



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 81st MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(DRAFT)**

DATE: March 4, 1994

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

PRESENT: Philip Awashish, Chairman, CRA
Alan Penn, Vice-Chairman, CRA
René Boudreault, Canada
Pierre Lauzon, Canada
Diane Morneau, Canada
Pierre Paulhus, Canada
Gilles Frisque, Québec
Hervé Chatagnier, Secretary, JBACE

ABSENT: Willie Iserhoff, CRA
Paul Wilkinson, CRA
Louis Archambault, Québec
Robert Daigneault, Québec
Marie Lessard, Québec

1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairman called the meeting to order at 9:30 a.m. and the following agenda was adopted.

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 80th meeting
3. Secretariat
4. Public consultations on Hydro-Québec's Development Plan 1996



5. Hydro-Québec's consultation on its integrated enhancement policy (politique de mise en valeur intégrée)
6. Forestry operations:
 - 6.1 Act to amend the Forest Act and to repeal various legislative provisions (Bill 108)
 - 6.2 General and five-year forest management plans
7. Groundwater contamination in Chisasibi
8. Code of ethics for northern research
9. COMEV, COMEX and COFEX-South activity report
10. Merging of MENVIQ and the MLCP
11. Review of Section 22 of the JBNQA
10. Date and location of next meeting

2. **ADOPTION OF THE MINUTES OF THE 80th MEETING**

The minutes of the 80th meeting were adopted with a number of corrections.

3. **SECRETARIAT**

The MEF has been reviewing the possibility of amalgamating the various committee secretariats established by Section 22 of the JBNQA. The Secretary informed the Committee that the Minister of the Environment and Wildlife, Pierre Paradis, would be submitting the results of the MEF review, which was requested by the Advisory Committee in a letter dated June 3, 1993, sometime soon. In another letter, dated November 2, 1993, the Committee asked that the position of technical advisor be filled as soon as possible.

The Committee was informed that, during a conference call held by the JBACE executive subcommittee on February 14, it was decided to recommend that the subcommittee be mandated to interview the candidate(s) proposed by the Minister for the position of technical advisor. Following discussion, the Advisory Committee agreed to this recommendation. The members appointed by Canada will be contacting each other in the near future to name a representative to the executive subcommittee.

4. **PUBLIC CONSULTATIONS ON HYDRO-QUÉBEC'S DEVELOPMENT PLAN 1996**

Alan Penn tabled a draft letter to Armand Couture of Hydro-Québec dated March 4, 1994. The letter explains the position the Advisory Committee could adopt regarding its role in Hydro-Québec's public consultations on the utility's next development plan (1996). A formal consultation process has been under way for several months now. Diane Morneau and Alan Penn have attended numerous meetings held by Hydro-Québec on the subject.

The Committee studied Mr. Penn's draft letter and adopted it with minor changes (see Appendix I).

Philip Awashish, Paul Wilkinson, Pierre Lauzon, Gilles Frisque and Diane Morneau recently met with members of Hydro-Québec's senior management. It would appear that Hydro-Québec has decided to hold a series of public forums to consult the regions on its development plan. It would further appear that the public consultation mechanisms do not provide specifically for the participation of Native peoples.

5. **HYDRO-QUÉBEC'S CONSULTATION ON ITS INTEGRATED ENHANCEMENT POLICY**

The Committee studied a Hydro-Québec document entitled "Politique de mise en valeur intégrée - Consultation externe, novembre 1993" (integrated enhancement policy - outside consultation, November 1993). During its conference call on February 14, the executive subcommittee proposed that the Advisory Committee write to André Laporte at Hydro-Québec requesting that it be consulted on the utility's enhancement policy. According to Hydro documents, the Committee is not on the list of outside organizations to be consulted.

The Committee studied and approved a draft letter asking Mr. Laporte to send all relevant information on the proposed integrated enhancement policy and requesting that the Committee be consulted on this matter.

6. **FORESTRY OPERATIONS**

6.1 **Act to amend the Forest Act and to repeal various legislative provisions (Bill 108)**

As agreed at the last meeting, on January 12, 1994, Gilles Frisque of the subcommittee on forestry tabled a memo containing his comments on the Act to amend the Forest Act and to repeal various legislative provisions (Bill 108). A copy of the Bill was tabled at the last meeting. It has since been assented to and come into force.

However, given the impact the amendments to the Act could have on forestry operations in the James Bay territory, the Committee decided it would be worthwhile submitting its comments to the Minister of Natural Resources, Christos Sirros.

Two new provisions drew the JBACE's attention. The first primarily concerns sections 25.2 and 25.3 of the Act, which refer to forest conservation. They read:

- 25.2 The Minister may, exceptionally and after consulting the departments concerned, prescribe, for a particular territorial unit, standards of forest management that differ from those fixed by regulation where the latter do not provide adequate protection of all the resources in that

unit due to the characteristics of the forest in that unit and the nature of the project to be carried out.

- 25.3 The Minister, when approving the five-year plan or the general plan, and after the consultation prescribed under section 58.2, may authorize the agreement holder to apply, in a particular territorial unit, standards of forest management that differ from those fixed by regulation where so justified by the characteristics of the forest in that unit and nature of the project to be carried out. Such standards must be the subject of prior consultation with the departments concerned.

Since these sections make it possible, in certain cases, to waive standards which prove inefficient or even harmful to the forest, they give the Minister a degree of freedom that could be used to good account if the specific communities and habitats in northern regions, for example, are taken into account. On the other hand, this freedom could also be used in a counterproductive manner. The Committee agreed to request that, in specific reference to sections 25.2 and 25.3, the meaning of "territorial unit" be clarified. The Committee feels there is a danger that a portion of the territory covered by the JBNQA be considered a "particular territorial unit," enabling the Minister to exempt certain TSMA holders from the legal enforcement of forest conservation standards and various aspects of the management plan.

The second element of concern is the wording of sections 25.2 and 25.3, which may enable the Minister to exempt activities which are costly in the North from normal environmental protection standards. The Advisory Committee therefore decided to ask the Minister to amend sections 25.2 and 25.3 to ensure that any change in normal procedures not be approved by the Minister until after the amendments have been published and the parties involved have been consulted within the prescribed time period. Where management projects in the JBNQA territory are concerned, the parties involved obviously include the JBACE and the Native communities.

As regards the accessibility of general and five-year forest management plans, the Advisory Committee noted that section 58.2 of the Act requires the agreement holder to consult any persons or groups who so apply in the first 20 days of the period prescribed in section 58.1. Section 58.2 also requires the agreement holder, regardless of any application, to consult the regional county municipality (RCM) concerned. Given that there are no RCMs in the territory covered by the JBNQA and given the importance of the forest to the Crees, the Committee decided to recommend amending section 58.2 to require the agreement holder to consult the Cree Regional Authority (CRA) and the band councils. In this context, the Committee decided to recommend that all general plans and the five-year plans for

1994-1999 be forwarded to the CRA and the appropriate band councils as soon as possible.

The Secretary was asked to draft a letter containing the above comments and those raised in Mr. Frisque's memo and send it to Mr. Sirros as soon as possible.

6.2 General and five-year forest management plans

The Committee was informed that the subcommittee on forestry (Alan Penn and Gilles Frisque), Robert Beaulieu (CRA), Ginette Lajoie (CRA), and Raymond Houle met on March 3 to discuss Mr. Penn's proposed approach for studying general and five-year forest management plans.

At a previous meeting, the Advisory Committee had adopted the proposal submitted by Mr. Penn in a memorandum dated September 27. Essentially, the approach consists in drafting historical review on forestry issues since the signing of the JBNQA.

At their meeting of March 3, the members of the subcommittee on forestry were apparently unable to reach a consensus on the proposed approach. The two CRA representatives (Ginette Lajoie and Robert Beaulieu) would have preferred that it be more directly linked to the review of development plans. In this context, it was suggested that the Advisory Committee wait until the subcommittee on forestry agrees on a suitable approach.

As agreed during the executive subcommittee's conference call on February 14, Alan Penn tabled a draft letter to the Minister of Natural Resources and Minister for Native Affairs, Christos Sirros, providing an historical overview of issues pertaining to forestry operations in the James Bay territory and the actions taken by the Committee. The draft letter also recommended that:

- the Committee be consulted on the review of the Regulation respecting standards of forest management for forests in the public domain;
- the Minister reexamine the issues surrounding the land use plan;
- forest roads be subject to a global review under the environmental and social impact assessment and review procedure;
- forest management plans take into account the concerns of forest users other than the forestry industry;
- the Minister review the structure of timber supply and management agreements (TSMAs) to ensure that forestry

operations in the North respect the goal of sustainable development;

- the Minister secure the collaboration of his Department in order to provide the Advisory Committee with the necessary data and studies to enable adequate review of forest management plans.

After discussing the matter, it was agreed that Committee members would submit their comments on the draft letter to the Secretary by next week.

7. GROUNDWATER CONTAMINATION IN CHISASIBI

cc. m. k. p.
The Committee had received a letter, dated September 24, 1993, from Guy McKenzie, an attorney at DIAND, regarding the issue of groundwater contamination in Chisasibi. This letter was in response to the Committee's letter of August 27 requesting an expert opinion on the health risks related to this contamination.

At a previous meeting, the Committee had decided to send another letter to Mr. McKenzie reiterating its request for technical expertise on this matter. The letter was to point out that, during its assessment of the planned sewer and sewage treatment system for Chisasibi, COFEX had requested that the project proponent (Chisasibi Band Council) address the question of groundwater decontamination.

Mr. Penn had tabled a draft letter to this effect at an earlier meeting.

Mr. Lauzon questioned the relevance of sending the letter given DIAND's participation in the construction of the sewer and sewage treatment system in Chisasibi (financing, etc.). Furthermore, it appears that the question of health risks is no longer a problem for the Band given that Chisasibi will soon be getting a new water treatment system. Finally, Mr. Lauzon suggested that if this matter is still of concern to the Band, the latter could approach specialists rather than DIAND, since the latter does not have the necessary expertise to give an opinion on the subject.

After discussing the matter, it was agreed that this is not an issue to be settled by the Committee.

8. CODE OF ETHICS FOR NORTHERN RESEARCH

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

9. COMEV, COMEX AND COFEX-SOUTH ACTIVITY REPORT

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

10. MERGING OF MENVIQ AND THE MLCP

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

11. REVIEW OF SECTION 22 OF THE JBNQA

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

12. DATE AND LOCATION OF NEXT MEETING

It was agreed to hold the next meeting sometime in mid-May, in Whapmagoostui if possible.

HERVÉ CHATAGNIER
Secretary

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