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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 86TH MEETING  
OF THE JAMES BAY ADVISORY COMMITTEE  
ON THE ENVIRONMENT**

**(ADOPTED)**

- DATE:** February 24, 1995
- LOCATION:** ENTRACO  
500, Blvd. René-Lévesque West  
Suite 600  
Montréal (Québec)
- PRESENT:** Diane Morneau, Canada, Chairwoman  
Pierre Paulhus, Canada  
Alan Penn, CRA  
Philip Awashish, CRA  
Louis Archambault, Québec  
Gilles Frisque, Québec  
Hervé Chatagnier, Technical Advisor  
Denis Bernatchez, Secretary
- ABSENT:** Mimi Breton, CCCPP  
Robert Daigneault, Vice-Chairman, Québec  
Willie Iserhoff, CRA  
Paul Wilkinson, CRA
- GUEST:** Pierre Dugas, Forestry Engineer

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

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



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1. Call to order, adoption of the agenda and introduction of a new member;
  2. Adoption of the minutes of the 85th meeting;
  8. Business ensuing from the last meeting;
  5. Debate on the Québec government's orientations with respect to energy;
  6. Forestry dossier;
  7. Discussion on Bill C-62;
  3. Complementary Agreement no. 12;
  4. Project for parks in the northern regions;
  9. Hydro-Québec's integrated enhancement policy;
  10. Review of Section 22 of the JBNQA;
  11. Great Whale hydroelectric project;
  12. COMEV, COMEX AND COFEX-South activity report;
  13. Tabling of various documents;
  14. 1993-1994 Annual Report;
  15. Varia;
  16. Date and location of the next meeting.

The Chairwoman mentioned that Québec has appointed a new member to replace Mrs. Marie Lessard. She asked Mr. Jacques Lefebvre to introduce himself. Mr. Lefebvre related his training and various work experience. He is presently General Director at the Centre écologique du Lac St-Jean in St-Félicien. The members welcomed him to the JBACE.

**2. ADOPTION OF THE MINUTES OF THE 85TH MEETING**

The minutes of the 85th meeting were adopted following some modifications.

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3. **COMPLEMENTARY AGREEMENT NO. 12**

Mr. Hervé Chatagnier presented the main points of the issue of commercial hunting and fishing. On September 9 and 18, 1991, Mr. Claude Despatie, head of the Québec delegation of the Hunting, Fishing and Trapping Coordinating Committee wrote to the Chairman of the JBACE to submit a project of amendments to schedules I and II of Section 22 of the James Bay and Northern Québec Agreement (JBNQA). Mr. Despatie requested that this project, that was proposed by the various Native groups, be submitted before the Committee.

On October 29, 1991, the Committee adopted a resolution to amend schedules I and II of Section 22 of the JBNQA in conformity with the agreement reached by the parties in this dossier.

On November 6, 1991, the JBACE wrote the administrators to briefly explain the dossier and to transmit a copy of the Committee's resolution.

A letter of August 1, 1994, on the subject of commercialisation of wildlife and signed jointly by the CRA, Makivik and the Naskapi Landholding Corporation, was tabled at the JBACE. This letter asks the JBACE to act in accordance with the wishes of the three native parties regarding the proposed amendments of Section 22 of the JBNQA regarding projects involving the commercialisation of wildlife.

In essence, the proposal, is that the commercial hunting of more than 1 000 individuals be automatically subject to impact assessment; and that projects involving the commercial hunting of less than 100 animals be exempt from assessment.

The JBACE concluded that its position has not changed since the resolution of 1991, and that correspondence to this effect should accordingly be sent to the administrators responsible for Section 22 of the JBNQA.

The chairman suggested that the Committee request a list of projects pertaining to this question in order to determine the scope of the situation. Mr. Hervé Chatagnier does not believe that such a list exists, at least the Crees do not have any, since there is no project.

Mr. Alan Penn noted that the responsibility for the amendments rests with the parties signatory to the letter of August 1. The parties may choose to proceed with an overall review of the annexes, rather than add this particular item. At the moment,

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projets involving commercialisation of wildlife are in the "grey zone"; it is possible, therefore, to recommend to the Evaluating Committee that it takes into account the intent expressed in the proposed amendment.

The members therefore agreed to write the COMEV, with a copy to Mr. Matthew Coon-Come, to request that the amendment proposal be respected, even if the JBNQA has not yet been amended.

#### **4. PROJECTS FOR PARKS IN NORTHERN REGIONS**

Mr. Hervé Chatagnier briefly explained this dossier. In 1992, the ministère du Loisir, de la Chasse et de la Pêche (MLCP) published its "Plan d'action sur les parcs". On August 31, 1993, the Chairman of the JBACE wrote Minister Gaston Blackburn to inform him that the JBACE was aware of the need to create parks on the territory and that it supported the Minister's actions in this respect. The letter reminded the Minister that the park projects are automatically subject to the assessment and review procedures in accordance with Schedule I, paragraph 5c of Section 22 of the James Bay and Northern Québec Agreement (JBNQA). The letter also mentioned that Section 22.3.6a stipulates that the native people shall retain the right to harvest wildlife in the parks. On December 2, 1994, Mr. George Arsenault proposed a meeting with the Committee during an upcoming meeting of the JBACE to discuss this problem.

The members believe that they do not have sufficient information to discuss this dossier and asked for a copy of the minister's plan of action. The secretariat should obtain such copies. The members agreed to take up the subject again, during the next meeting and asked the secretariat to invite Mr. George Arsenault to this meeting in order to discuss government projects regarding this subject.

The members asked the secretariat to verify the status of the land use plans with particular reference to the proposed parks, and find what were the Committee's comments at that time.

#### **5. DEBATE ON QUEBEC GOVERNMENT'S ORIENTATIONS WITH RESPECT TO ENERGY**

Mrs. Diane Morneau informed the members that she attended an information session held by the ministère des Ressources naturelles (MRN) on February 22, 1995. The subjects of the session included a presentation of the procedure, modalities of

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applying consultations and the documents entitled "Des questions pour un débat publique sur l'énergie". According to Mrs. Morneau, it seems that environment groups invited to participate in the table, refused because they do not feel comfortable with the proposed procedure.

Mr. Hervé Chatagnier listed the important dates in the energy debate. Thus, March 3 was the deadline for registration to the seminar, March 1 was the deadline for submitting financial support requests for the preliminary phase and March 17 was the deadline for requesting financial support for the consultation phase. The seminar was held at the Québec Hilton hotel from March 6 to 10, 1995 and the deadline for registering for the debate was March 16, 1995. March 19, 1995 was the deadline for submitting briefs. Finally, consultations will take place from May 25 to June 17, 1995.

The members discussed the Committee's interest in participating in the public debate on energy and in producing, at this point in time, a brief on energy. The question was raised whether it would not be preferable to wait until the "Policy on Energy" had been published. Members agreed that the JBACE should work within its territorial mandate, and be wary of straying into province-wide matters beyond its mandate and expertise.

The members agreed that the Committee could take part in a public debate as it did with the Commission Charbonneau. The members decided that the Committee's participation in the debate should be limited to its interventions regarding the environment, without intervening in energy policies as such. It also agreed that its brief should be considered in the context of its statutory role under the Environment Quality Act.

However, the Cree members believe that the Committee should produce a brief. In their opinion, it is important that the Committee's intervention be tangible and that the Committee not be considered as an environmental group.

Following these discussions, the members decided to form a sub-committee composed of Mrs. Diane Morneau and Messrs. Alan Penn and Jacques Lefebvre. The role of this sub-committee would be to identify the topics which the JBACE memorandum should cover. The secretariat provided copies of existing texts on the subject of energy, produced by the JBACE.

Based on the themes identified by the sub-committee, the secretariat will draft a brief that will be submitted to the members of the JBACE as soon as produced. A more formal

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discussion is planned for the next JBACE meeting to be held in Québec City on April 18, 1995. The Committee's brief will bear on energy issues related to the James Bay region and will be sent to Minister Gendron.

The members agreed that the Committee register for the seminar and that it submit a request for financial support to participate in the public debate on energy.

#### 6. FORESTRY DOSSIER

The secretariat had invited Mr. Pierre Dugas, a forestry engineer on loan from the MEF to carry out the Committee's specific mandate on forestry, to meet with the members in order to inform them of the progress of his work.

Following a brief presentation of his training and professional experience, Mr. Dugas explained, using maps of two management units (Saguenay/Lac St-Jean and Abitibi/Témiscamingue) of the James Bay Territory, the various types of administrative divisions related to forest operations.

Mr. Dugas explained the first mandate he had received from the Committee and the somewhat modified mandate that was the result of his meeting with Mr. Alan Penn. According to his assessment, he would not have the time to complete the initial mandate since the MEF has only accepted his services until March 31, 1995.

On the whole, his work now consists of producing an review of forest operations on the territory defined in Section 22 of the James Bay and Northern Québec Agreement (JBNQA). Information will be gathered in reference to the years from 1974 to 1994 and will cover:

- forestry possibilities
- attributed volume
- volume of logging.

Mr. Dugas presented the Committee with a series of tables illustrating the progress of his work to date.

It is possible that the time remaining to carry out this work will not be sufficient to cover all the years listed in the table of contents presented to the Committee. The difficulties in obtaining information and the complexity associated with processing it makes it likely that it will be impossible to go beyond 1990, although the data do exist.

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The members understand the mandate and would like the work to continue as is. The Chairwoman asked Mr. Dugas whether he could be available to present his final report to the Committee. Mr. Dugas will try to be available.

The members were satisfied with the work accomplished and agreed to the new mandate as presented.

**7. DISCUSSION ON BILL C-62**

On January 9, 1995, Mr. Paul Wilkinson had sent a copy of Bill C-62 to the secretariat. It was a document of the first reading of the bill dated December 6, 1994. This bill permits to substitute certain regulations on the new standards and to reach administrative agreements to accomplish regulation objectives.

The members noted that this bill will allow to match federal and provincial standards as well as to amend such standards at the "administrative" rather than at the "legislative" level in a much simpler manner.

The members agreed to make a follow-up on this bill, through the anglophone press, and by requesting information on the scope of it. Eventually, the Committee could examine the impact this bill could have on the James Bay Territory.

**8. BUSINESS ENSUING FROM THE LAST MEETING**

With respect to the memorandum of December 15, 1994, concerning the follow-up of the 85th meeting, Mr. Denis Bernatchez informed the members of various letters received at the secretariat since the last meeting as well as of those that have been sent to different addressees.

The Secretary informed the members that the Committee has not received any reply to the letter it sent to the minister de l'Environnement et de la Faune, Mr. Jacques Brassard. In this respect, the members believe it would be useful to send a letter to Mrs. Sheila Copps, Minister of Environment Canada, to inform her of the difficulties the Committee encounters in carrying out its mandate under the James Bay and Northern Québec Agreement (JBNQA). A copy of the letter to Mr. Brassard will be enclosed with the letter to Mrs. Copps. A copy of the letter to Mrs. Copps will be sent to Mrs. Michel Dorais, Federal Administrator.

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The Secretary pointed out that information regarding the application of the review procedures to forest infrastructures brought out some points on which the Committee has not decided on its position concerning this dossier. This does not allow for replying adequately to the concerns raised by Mr. Gordon Blackned in his letter of September 8, 1994 to the Committee. It is a question of determining whether camp sites, roads and other forest infrastructures are exempt from the procedure (this is presently the position of the MEF based on requested legal opinions) or whether such projects should be submitted to the COMEV (as has been traditionally the case). The members suggested that the secretariat contact Mr. Robert Daigneault to ask him whether he would be available to help prepare the legal position of the Committee with respect to the issues raised by Mr. Gordon Blackned.

**9. HYDRO-QUÉBEC'S INTEGRATED ENHANCEMENT POLICY**

Discussion on this item was postponed to the next meeting.

**10. REVIEW OF SECTION 22 OF THE JBNQA**

Discussion on this item was postponed to the next meeting.

**11. GREAT WHALE HYDROELECTRIC PROJECT**

Mr. Hervé Chatagnier informed the members that various committees associated with the Great Whale project have stopped their activities following the government's decision to suspend the project. The Support Office has been closed and the documentation centre has been moved.

Hydro-Québec will make a decision on the Great-Whale project once the public debate on energy is terminated.

**12. COMEV, COMEX AND COFEX-SOUTH ACTIVITY REPORT**

The Secretary reviewed the dossiers treated by the Evaluating Committee (COMEV) during its last five meetings (from November 18, 1994 to February 15, 1995):

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**A- Removal of Topsoil in the Isle-Dieu Township**

A grey-zone project (Section 157, E.Q.A.). The COMEV recommended that the project could proceed without assessment or review. The Committee based its recommendation on soil preservation (preserving a thin layer of topsoil) to mitigate erosion and to ensure better growth of tree species to be planted following project completion.

**B- Biodegradation of Contaminated Soil, Kilometre 95 of the LG-2/LG-3 Road**

A grey-zone project (Section 157, E.Q.A.). The COMEV recommended that the project be exempt from the assessment and review procedure since it would have no significant impact on the environment and social milieu. Monitoring were to be carried out for groundwater. The Committee asked to be informed of work progress.

**C- Project to Establish a Waste Disposal Site: Cree Community of Mistissini**

By virtue of Schedule A of the EQA, this project is automatically subject to the impact assessment and review procedure. The Committee adopted a guideline recommendation specifying the type of impact study to be prepared by the proponent.

**D- Relocation of the Drinking Water Intake in Waskaganish**

The project had already been reviewed by the COMEV, but information obtained was insufficient to reach a decision.

During the 2nd meeting on this subject, the COMEV recommended that the project be subject to the assessment and review procedure in view of a recommendation from the Band to subject the project to the procedure.

A guideline was prepared by the Committee and sent to the Local Administrator.

**E- Modification of the Winter Road Location Survey - Eastmain Mining Project**

A grey-zone project (Section 157, E.Q.A.). The COMEV recommended that the project be exempt from the assessment and review procedures.

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**F- Biodegradation of Contaminated Soil - Laforge-1 and Laforge-2 Sites (JBES)**

A grey-zone project (Section 157, E.Q.A.). In view of the submitted studies and proposed work, the COMEV recommended that the projects proceed without being subject to the assessment and review procedure as they do not have any significant impact on the environment and social milieu.

**G- Construction of a Sawmill on the Category I Lands at Waswanipi**

In accordance with Schedule A of the E.Q.A., this project is automatically subject to the assessment and review procedure. The Committee had adopted guidelines specifying the type of impact study the proponent should prepare.

However, the members could not agree on the guideline to be sent to the Local Administrator. Canada and Québec representatives were in favour of the guideline project prepared by the secretariat, whereas Cree representatives found the project insufficient. In view of this situation, the members agreed that the guideline project prepared by the secretariat should be sent to the Local Administrator, along with a document reflecting the position of Cree members on the contents of the guideline.

Finally, the members agreed to write a letter to the Provincial Administrator to outline the difficulties the Committee has been encountering for several years when treating dossiers related to forest operations on all the Agreement Territory. In particular, the letter would point out that this situation is linked to the fact that, according to certain interpretations, forest operations are exempt from the jurisdiction of the environmental impact assessment procedure when it would be logical to take into account the lifestyle of trappers in the modalities of forest management as stipulated in Sections 5.2.5 and 22.3.34 of the James Bay and Northern Québec Agreement (JBNQA). A copy of this letter will be sent to the Minister des Ressources naturelles du Québec.

Mr. Hervé Chatagnier reviewed the dossiers treated by the Review Committee (COMEX):

**A- Sanitary Landfill Site (S.L.S.) at Chapais**

The COMEX has received the proponent's, Les Placements Lopiri, impact study and has asked additional questions to which it has received replies. The project is two-fold: a sanitary landfill

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site and construction of a energy compost plant to provide fuel for various types of boilers. Only the first part of the project is presently under review. A public consultation was held on March 8 and 9, 1995. Thereafter, the COMEX will make a recommendation to the Provincial Administrator.

**13. TABLING OF VARIOUS DOCUMENTS**

The Secretary tabled documents received since the last meeting.

**14. 1993-1994 ANNUAL REPORT**

The Chairwoman requested that slight modifications be made to the Annual Report. She transmitted a photocopy of an annotated page. The Annual Report is at the production stage at the Direction des communications and marketing of the MEF. The Secretary will make sure the corrections are made.

**15. VARIA**

There was no discussion for this item.

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

The date of the next meeting is scheduled for Tuesday, April 18, 1995 (the day after Easter Monday). The meeting will be held at Ste-Foy, at the offices of the ministère de l'Environnement et de la Faune du Québec. The number of the room will be confirmed in the meeting notification.



**Denis Bernatchez**  
Secretary