



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 89th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: October 4, 1995

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

PRESENT: Yves Désilets, Canada
Gilles Frisque, Québec
Jacques Lefebvre, Québec
Susanne Hilton, CRA
Willie Iserhoff, CRA, Chairperson
Ginette Lajoie, CRA, Vice-Chairperson
Diane Morneau, Canada
Pierre Paulhus, Canada
Denis Bernatchez, Secretary

ABSENT: Louis Archambault, Québec
Robert Daigneault, Québec
Diom Roméo Saganash, CRA
Kenny Blacksmith, HFTCC

PARTICIPANT: Robert Beaulieu, Forestry Engineer, CRA



1. CALL TO ORDER AND ADOPTION OF THE AGENDA

Ginette Lajoie informed the members that Willie Iserhoff was unable to attend and that she would be chairing the meeting in his place.

She welcomed Yves Désilets, the new member appointed by the Government of Canada. Mr. Désilets negotiates and implements agreements at Indian and Northern Affairs Canada.

The following agenda was adopted:

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 88th meeting
3. Business related to the 88th meeting
4. Discussion concerning the Québec government's energy policy
5. Environmental protection regime
6. Draft administrative agreement
7. Forestry issues
 - 7.1 Mr. Clair's response to the JBACE's brief on the draft RNI
 - 7.2 Letter of August 4, 1995 from Pierre Lefebvre regarding the report by Pierre Dugas and the services of Raymond Houle
 - 7.3 Subcommittee on forestry: progress report
 - 7.4 Filing of JBACE forestry documents (management plans)
 - 7.5 Québec government document on biodiversity: follow-up
 - 7.6 Opinion of Me Robert Daigneault on forest infrastructures subject to the environmental impact assessment and review procedure
8. Canadian Endangered Species Protection Act
9. COMEV, COMEX and COFEX-South activity report
10. Tabling of documents
11. 1994-1995 annual report
12. Varia
13. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 88TH MEETING

The minutes of the 88th meeting were adopted as tabled.

3. BUSINESS RELATED TO THE 88TH MEETING

The discussion of business related to the 88th meeting began with the July 11, 1995 memo. The following items require follow-up:

- 1- Forestry regulations: The Secretary will send the members a printout of the forestry regulations that were previously sent to them on diskette. Mr. Désilets asked for them on diskette.
- 2- Forestry infrastructures: Robert Daigneault is finishing up the text to be used by the Committee to draft its letter to the Provincial Administrator.
- 3- Forestry issues: The members asked that Raymond Houle (MEF) and Robert Beaulieu work together on forestry issues. A letter to this effect will be sent to Pierre Lefebvre.
- 4- Collaboration from MRN: A letter will be sent to François Gendron, sensitizing him to the problems encountered by the JBACE in examining the general and five-year forestry management plans and amendments thereto. The JBACE will ask that the MRN free up resources so it can fulfil its mandate as defined in the JBNQA.

4. DISCUSSION CONCERNING THE QUÉBEC GOVERNMENT'S ENERGY POLICY

The JBACE presented its brief on energy during the public debate held in Québec City on September 21, 1995. Susanne Hilton distributed an abridged version of the brief to the members and informed them that it had been presented by Willie Iserhoff. Diane Morneau, Susanne Hilton, Jacques Lefebvre, Pierre Paulhus, Yves Désilets and Denis Bernatchez were also present at the debate.

The government is expected to table its draft energy policy in February or March.

Based on the questions asked by the panel of experts, it was evident that little is known about the JBACE and its role.

5. ENVIRONMENTAL PROTECTION REGIME

The Committee received a letter from Jacques Brassard, dated July 18, 1995, informing it that MEF intends to consult the JBACE on various matters related to the JBNQA. The Secretary informed the members that people from MEF are currently compiling the dossiers to be submitted to the JBACE by the end of December 1995.

While the members appreciate this move by MEF, they would have liked to have greater say in which dossiers are submitted and their content.

Several members feel that the government will not open up the JBNQA. At best, the schedules can be amended, as there is a provision allowing such a move.

The members subsequently discussed the question of assessing the environmental protection regime in the James Bay territory. They proposed striking a subcommittee to write a report.

For the moment, this subcommittee is composed of Ginette Lajoie, sUSANNE Hilton, Diane Morneau and Robert Daigneault. The members felt that Hervé Chatagnier should also sit on the subcommittee, given his experience with the Agreement and the environmental protection regime. A request for his services will be made to Pierre Lefebvre. The subcommittee's first mandate will be to determine the contents of the report, with different experts writing on each topic.

6. DRAFT ADMINISTRATIVE AGREEMENT

The Committee had invited Pierre Lefebvre to the meeting to discuss its budget.

Ginette Lajoie welcomed Mr. Lefebvre and informed him that the JBACE would like to take the opportunity to discuss other issues as well and clarify the Committee's operation. The Committee noted that it is controlled by another body and has no say over its own budget.

After thanking the Committee for inviting him, Mr. Lefebvre explained that he has held his present position for a year and a half now and admits being biased in favour of the Committee. He said he always backs JBACE initiatives with human resources.

Mr. Lefebvre stated that discussion between Québec and Canada is difficult, particularly where budgets are concerned. Ottawa has slashed its contribution, putting pressure on Québec to assume all unshared costs.

He further explained that since he must control spending, he modified the various committees' activities and operations north of the 55th parallel. The amounts saved were allocated to the JBACE, raising its budget to \$143 000 this year, compared to \$127 000 last year.

Mr. Lefebvre does not feel it is useful for two people to sit in on JBACE and COMEV meetings and therefore reassigned the committee secretaries.

Mr. Lefebvre also explained that he has provided for a bank of 70 person-days for fiscal 1995-1996 to give the JBACE technical support from MEF. This number could be increased if necessary. Even if the Committee obtains expertise from other government departments, it will not affect the bank of 70 person-days from MEF.

The budget of \$143 000 represents \$126 000 in fixed costs and \$17 000 in variable costs. Mr. Lefebvre said that the \$17 000 could probably be transferred to the JBACE in the form of a subsidy, which would allow the Committee to administer this portion of the budget on its own.

One member condemned the fact that Mr. Lefebvre had not met with the JBACE before to discuss its budget and had gone ahead and made massive cuts to the Committee's budget proposal. Another member pointed out that all environmental groups have budgets of over \$17 000 and still can't make ends meet.

Ginette Lajoie asked Mr. Lefebvre if the bill for Stuart Guilby's services will be paid out of the JBACE's budget. Mr. Lefebvre explained that the JBACE would have to pass a resolution for this to be possible. Under the JBNQA, consultants fees are normally paid by the hiring party.

Mr. Frisque was opposed to the Committee's paying Mr. Guilby's salary. In his opinion, it should have been agreed with the JBACE at the outset that Mr. Guilby's services would be charged. However, Mr. Frisque would not object to the Committee's paying Mr. Guilby's transportation costs or for the photocopies of the report he submitted to the members. Mr. Frisque maintained that Mr. Guilby has little knowledge of the boreal forest and that it would have been easy to find a forestry engineer from Québec who was more familiar with the territory.

Other members felt that the JBACE obtained reasonable services and could indeed pay Mr. Guilby's bill. The following resolution was passed:

RESOLUTION 95-10-04-01: The JBACE hereby agrees to pay for the costs incurred for the field visit of July 5, 1995, including its preparation, organized by Mr. Stuart Guilby, to a maximum of \$2000.

The resolution was moved by Jacques Lefebvre and seconded by Susanne Hilton.

A vote was taken, with the following results:

4 For
1 Against
1 Abstention

The Secretary will draft a letter to Mr. Lefebvre requesting that the above-mentioned invoice be paid.

Ginette Lajoie informed Mr. Lefebvre that the JBACE often has to solicit forestry expertise from other departments. Mr. Lefebvre saw no problem with this and said he would take care of finding the necessary resource people in the other departments himself. He felt that this approach often produces better results than going through official channels.

Mr. Lefebvre used the meeting to table the report by Pierre Dugas and asked the JBACE to submit an opinion on the document before it is disseminated. Ginette Lajoie expressed her disappointment that the Committee was not given a chance to see the report before it was published.

After this, the members asked Mr. Lefebvre to clarify Minister Brassard's proposal regarding the dossiers MEF is to submit to the JBACE. Ginette Lajoie said she felt it would have been better for the JBACE to decide which dossiers will be submitted rather than MEF. She hopes that MEF won't submit issues on which the JBACE has not worked.

Mr. Lefebvre claims that the reason for proceeding in this manner is that MEF knows the JBACE lacks resources and that the members don't have the time to compile complete dossiers. He has commitments with the Minister and has asked his staff to work on issues to be submitted to the JBACE. Dossiers are currently being compiled on the following: the review of schedules A and B; the working language of the Committee; environmental monitoring and follow-up, consultation practices; and COMEV and COMEX operations.

Susanne Hilton felt that discussions should focus on the fundamental issues and not be limited to a technical review of schedules A and B. The entire environmental protection regime needs to be amended and this cannot be done through a review of the schedules alone.

The members also discussed the need to assess the environmental protection regime in the James Bay territory and draft a report based on the contents defined by the JBACE.

Ginette Lajoie suggested meeting with the chairmen of COMEV and COMEX in order to determine what aspects of their committee's mandate could be discussed. She asked Mr. Lefebvre to appoint at least one resource person, if not more, to work with the JBACE to define the issues to be addressed in the above report.

Mr. Lefebvre agreed to allow Hervé Chatagnier to work with the JBACE on Section 22. He also mentioned that if they wanted, the members could help MEF staff complete the dossiers already being worked on.

A subcommittee was formed to work on the draft administrative agreement submitted by MEF. Its members include Yves Désilets, Roméo Saganash and Robert Daigneault. Since Mr. Saganash and Mr. Daigneault were absent, the Secretary agreed to contact them to make sure they are available.

7. FORESTRY ISSUES

7.1 Mr. Clair's response to the JBACE's brief on the draft RNI

The members were both surprised and disappointed by Mr. Clair's response to the Committee's brief on the draft Regulation respecting standards of forest management for forests in the public domain (RNI). The MRN does not appear to be open to discussing the issue.

Mr. Clair raised the issue of the land use plan. According to the members, the JBACE has no choice but to respond to Mr. Clair's comments, as they are not consistent with section 25 of the Forest Act, which stipulates that forest management activities must be compatible with the Act respecting the lands in the public domain. According to the members, Mr. Clair may respect the letter of the law, but he certainly does not respect the spirit.

The members also noted that the MRN has not sent the JBACE the follow-up studies on the RNI that it requested in its brief.

The members were extremely disappointed by the MRN's attitude and do not understand why the Department seems to have closed its door to the Committee. They agreed to wait and see whether the MRN responds to its request for information on SYLVA data.

7.2 Letter of August 4, 1995 from Pierre Lefebvre regarding the report by Pierre Dugas and the services of Raymond Houle

The Committee will submit its comments on the report tabled by Pierre Lefebvre once all the members have had a chance to read it. Copies of the report will be sent to Diane Morneau and the members of the subcommittee on forestry.

7.3 Subcommittee on forestry: progress report

Ginette Lajoie briefly brought the members up to date on the activities of the subcommittee on forestry. She explained that the members agreed to produce a short document of approximately 15 pages in support of making traplines the basic reference unit for logging. The CRA will prepare six case histories (4 will be used) illustrating the problems related to logging in the James Bay territory. Since the CRA needed SYLVA data, the subcommittee on forestry had sent a request to Mr. Clair the morning of the meeting.

7.4 Filing of JBACE forestry documents (management plans)

Ginette Lajoie explained that Pierre Lefebvre questioned the relevance of keeping plans and maps that the JBACE receives under paragraph 22.3.34 of the JBNQA. The members agreed to keep only the maps, since they are important reference tools enabling the Committee to trace the development of forestry operations in the territory.

The Secretary reminded the members that he had drafted a letter to Manon Gallant (MRN) discussing problems in transmitting information regarding the amendment of Domtar's five-year forest management plan (gravel pit) last summer. Ginette Lajoie said she would be available to help the Secretary draft the Committee's comments in this regard.

7.5 Québec government document on biodiversity: follow-up

Alan Penn will be submitting comments on the above document on behalf of the CRA. These comments will be sent to the members of the JBACE for information purposes.

The Secretary will obtain additional copies of the document from the government for Diane Morneau, Pierre Paulhus, Jacques Lefebvre, Yves Désilets, Louis Archambault and Robert Daigneault.

The members are to submit their comments to the Secretary in writing.

7.6 Opinion of Me Robert Daigneault on forest infrastructures subject to the environmental impact assessment and review procedure

The Secretary will send a copy of the above document to the members as soon as it has been received.

8. CANADIAN ENDANGERED SPECIES PROTECTION ACT

The Secretary will send the members a copy of the above document along with the documents prepared by the HFTCC. The Secretary will be contacting the members in the coming weeks for their comments.

9. COMEV, COMEX AND COFEX-SOUTH ACTIVITY REPORT

Since the Secretary was unable to obtain a copy of the above committees' activity report, Ginette Lajoie gave the members a brief update on COMEX's main activities. As soon as the Secretary has received the written report, he will forward it to the members.

10. TABLING OF DOCUMENTS

The list of documents received since the last meeting had already been sent to the members. The Secretary will send the actual documents to members where requested.

11. 1994-1995 ANNUAL REPORT

The final version of the annual report was distributed to the members for final verification. The Secretary will contact the members for their comments.

12. **VARIA**

Ginette Lajoie raised the issue of recreational hunting. She explained that the Grand Council of the Crees has formally requested an injunction to stop recreational hunting in Zone 17 and to obtain conservation measures in Zone 22.

She cited statistics showing the decline of the moose population. Hunting controls may be introduced to try and improve the situation, such as the hunting of cows every other year, a ban on hunting cows, etc.

The HFTCC is considering adopting limits for caribou, bear and moose. So far, it has proposed a limit of 37 moose in Zone 17. In theory, the government is bound by the HFTCC's decision; however, MEF does not want to implement this measure before 1996.

The judge denied the HFTCC's request for an injunction, citing its failure to apply within the prescribed time. The HFTCC is currently drafting a request for a permanent injunction.

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

The next meeting will be held in Némiscau on December 4 and 5, 1995.



DENIS BERNATCHEZ
Secretary

95-12-04