



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 79th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: November 2, 1993

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

PRESENT: Philip Awashish, Chairman, CRA
Alan Penn, Vice-Chairman, CRA
Paul Wilkinson, CRA
Louis Archambault, Québec
Pierre Paulhus, Canada
René Boudreault, Canada
Diane Morneau, Canada
Hervé Chatagnier, Secretary, JBACE

ABSENT: Gilles Frisque, Québec
Robert Daigneault, Québec
Willie Iserhoff, CRA
Marie Lessard, Québec
Pierre Lauzon, Canada

OBSERVER: Ian Juniper, Secretary, Hunting, Fishing and Trapping
Coordinating Committee



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. Appointment of Pierre Lauzon to replace Jean-Guy Charest
3. Business related to the 78th meeting
4. Canadian Environmental Assessment Act (CEAA): Advance publication of regulations
5. Report of meeting between JBACE representatives and representatives from the Ministère de l'Énergie et des Ressources (MER) regarding the creation of an "Energy Board"
6. Forestry operations:
 - 6.1 Changes to five-year forest management plans (FFMP)
 - 6.2 Preparation of a brief on general forest management plans (GFMP)
 - 6.3 Environmental assessment of forest road N-836
7. Language policy within the context of the environmental protection regime
8. Preparation of upcoming consultations on the next Hydro-Québec Development Plan
9. Varia:
 - 9.1 Ocean dumping
 - 9.2 Draft wildlife policy
 - 9.3 "Agreement Regarding the Cree Capital Allocation Adjustment for Infrastructure and Regarding Certain Emergency Projects"
10. Date and location of next meeting

2. APPOINTMENT OF PIERRE LAUZON TO REPLACE JEAN-GUY CHAREST

The Chairman and the Secretary tabled letters confirming the appointment of Pierre Lauzon (DIAND) to replace outgoing JBACE member Jean-Guy Charest. The Secretary informed the members that Mr. Lauzon was unable to attend the present meeting.

The Secretary also tabled a letter from Minister of the Environment Pierre Paradis confirming the appointment of Louis Archambault to replace Alain Soucy.

3. BUSINESS RELATED TO THE 78th MEETING

The Chairman tabled copies of the letters sent to the Minister of the Environment regarding: 1) acceptance of the Minister's offer to loan a resource person to the JBACE to help with the review of the application of

Section 22 of the JBNQA; 2) acceptance of the Minister's offer to loan a resource person to study general forest management plans; and 3) the need to fill the position of JBACE technical advisor.

The Secretary informed the members that MENVIQ is currently seeking candidates to fill the position of resource person to help with the review of Section 22.

On this subject, the Committee read a letter to the Evaluating Committee dated March 12, 1993, from Alan Happyjack, former chief of the Waswanipi Band Council. Mr. Happyjack discusses the Band Council's concerns regarding enforcement of the environmental protection regime in the James Bay territory. The letter was forwarded to the JBACE on June 17 by the Chairman of the Evaluating Committee.

After discussing the letter, the Committee agreed to write to the current chief of the Waswanipi Band Council, John Kitchen, to inform him that the JBACE will take these concerns into account when reviewing Section 22 and its enforcement.

The Secretary was asked to contact the MFO to find out whether any amendments to the Forest Act have been tabled.

4. CANADIAN ENVIRONMENTAL ASSESSMENT ACT (CEAA): ADVANCE PUBLICATION OF REGULATIONS

As agreed at the previous meeting, JBACE members Robert Daigneault, Alan Penn, Paul Wilkinson, Diane Morneau and Hervé Chatagnier (Secretary) held a conference call on October 14 to discuss the need to submit comments on the draft regulations establishing the CEAA. It was decided that the Secretary would draft a brief based essentially on the one already submitted by the JBACE (February 18, 1992) and incorporating members' comments, particularly those contained in the memorandum submitted by Alan Penn on October 13, 1993.

The Secretary tabled his draft brief at the 79th meeting. After discussing its contents, Alan Penn tabled a memorandum dated October 31 in which he discussed his concerns regarding the brief. Other members suggested changes, including the need to stress the importance of harmonizing the federal impact assessment procedure with the procedures established under Section 22 of the JBNQA to avoid duplication of procedures applicable to the James Bay territory. Members also discussed the ambiguousness of the list of legislative and regulatory provisions, especially as regards enforcement of the CEAA when the issuance of a permit or license by the Minister under a given act (e.g. Fisheries Act) is discretionary.

After discussing the matter, Alan Penn and Diane Morneau were asked to review the first part of the draft brief and submit their comments to the

Secretary so he can draft a final version. It was agreed to forward the final brief to the federal Environment Minister, with a copy to the Québec Minister of the Environment.

5. **REPORT OF MEETING BETWEEN JBACE REPRESENTATIVES AND REPRESENTATIVES FROM THE MINISTÈRE DE L'ÉNERGIE ET DES RESSOURCES (MER) REGARDING THE CREATION OF AN "ENERGY BOARD"**

On October 26, the subcommittee on Hydro-Québec's Development Plan (Paul Wilkinson, Alan Penn and René Boudreault) and the Secretary met with Bruno Duchesne and Réal Piché of the MER. The latter had requested the meeting to get the JBACE's opinion on the relevance of creating an "Energy Board."

According to Mr. Duchesne and Mr. Piché, the MER first considered the possibility of creating such a board after studying the numerous briefs presented at the last meeting of the parliamentary committee on Hydro-Québec's 1993-1995 Development Plan. A document to this end is to be submitted to the Minister of Energy and Resources before year-end and an official proposal could be submitted to the Cabinet in early 1994, which could ultimately result in a bill to create an "Energy Board." The MER representatives were thus hoping to obtain the JBACE's views on the possible mandate of such a board.

During the meeting, a number of proposals were made in this respect; for example, the board could examine rate structures and demand forecasts, consider environmental factors, etc.

The Committee read two memorandums prepared by Alan Penn (November 2, 1993) and Paul Wilkinson (October 27, 1993). The two members briefly explained the content of their memorandums, following which the Committee decided to submit its comments to Bruno Duchesne in writing, addressing the following issues, among others:

- the importance of first conducting a global review of energy planning methods in order to decide on one which reflects the Québec context;
- should the government decide to create an Energy Board, it must include an environmental mandate, among others;
- board should not be given mandates which are already covered by other bodies, especially those established under Section 22 of the JBNQA.

After discussing the matter, the Secretary and René Boudreault were asked to draft a letter as soon as possible, incorporating the above points as well as the comments raised by Mr. Penn and Mr. Wilkinson into their

memorandums. The draft letter will be submitted to the members as soon as possible so that a final version can be forwarded to Mr. Duchesne by mid-November.

6. FORESTRY OPERATIONS

6.1 Changes to five-year forest management plans (FFMP)

The Secretary informed the JBACE that the Regional Forest Administrator, André Paul, was unable to attend the meeting. Mr. Paul had twice written asking to meet with the Committee to discuss the five-year forest management plans and how the consultation process could be made more efficient.

The Secretary was asked to contact Mr. Paul to determine whether the objective of the requested meeting is to discuss the recommendations submitted by the JBACE for the first series of FFMPs. If it is, Mr. Paul will be invited to the next Committee meeting. If the objective is to discuss technical issues, it was agreed that the subcommittee on forestry would meet with Mr. Paul before the next meeting.

6.2 Preparation of a brief on general forest management plans (GFMP)

At the previous meeting, Alan Penn tabled a memorandum (September 27, 1993) proposing a new approach to the review of the general forest management plans. It was agreed to put this item on the agenda of the next meeting.

6.3 Environmental assessment of forest road N-836

The JBACE studied a recommendation from the Review Committee (COMEX) regarding authorization of forest road N-836 in the area of Waskaganish. The recommendation, dated November 30, 1992, raises the question of what type of forest road is exempt from the impact assessment and review procedure. COMEX recommended that MENVIQ resolve the question after consulting with the JBACE and the MFO, if necessary.

The Secretary explained that MENVIQ has not yet replied, but that as soon as it gives COMEX an answer, the JBACE will be informed. The Committee thus decided to wait until MENVIQ has responded before discussing the matter any further.

In addition, the members were informed of the overall problems involved in reviewing the impact of forest roads and that when the JBNQA was signed, forest management plans were excluded from the impact assessment and review process.

7. LANGUAGE POLICY WITHIN THE CONTEXT OF THE ENVIRONMENTAL PROTECTION REGIME

Due to a lack of time, this item was carried over to the next meeting.

8. PREPARATION OF UPCOMING CONSULTATIONS ON THE NEXT HYDRO-QUÉBEC DEVELOPMENT PLAN

Due to a lack of time, this item was carried over to the next meeting.

9. VARIA

Due to a lack of time, this item was carried over to the next meeting.

10. DATE AND LOCATION OF NEXT MEETING

The Committee decided to hold its next meeting on December 10 at the Montréal office of the Great Whale Public Review Support Office.



HERVÉ CHATAGNIER
Secretary

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