



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 87th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: April 25, 1995

LOCATION: Ministère de l'Environnement et de la Faune
3900 de Marly, 3rd floor
Room 3.4.1.G
Sainte-Foy, Québec

PRESENT: Louis Archambault, Québec
Robert Daigneault, Québec
Susanne Hilton, CRA
Ginette Lajoie, CRA, Vice-Chairperson
Diane Morneau, Canada
Pierre Paulhus, Canada
Dion Roméo Saganash, CRA
Denis Bernatchez, Secretary

ABSENT: Kenny Blacksmith, HFTCC
Gilles Frisque, Québec
Wille Iserhoff, CRA, Chairperson
Jacques Lefebvre, Québec

GUESTS: Raymond Houle, Forestry Engineer, MEF
Luc Berthiaume, Director Plein air et Parcs, MEF
Roch Allen, chargé de projet, Plein air et Parcs,
MEF
Daniel Giguère, chef de service, Direction du
Nouveau-Québec, MEF



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

In the absence of the Chairperson, the Vice-Chairperson chaired the meeting. The meeting was called 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 86th meeting
3. Business related to the 86th meeting
4. Forestry issues
5. Discussion concerning the Québec government's energy policy
6. Creation of parks in Northern communities
7. Draft administrative agreement
8. COMEV, COMEX and COFEX-South activity report
9. Tabling of various documents
10. 1993-1994 annual report
11. Varia
12. Date and location of next meeting

The following topics, which appeared in the notice of meeting, were postponed:

- Integrated enhancement policy adopted by Hydro-Québec;
- Review of Chapter 22 of the JBNQA.

2. **ADOPTION OF THE MINUTES OF THE 86TH MEETING**

The minutes of the 86th meeting were adopted with minor changes.

3. **BUSINESS RELATED TO THE 86TH MEETING**

- 1- Marketing of game meat: The Secretary presented letters that had been sent on April 4, 1995 to the federal and provincial administrators and the Evaluating Committee (COMEV) Chairperson about game meat marketing. The members again discussed the Committee's recommendation that the administrators and the COMEV respect the amendment proposal made by the Cree Regional Authority, the Makivik Corporation, and the Naskapi Landholding Corporation. These parties suggest enforcing the rule that slaughterings of fewer than 100 animals be exempt from the assessment and review procedure, and that slaughterings of more than 1000 animals be subject to it. Slaughterings of 100 to 1000 animals would fall into a "grey area".

The members expressed their desire to obtain the scientific information supporting the criteria proposed for the Complementary Agreement. The Secretary was mandated to obtain this information.

Given the viewpoint expressed by the JBACE in its April 4 letters, there is a risk that the administrators may fail to submit projects targeting fewer than 100 animals to the COMEV, which runs counter to the provisions of the JBNQA and the Environment Quality Act (EQA), since the schedules have not yet been amended.

To clarify the situation, members agreed that a new letter should be sent to the local, provincial and federal administrators, as well as to the COMEV Chairperson. In general, the goal is to emphasize that as long as the annexes of the JBNQA have not been amended, game meat marketing projects, regardless of their scope, must be considered as falling into the grey area and go through all the compulsory preliminary administrative stages of the assessment and review procedure.

- 2- The Committee's financial and organizational situation: The Secretary informed the members that on April 18, 1995 the Committee had received a letter from Michel Dorais, Federal Administrator, in reply to a letter from the JBACE to Sheila Copps concerning the Committee's financial situation. In this letter, Mr. Dorais confirms the financial resources announced to the JBACE by Bernard Forestell at the December 15, 1994 meeting. The federal government's contribution to the operating budgets of the JBACE, COMEV and KEAC will not exceed \$95 000 for fiscal 1995-1996 and fiscal 1996-1997.

A Québec representative informed the Committee that the Québec-appointed members at the meeting had met with Pierre Lefebvre, director of the Direction de l'évaluation environnementale en milieu nordique et de la coordination (DÉEMNC), who confirmed that Québec intended to lend MEF resources to the JBACE on an ad hoc basis so it could continue working on its files. The Québec representative felt that this was an interesting development and that these resources would be a definite asset for the Committee.

A Cree member stated that additional resources were needed in addition to those currently provided by the government. A Québec representative felt that given the current

financial context, the funds necessary to hire additional resources would not be available, and added that it was up to the JBACE to decide on the aims and issues to focus on. This would give the JBACE control over the work to be done by MEF resource people.

The Secretary informed the members that administrative changes had occurred in the positions of Secretary and Technical Advisor for the JBACE, despite the fact that they had not yet been officially announced by MEF, which would soon be confirming the human and financial resources allocated to the JBACE for 1995-1996. Hervé Chatagnier will be relinquishing his duties with the JBACE to act as Secretary for COMEV and COMEX, while Denis Bernatchez will be devoting most of his time to the JBACE secretariat and activities. Approximately 10% of his duties will consist in providing technical and scientific assistance to the DÉEMNC.

4. FORESTRY ISSUES

The Secretary tabled the English version of the Regulation respecting standards of forest management for forests in the public domain (RNI). The members noted that the English version mentions that the regulation has been in pre-publication since March 29, 1995. The letter from Michel Clair, Deputy Minister of Natural Resources (MRN), accompanying the draft regulation that was sent to the Committee for consultation, made no reference to the fact that the RNI would be pre-published in late March 1995.

Given the importance of this regulation on James Bay territory, and the number of proposed amendments, the members, particularly the Cree representatives, expressed their desire to have more time to submit their comments. The Secretary was mandated to check the pre-publication deadline and to inform the MRN that the JBACE intended to submit a brief on the draft regulation, but that it would be unable to do so by the pre-publication deadline. The Secretary will draft a letter to Michel Clair, MRN Deputy Minister, to be signed by the Vice-Chairperson, informing him of the situation.

The Committee called on Raymond Houle, forestry engineer with MEF, to present his analysis of the main amendments proposed to the new version of the RNI.

Mr. Houle had prepared a table comparing the current RNI and the proposed amendments. He explained the main changes proposed by the MRN and pointed out the sections that would have a major impact on the James Bay territory. The members discussed suggested changes in the definitions and in sections of the regulation.

Some of the members observed that the draft regulation would affect the lifestyle of the Native peoples and that it could facilitate logging company operations. Some members pointed out that the definitions lacked uniformity and that some of them actually contained standards, which are supposed to be set out in the sections pertaining to these definitions.

The definition of "forest camp", which appeared essential to several members, is missing entirely. A number of sections proposed major changes to aspects pertaining to logging on the territory.

Finally, members felt that the draft regulation should propose objectives to be attained and allow more leeway in how to attain them.

Following these discussions, Cree members suggested drafting a document outlining the aspects the Committee feels should be mentioned in its brief. Once this document is complete, it will be submitted to the members and a conference call will be organized by the secretariat to discuss it.

The Secretary will draft a letter, to be signed by the Vice-Chairperson, requesting the loan of Raymond Houle's services to work on the RNI and some of the forestry issues. Mr. Houle's mandate will be defined by the JBACE during the conference call.

6. CREATION OF PARKS IN NORTHERN COMMUNITIES

As agreed at the last JBACE meeting, the secretariat asked MEF resource people to discuss the creation of parks on James Bay territory. The Vice-Chairperson welcomed these people and turned the floor over to them.

Luc Berthiaume, director of MEF's Direction du plein air et des parcs, recalled that in August 1993, Robert Daigneault, then-Chairperson of the JBACE, had invited George Arsenault, Assistant Deputy Minister, to meet with the JBACE to discuss the creation of parks on James Bay territory.

Mr. Berthiaume thanked the members for their invitation and introduced his colleagues, Daniel Giguère and Roch Allen.

The aim of their presentation was to provide JBACE members with information on the Action Plan for Parks (published in 1992), and to discuss the creation of parks on James Bay territory.

In general, Mr. Berthiaume's presentation touched on the following points:

The Parks Act provides for the creation of parks. Conservation parks, of which there are 12, aim to ensure the permanent protection of representative samples of our natural heritage. Recreational parks, of which there are 6, are designed to foster the practice of outdoor recreational activities without jeopardizing the protection of the natural environment.

The government mandates the Minister to administer and control the Parks Act. Under this act, any project to create a park or to change its boundaries or classification must be subject to a public hearing. Furthermore, this act prohibits any harvesting or harnessing of resources related to logging, mining or the production of energy, as well as hunting, in parks.

The Québec Parks Policy targets the following three objectives:

- to ensure the preservation and enhancement of exceptional elements or those which are representative of Québec's natural heritage;
- to contribute to meeting outdoor and recreational needs;
- to involve Quebeckers in the development and enhancement of their parks.

The policy also sets out the development process which must include the following four phases:

- Phase I → Development outlines (biophysical, socioeconomic, and cultural inventories, assessment of recreational needs)
- Phase II → Tentative master development plan
- Phase III → Official project launching, information period, deadline for submitting briefs, summary and analysis of briefs, and public hearings

- Phase IV → Creation and finalized master development plan

A Natural Heritage: 1992-1997 Action Plan for Parks provides for the creation of four parks in southern Québec (Mégantic, Valin, Plaisance, and Vauréal), the creation of a marine park (Saguenay/Lac-Saint-Jean), the earmarking of 18 sites in northern Québec, and the following four park projects:

- Lake Albanel and Témiscamie River;
- Nouveau-Québec crater;
- Otish mountains;
- Torngat mountains and Koroc River.

The action plan proposes a management delegation policy and a harmonization mechanism, as well as a plan to promote the parks network in order to enhance its appeal. The objective is to increase the surface area of protected park territory in Québec from 0.4% to 3.7%.

Mr. Berthiaume pointed out that in the late 1980s, studies were conducted in the North to identify areas appropriate for the establishment of parks. In the early 1990s, the government drafted a land use plan for the North to protect the territory there. Under this plan, park land cannot be staked out, which means that mining and logging is prohibited on park territory.

Although certain park projects located between the 49th and the 52nd parallel appear in the land use plan, this plan has not yet been approved by the government. The two park projects in this area are:

- Ministikawatin peninsula;
- Lake Albanel and Témiscamie River.

No land use plan exists for the area between the 52nd and the 55th parallel. The projects planned for this area are:

- Lake Guillaume-Delisle;
- Lake à l'Eau Claire;
- Lake Burton - Roggan River and Point Louis-XIV;
- Otish mountains.

Based on the information provided by MEF representatives, park projects for James Bay territory are still in the initial stages. No studies have yet been conducted or facilities built, and management terms and conditions remain to be defined.

In principle, as Mr. Berthiaume indicated, parks have no impact on the territory, since their role is one of conservation. No park projects exist for Category I lands. Parks must be located on public lands.

For communities covered by the JBNQA, hunting and fishing in parks is legally authorized. However, non-Natives are currently prohibited from carrying on outfitting activities in parks.

A Cree representative pointed out that park development is perceived by Crees as leading to a loss of control over their activities on the territory. Furthermore, the Crees find MEF's approach frustrating in many respects, since it gives the impression that everything has been decided in advance and set out in plans. For example, the land use plan seems to apply even though it is not official. The government has not yet responded to Cree demands. MEF representatives explained that MEF wants to protect the environment and develop ecotourism by holding discussions and establishing a partnership with all involved.

MEF representatives added that, under Schedule A of the EQA, the creation of parks and ecological reserves is automatically subject to the assessment and review procedure. This means that parks cannot be created without first thoroughly discussing the matter with the Native peoples.

A Cree representative expressed the opinion that the Crees are capable of developing a land use plan on their own which would deal with logging and mining activities and parks. The sites chosen by MEF for the creation of parks do not necessarily meet with the Crees' approval. It would definitely be advisable to check with the communities to see if the Cree have already developed park projects on the territory.

MEF representatives pointed out that the project was still in the initial stages and emphasized their intention of working closely with the communities and organizations involved. They expressed the opinion that certain elements could be planned and made a priority, even though the land use plan has not been officially adopted.

A federal representative felt that MEF had taken the first step by defining and presenting its park creation aims and projects for the James Bay territory to the JBACE, and suggested that the Cree party publicize its intentions with regard to park creation on this territory.

The Cree members agreed that deliberation and discussion were needed and that further in-depth study was required concerning the creation of parks on James Bay territory. The Cree party will establish an action proposal on park creation and submit it to the JBACE.

Since a number of members had to leave before the end of the meeting and there was no longer a quorum, the Vice-Chairperson adjourned the proceedings and postponed the remaining items until the next meeting.

The Vice-Chairperson observed that the agendas for JBACE meetings are full and that priorities will have to be defined to ensure that the Committee has sufficient time to study the issues brought to its attention.

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

The Cree members suggested that the next meeting be held in late June or early July in a northern location. Members will be informed of the exact time and place as soon as a proposal is submitted.



DENIS BERNATCHEZ
Secretary

95-07-04