MFO, MENVIQ, the MLCP and the Committee be scheduled to discuss the Regulation. In its letter, the Committee will also ask Mr. Girard for some clarifications regarding the clearing of land for the future NBR reservoirs.

7.3 Forest protection strategy and policy respecting development of resource access roads

The JBACE was informed that the MFO examined the report of the Bureau d'audiences publiques sur l'environnement (BAPE) on the forest protection strategy and is currently finalizing its own strategy.

According to the MFO, a key component in the strategy is the improvement of resource access infrastructures to enable better distribution of logging areas and harvesting in terms of time and space, which would be consistent with a major concern expressed by the JBACE as regards the different levels of harvesting in the northern and southern sectors of common areas.

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8. LETTER FROM NORMAND TÉTREULT OF THE MFO CONCERNING CONSTRUCTION OF A LOGGING ROAD

The Committee read a letter from Normand Tétreault, of the MFO, to the Chairman, dated August 26, 1992. Mr. Tétreault asks, among other things, for the Committee's comments on the possibility of allowing construction of a logging road in a parcel of a common area whose five years forestry management plan is currently being studied by the Committee. The parcel of land in question is located outside the territory falling under Section 22 of the JBNQA.

After studying the matter, the Committee decided to write to Mr. Tétreault informing him that, insofar as the road is located outside the territory governed by Section 22 of the JBNQA, it is not up to the Committee to approve or refuse the construction of the project.

9. DRAFT JBACE NEWSLETTER

The technical advisor tabled a sample newsletter that could be used as a model for the JBACE's newsletter, which the Committee recently decided to publish on a periodic basis. After examining the model, the Committee asked the secretariat to prepare a draft newsletter for adoption at the next meeting. It was agreed that a newsletter will be published three or four times a year.

1010. PRIORITY ENVIRONMENTAL ISSUES

The Committee reread a memo from Alan Penn dated November 29, 1991 and entitled "A recommendation that the JBACE undertake a review of selected environmental issues relevant to the James Bay territory." After studying the document, the Committee decided to make the following issues a priority:

- river diversion principles and practices; hydrology and ecological criteria for assessing the acceptability of planned river diversion;

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- environmental challenges of mining projects in the territory (abandoned sites, generation of acid, etc.);
  - the problem of "de-isolation" and opening up the territory;
  - the land use plan from a sociocultural perspective.

The secretariat was asked to draw up a working plan whereby the Committee could discuss these issues during the coming meetings.

Furthermore, at the Committee's request, Sam Gull, Local Environment Administrator for Waswanipi, gave a profile of the environmental challenges in his community. He stated a number of problems related to housing, drinking water and wastewater treatment, and solid waste management.

## 11. VARIA

### 11.1 Route du Nord

The Committee questioned the status of this project as it relates to the application of the various environmental impact assessment and review procedures. The Secretary explained that this road, which is just under construction, has already undergone the Québec impact assessment and review procedure established under Section 22 of the JBNQA. The Federal Administrator recently submitted preliminary information to the Evaluating Committee regarding the federal impact assessment and review procedure established under the same Section. Finally, for the purpose of obtaining information on the application of the Federal Environmental Assessment and Review Process (FEARP) to this project, the Committee decided to write the authorities at Transport Canada. The secretariat was asked to draft a summary of the various procedures applicable to the project. The

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planned road will link Chibougamau to the Némiscau station, and the Cree Construction Company is the project proponent.

11.2 EM-1 and LA-1 hydroelectric development projects

Given the importance of the ecological impact of these two projects, the Committee agreed that there is reason to monitor their progress, particularly as concerns the application of the various impact assessment and review procedures.

11.3 Regulation respecting wildlife habitats

A draft regulation of the Ministère du Loisir, de la Chasse et de la Pêche (MLCP) entitled "Regulation respecting wildlife habitats" was tabled. The regulation establishes standards for wildlife habitats and, accordingly, will have an impact on the James Bay territory. The draft regulation was published in the July 15, 1992 edition of La Gazette officielle for a 45-day period of written consultation.

The Committee regrets the fact that this draft directive was not submitted for its consultation and recommendations as stipulated in the JBNQA. The Committee decided to write the Minister of Recreation, Fish and Game to remind him of the obligation to consult the Committee when formulating draft regulations that could have environmental repercussions in the James Bay territory. The Minister will be informed of the Committee's intention to examine the regulation and, if necessary, submit recommendations thereon. Mr. Penn proposed to study the draft regulation and submit the results to the Committee.

11.4 MLCP park development

Due to a lack of time, it was decided that this item would be discussed at a future meeting.


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11.5 Progress report on the activities of the standardization committee for the ecological monitoring of hydroelectric development projects

Due to a lack of time, it was decided that this item would be discussed at a future meeting.

12. DATE AND LOCATION OF THE NEXT MEETING

The Committee decided to hold its next meeting in the Waswanipi region from September 29 - October 1. During this time, the Committee plans to visit cutting grounds, mining sites and the community of Waswanipi. The secretariat will draw up the itinerary for the visit, with Alan Penn and Sam Gull acting as advisors.

  
HERVÉ CHATAGNIER  
Secretary