



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 80TH MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: December 10, 1993

LOCATION: Lapointe, Rosenstein
1010 Sherbrooke West
Suite 1100
Montreal, Québec

PRESENT: Philip Awashish, Chairman, CRA
Alan Penn, Vice-Chairman, CRA
Paul Wilkinson, CRA
Pierre Lauzon, Canada
Diane Morneau, Canada
Pierre Paulhus, Canada
Louis Archambault, Québec
Robert Daigneault, Québec
Gilles Frisque, Québec
Hervé Chatagnier, Secretary, JBACE

ABSENT: Willie Iserhoff, CRA
René Boudreault, Canada
Marie Lessard, Québec

PARTICIPANTS: Pierre Després, Great Whale Public Review
Item 7 on Support Office
agenda Philip Raphals, Great Whale Public Review
Support Office
Fred Whoriskey, Great Whale Public Review
Support Office



1. **CALL TO ORDER AND ADOPTION OF THE AGENDA**

The Chairman welcomed new Committee member Pierre Lauzon, and called the meeting to order at 10:45 a.m. The following agenda was adopted.

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 78th and 79th meetings
3. Business related to the last meeting:
 - 3.1 Financing of the secretariat
 - 3.2 Correspondence signed by the chairman since the last meeting
4. Language policy within the context of the environmental protection regime
5. Canadian Environmental Assessment Act (CEAA): Advance publication of regulations
6. Forestry operations:
 - 6.1 Five-year forest management plans
 - 6.2 Amendments to the Forest Act
7. Meeting Great Whale Public Review Support Office representatives
8. Consultations on the next Hydro-Québec Development Plan
9. Varia:
 - 9.1 Code of ethics for research in the Northern environment
 - 9.2 Groundwater contamination at Chisasibi
10. Date and location of next meeting.

2. **ADOPTION OF THE MINUTES OF THE 78TH AND 79TH MEETINGS**

The minutes of the 78th and 79th meeting were adopted without amendments.

3. **BUSINESS RELATED TO THE LAST MEETING**

3.1 **Financing of the secretariat**

The Committee read a letter to the Secretary dated November 5, 1993, from Claude St-Charles, to which was attached a copy of a letter from the Treasury Board Minister regarding budgetary cuts. It was recalled that in a letter dated September 14, the Minister of the Environment informed the Committee that the Treasury Board of Canada had ordered budgetary cuts to grant and contribution funds, a decision which would directly affect JBACE budgets.

After reading the letter from the Treasury Board Minister, the Committee recognized that the federal government had committed to reducing grant and contribution programs by 10% for 1993-1994. The Committee also realized that this 10% reduction goal does not necessarily apply to each grant and contribution program, but corresponds instead to an average.

In this context, the Committee agreed to write to Claude St-Charles for information about the political decision to reduce the federal contribution to the JBACE.

3.2 Correspondence signed by the chairman since the last meeting

The Chairman and the Secretary tabled letters signed by the Chairman since the last meeting.

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

As agreed at the 78th meeting, the Committee reviewed a new draft letter to Kenny Blacksmith, Vice-Chairman of the Cree Regional Authority (CRA), regarding a language policy proposal within the context of the environmental protection regime.

The Committee noted that on January 29, 1993, the former Vice-Chairman of the Cree Regional Authority, Diom Romeo Saganash, had submitted CRA's position with respect to such a policy. Given that it was strongly similar to that initially proposed by the Committee, it was decided that a provision would be added to the latter to the effect that requiring detailed summaries necessarily implied consultation with the Cree to ensure that these were relevant. It was agreed that this proposal constitutes only a minimum.

Following discussion, the Committee modified the draft letter to Kenny Blacksmith and adopted it as modified.

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

The Committee discussed the contents of the second version of a draft brief on the proposed regulations establishing the CEAA.

On whether or not the Committee should comment on the application of the CEAA in the James Bay territory, some members were of the opinion that it should not, particularly since under the James Bay and Northern Quebec Agreement (JBNQA), an assessment procedure already applies.

Other members believed that in its draft brief the Committee does not address the application of the CEAA in the James Bay region but attempts instead to improve the Act's regulations based upon experience from the application of the JBNQA in the James Bay territory. They suggested that amendments to that end be introduced in the draft brief.

After discussing the matter, the Chairman called for a vote to be cast on the draft brief as modified.

In favor:	3 members
Opposed:	5 members
Abstentions:	1 member
Absent:	3 members

It was finally decided that no brief respecting the regulations would be transmitted. The Chairman invited those wishing to transmit their comments to do so on a personal basis.

6. FORESTRY OPERATIONS

6.1 Five-year and general forest management plans (FFMP and GFMP)

The forestry sub-committee (Alan Penn and Gilles Frisque) informed the members of its intention to meet the Regional Forest Administrator, André Paul, in January. Mr. Paul had twice written to the JBACE requesting a meeting to discuss how the FFMP consultation process could be made more efficient.

In addition, the Committee took note of a letter from André Paul dated November 5, informing it of the tabling of the FFMP for 1994-1998 on December 1, 1993. The Secretary informed the Committee that the secretariat had received the FFMP for common area 87-04 on December 6, 1993.

The Committee discussed the proposition in Alan Penn's memo of September 27, 1993, concerning a JBACE approach to FFMP analysis. After discussing the matter, the Committee opted to retain the approach and mandated the forestry sub-committee to prepare a draft

brief including an executive summary for mid-February 1994. The members agreed to comment the contents of Mr. Penn's memo in January 1994. It was also agreed to write to the Deputy Minister for the ministère des Forêts (MFO), reiterating the need for the Committee for MFO's cooperation (technical assistance, data availability, and so on).

The Secretary was asked to prepare a table identifying the changes to the FFMP of 1989-1993 as presented to the Committee.

Finally, the Secretary tabled a copy of a Review Committee document regarding authorization of a forestry camp for the construction of forest road N-818 of Donohue Inc. Given that Review Committee members did not reach consensus on a recommendation to that end, the document forwarded to the Deputy Minister for the ministère de l'Environnement last December 3 outlines the position held by CRA members and Québec members. It was agreed to discuss this item more fully at the next meeting.

6.2 Amendments to the Forest Act

The Committee examined Bill 108, an Act modifying the Forest Act and repealing several legislative provisions. According to information obtained by the Secretary, the bill has passed the 2nd reading in the National Assembly and will soon be submitted to a third reading. Implications of sections 25.2 and 25.3, given below, were discussed.

25.2 The Minister may, exceptionally and after consultation with the Ministers concerned, prescribe, for a given territory, standards of forest management different from those already prescribed by regulation when the latter do not allow to adequately protect all the resources comprised within the territory either because of the characteristics specific to the territory or of the nature of the project being contemplated.

25.3 The Minister may, upon approval of the five-year plan or the general plan and after the consultation provided for in section 58.2, authorize the beneficiary to apply, for a given territory, forest management standards different from those prescribed by regulation when justified by the characteristics specific to the territory and the nature of the project being contemplated.

These standards shall be subject to prior consultation with the ministries concerned.

The JBACE pointed out that the possibility of abuse of these articles exists and that no procedures for public consultation are provided.

After discussing the matter, the forestry sub-committee was asked to draft a letter regarding the Committee's comments about the Bill.

The Secretary tabled a copy of the regulation modifying the Regulation respecting forestry plans and management reports (Gazette officielle du Québec, May 27, 1992, Vol. 124, No. 22, part 2, pp. 3634-3635).

7. **MEETING GREAT WHALE PUBLIC REVIEW SUPPORT OFFICE REPRESENTATIVES**

The Chairman welcomed the representatives from the Great Whale Public Review Support Office invited by the Committee to present the Office and its activities.

Pierre Després talked about the origin and mandate of the Support Office created pursuant to a Memorandum of Understanding signed by both governments, the Cree and Inuit in order to harmonize the various assessment and review procedures applicable to the Great Whale project.

Mr. Després tabled the two attached tables containing a flowchart of the Office and its budget.

Mr. Whoriskey and Mr. Raphals described the Office's scientific activities and tabled several copies of a summary document.

A detailed discussion between the Committee and the Support Office representatives followed. The discussion focused on the conformity analysis undertaken by the committees and commissions with the assistance of the Support Office. Following this discussion, the chairman thanked the Support Office representatives for their enlightening presentation.

8. **CONSULTATIONS ON THE NEXT HYDRO-QUÉBEC DEVELOPMENT PLAN**

Diane Morneau reported on the last meetings with Hydro-Québec about the next development plan (1996). These meetings fit into Hydro-Québec's public consultation on the development plan.

Mrs. Morneau questions the Committee's role in the consultations (adherence to which field of interest, how to answer the questionnaire, and so on).

After discussion and due to a lack of time, this item was carried over to the next meeting

9. **VARIA**

9.1 **Code of ethics for research in the Northern environment**

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

9.2 **Groundwater contamination at Chisasibi**

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

10. **DATE AND LOCATION OF NEXT MEETING**

The next meeting is expected to be held in mid-February at a location to be confirmed later.



HERVÉ CHATAGNIER
Secretary

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