



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 88th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(DRAFT)**

DATES: July 4, 5 and 6, 1995

LOCATION: Band Council meeting hall
Oujé-Bougoumou, Québec

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

ABSENT: Kenny Blacksmith, HFTCC

PARTICIPANT: Jean Pronovost, Deputy Minister, MEF

1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairperson, Willie Iserhoff, welcomed the members and the Committee's guest, Jean Pronovost, Deputy Minister of MEF.



Mr. Iserhoff explained that he had accepted the chairmanship because he believes the Committee has an important role to play in the James Bay territory. He intends to work closely with all members of the Committee.

However, he feels that the Committee does not enjoy its due credibility with the federal and provincial governments, which fail to recognize its role. He would like to see the Committee function properly and hopes it will play a real role, not just a symbolic one.

The Chairperson also mentioned the problem of human and financial resources, the lack of which prevent the Committee from effectively fulfilling its mandate. He hopes this situation will be corrected.

Finally, Mr. Iserhoff raised the question of the language of use during Committee meetings. He hopes the members will agree to speak English.

The following agenda was adopted:

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 87th meeting
3. Business related to the 87th meeting
4. Discussion concerning the Québec government's energy policy
5. Forestry issues
6. Draft administrative agreement
7. 1995-1996 budget proposal
8. COMEV, COMEX and COFEX-South activity report
9. Tabling of documents
10. 1994-1995 annual report
11. Varia
12. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 87TH MEETING

The minutes of the 87th meeting were adopted with minor changes.

3. BUSINESS RELATED TO THE 87TH MEETING

- 1- Marketing of game meat: The Secretary presented letters that had been sent on May 12, 1995 to the federal and provincial administrators and the Evaluating Committee (COMEV) Chairman about game meat marketing. A similar letter was sent to the local environment administrators on July 4, 1995.

On June 16, 1995, the Secretary wrote to Denis Vandal (MEF) asking for biological and scientific information supporting the slaughtering criteria of 100 and 1000 animals proposed for the complementary agreement by three Native parties in the letter of August 1, 1994. Mr. Vandal informed the Secretary that the criteria were agreed to during negotiations with the three Native parties and that there was no scientific reason for them.

- 2- Park projects in the territory: The Secretary contacted Roch Allen to obtain MEF's legal opinion regarding the notwithstanding clause (par. 24.3.6 of the JBNQA). According to Mr. Allen, the legal opinions issued by MEF are confidential.
- 3- Forestry infrastructures: Robert Daigneault verbally gave the members his legal opinion on the decision by MEF to exempt forest camps, forest roads and other forestry-related infrastructures from the impact assessment and review procedure. Within the next few weeks, Me Daigneault will be sending the JBACE the text to be used to draft its letter to the Provincial Administrator.
- 4- Forestry issues: a) The JBACE's brief on the Regulation respecting standards of forest management for forests in the public domain was sent to Michel Clair, Deputy Minister of Natural Resources, on June 6, 1995. The Secretary has received no information or acknowledgement of receipt with respect to the brief. The CRA-appointed members asked that a copy of the brief in English be sent to the local environment administrators for the communities in the James Bay territory.

b) Pierre Dugas was not invited to the meeting, as the secretariat never received the document he was to submit. The Secretary was asked to write to Pierre Lefebvre to request that he ask Mr. Dugas to submit the document and to request a progress report on the work being carried out for the JBACE by Raymond Houle under the mandate issued on May 15, 1995.
- 5- 1995-1996 annual report: The Secretary will be contacting the members for their comments on the draft annual report submitted to them for consultation.
- 6- Thank-you letters: Letters were sent to Alan Penn, Paul Wilkinson and Philip Awashish, thanking them for their work. A thank-you letter will also be sent to Hervé Chatagnier.

4. DISCUSSION CONCERNING THE QUÉBEC GOVERNMENT'S ENERGY POLICY

Susanne Hilton and Diane Morneau reported to the members on the workshops they attended as part of the public debate on energy.

A working group, composed of Susanne Hilton, Diane Morneau and Jacques Lefebvre, was formed to draft a brief for the subcommittee on energy. Ms. Hilton will draft the preliminary version and then submit it to the working group. The brief will then be submitted to the other members of the JBACE.

The members agreed that the brief, which is to be no longer than five or six pages, would be sent directly to the Minister, François Gendron. Willie Iserhoff will present the brief on behalf of the Committee at the public hearings on the government's energy policy.

The Secretary was asked to arrange for the brief to be presented in Québec City rather than in Montréal. The members also hope that the Chairperson will be able to present the brief in one of the James Bay communities. The Secretary will contact the secretariat for the energy hearings to this end.

5. FORESTRY ISSUES

1. Mandate of Pierre Dugas, forestry engineer on loan from MEF; this matter was discussed under item 3.
2. Mandate of Me Robert Daigneault on forestry-related infrastructures subject to the impact assessment and review procedure; this matter was discussed under item 3.
3. JBACE brief on the Regulation respecting standards of forest management for forests in the public domain; this matter was discussed under item 3.

In addition to the above matters, the members discussed the problems related to logging in the James Bay territory.

The CRA members asked that traplines be used as the basic reference unit for logging and discussed the problems related to logging in the territory governed by the JBNQA. For a more accurate picture of forestry development in the territory, databases must be compiled using traplines rather than parcels. The JBACE could establish joint means for compiling and interpreting data. As it stands, the Committee does not have sufficient resources to study the five-year plans, even

though it is part of its mandate. The JBNQA stipulates that logging must be compatible with the Cree way of life and the Crees want logging to respect their traditional subsistence activities.

A Québec-appointed member reminded the Committee that it is not the JBACE's job to manage databases, as the Committee is an advisory body and is not allocated the necessary resources. Moreover, certain members can devote only five or six days a year to Committee-related activities. The JBACE should use its long experience with the logging issue to make the necessary recommendations so that logging in the territory is carried out properly. The onus of proof is currently on the Committee, whereas it should be on the MRN or forestry companies. Given this context, government officials should be invited to meet with the JBACE to explain the situation.

The members agreed to create a subcommittee on forestry composed of the following members:

Ginette Lajoie (CRA)
Roméo Saganash (CRA)
Gilles Frisque (Québec)
Jacques Lefebvre (Québec)
Louis Archambault (Québec)
Pierre Paulhus (Canada)

The mandate of the subcommittee is to examine the impact of logging on traditional Cree activities and make recommendations in this respect. The subcommittee is to establish the issues to be given priority and submit its report to the JBACE by the end of October 1995.

6. DRAFT ADMINISTRATIVE AGREEMENT

The Cree representatives tabled a legal opinion dated May 2, 1995, on the administrative agreement regarding the maintenance and functioning of the Review Committee secretariat. The opinion concludes that, as it stands, the draft administrative agreement makes the COMEX secretariat answerable to the director of the Direction de l'évaluation environnementale en milieu nordique et de la coordination. Such supervision goes against the provisions of the James Bay and Northern Québec Agreement.

Jean Pronovost, Deputy Minister of MEF, tabled a copy of the letter he sent to Gaston Moisan, COMEX Chairman, on June 5, 1995. The letter explains

that the draft administrative agreement does not, in fact, counter the JBNQA and that COMEX has all the resources necessary to function effectively. Mr. Pronovost concludes his letter by encouraging the members of COMEX to authorize the signing of the draft administrative agreement in its present form. If the agreement is not signed, the old agreement will continue to apply.

Mr. Pronovost stressed the importance of having an administrative agreement between the parties and stated that the new agreement is much the same as the old one.

The CRA members pointed out that all JBACE expenditures must be authorized by the director of the Direction de l'évaluation environnementale en milieu nordique et de la coordination, which means that the Committee has no leeway whatsoever in managing its own budget or the professional services loaned to it under ad hoc mandates.

The Committee must have its global budget approved at the beginning of the financial year and then every expenditure approved thereafter, a process which becomes long and unwieldy.

Mr. Pronovost explained the financial restraints faced by the government and, in particular, MEF. Last year, MEF had to slash its budget by 12.8%. The budget cuts will be even heftier in the years to come, making the simple enforcement of the acts and regulations under its jurisdiction difficult. Under these conditions, it is hard to allocate all the necessary resources to government organizations.

Mr. Pronovost thinks it will be possible for the committees (JBACE, COMEV and COMEX) to have more say in managing their budgets, provided they do not exceed them and provided administrative rules governing spending are respected. The secondment of human resources could be included in the JBACE's basic budget.

One of the CRA members mentioned that during a recent meeting with Cree representatives, the Minister of the Environment and Wildlife, Jacques Brassard, said that he was willing to provide the committees with additional resources to help them run better. This is a very positive step.

The JBACE is different from the other committees that recommend project authorization and stipulate the conditions thereof. The JBACE's role is not as clear-cut and the issues studied are wide-ranging and complex. Another representative felt that the proponents should have to pay to carry out projects in the James Bay territory.

Mr. Pronovost feels that the survival of the Committee is not just a question of money, rather it's what the Committee produces and the work it carries out that is important. With respect to forestry issues, the Committee should not hesitate to request meetings with MRN officials. It is not normal that the Committee have trouble obtaining information on forestry operations in the James Bay territory.

The discussion closed with the members' agreeing to make a counter-proposal on the draft administrative agreement. The Secretary will contact the members sometime within the next few weeks for their suggestions on the elements to be included in the agreement. Pierre Lefebvre will be invited to meet with the Committee in order to discuss the Committee's resources.

ADJOURNMENT OF THE MEETING IN ORDER TO MEET WITH TRAPPERS

The meeting adjourned at 7:30 p.m. to enable the Advisory Committee to meet with Cree trappers and tallymen. Approximately 25 members of the community attended the meeting. Eleven people addressed the Committee individually to state the impact of forestry operations on their respective traplines. They spoke in Cree, with Joseph Shecapio Blacksmith and Roméo Saganash acting as interpreters. The general views expressed were the following:

- those in attendance do not believe that there is any real will to correct the negative situation affecting the James Bay Crees;
- there is no more game because of deforestation;
- there are so many forest roads now that white hunters are coming to the territory in droves and wiping out game;
- white people kill game that belongs to the Crees. What would white people do if Native people killed off all their cows?
- white hunters waste game and leave what they don't use behind;
- environmental degradation has worsened with each generation;
- the elders took care of the land, the JBACE should speak for the Crees in order to protect it;
- we have to think of future generations;
- traplines existed before the JBNQA was signed and have to be preserved;
- one participant stated that he had no interest in becoming a farmer; he wants to go on trapping;
- the James Bay Agreement enshrines rights that the Native people can no longer even exercise;

- the way in which the land is revegetated is inadequate because the types of trees that are planted are not conducive to wildlife. Trees are often planted so closely together that game cannot even get around;
- when felling, forest companies leave the tree stumps, hindering movement;
- game, the forest and mooseyards are our livelihood and have to be protected;
- the problems related to logging will never be solved. Nothing has ever come of past discussions with the government;
- white people destroy our culture as well as our land;
- we learn a lot in the forest, what will happen if it's destroyed?

RETURN TO THE REGULAR MEETING ON JULY 5

When the regular meeting resumed, members discussed the amendment of the schedules and review of Section 22 of the JBNQA.

The Cree members pointed out that under paragraph 22.5.1 of the JBNQA, the schedules can be reviewed every five years. They have never been reviewed. The Agreement and schedules must be amended at the same time; the existing situation leads to problems of consistency between the 1975 provisions and the Agreement as it stands in 1995. The Agreement needs to be overhauled. The review of schedules and Section 22 were discussed during a recent meeting between the prime minister of Québec and Native leaders. If the CRA members wish to play their full role, they must do what they can to improve the regime, working in partnership with all of the parties. The Advisory Committee has a role to play in the review, as the Minister confirmed to Kenny Blacksmith during a recent meeting.

It is Mr. Pronovost's personal opinion that Section 22 of the Agreement will be amended over the long term (6-7 years), while the schedules may be amended sooner, using the JBACE's existing resources. Practical solutions must be found. The Minister will be writing to the Advisory Committee in the near future regarding the amendment of the schedules and other issues, including the functioning of the committees.

The Québec-appointed members feel that the Advisory Committee should establish political contacts in relation to the opening up of the JBNQA and work on amending the schedules. This could be done quickly. The Grand Council of the Crees could probably take the necessary political steps.

One of the Committee's roles is to advise the governments. As part of the work plan to be established by the subcommittee on forestry, the JBACE

could invite the major players from the forestry sector of the MRN to discuss the forestry regime applicable in the James Bay territory. Since Mr. Brassard is the Provincial Administrator of the JBNQA, the JBACE could ask him to meet with the Minister of Natural Resources, François Gendron, to discuss the matter.

7. 1995-1996 BUDGET PROPOSAL

The Secretary informed the members that MEF has taken steps to appoint him as a Québec representative to the Kativik Environmental Quality Commission (KEQC). This will represent approximately 10% of the person's duties.

The members discussed the budget proposal submitted by the Secretariat and agreed to make the following changes:

- the Secretary will devote 100% of his time to the JBACE;
- MEF will provide one person/year in technical support to the JBACE;
- a budget of \$100 000 will be requested for the use of outside consultants;
- the Secretary's travel budget will be raised by \$5000 to enable him to provide the Chairperson with better support;
- the explanatory notes will be revised to incorporate the above changes.

The members said they would like the Provincial Administrator to inform the Committee of any changes which affect its operations or resources.

The Chairperson will submit the budget proposal to the Provincial Administrator.

8. COMEV, COMEX AND COFEX-SOUTH ACTIVITY REPORT

The Secretary tabled the activity report for COMEV and COMEX, which was prepared by Hervé Chatagnier.

9. TABLING OF DOCUMENTS

The Secretary had already sent the members the list of documents received since the last meeting.

10. 1994-1995 ANNUAL REPORT

The Secretary distributed the preliminary version of the 1994-1995 annual report to the members and asked them to submit any comments to him so that he can write the final version.

11. VARIA

No additional issues were discussed under "Varia."

12. DATE AND LOCATION OF NEXT MEETING

The next meeting will be held in Némiscau on October 4, 1995.

N.B. From 1:30 to 7:30 p.m. on July 5, the members went on a field trip which enabled them to observe logging-related problems in the Oujé-Bougoumou area. A collection of photographs, compiled by Steart Guilby, a consultant hired by the CRA, was tabled before the members.

On July 6, the members met with Kenny Mianscum, who explained the importance of traplines and how they function. The members also went on a guided tour of the modern village of Oujé-Bougoumou and its traditional sector. The resource person, Roger Lacroix, explained the importance of hunting, fishing and the forest for the community and was effective in showing them that the Crees' traditional values are alive and well and an important part of daily life.



DENIS BERNATCHEZ
Secretary

95-07-20