



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 91st MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: March 20 and 21, 1996

LOCATION: Hôtel du Jardin, St-Félicien

PRESENT: Yves Désilets, Canada
Robert Daigneault, Québec
Gilles Frisque, Québec
Susanne Hilton, CRA
Willie Iserhoff, CRA, Chairperson
Ginette Lajoie, CRA, Vice-Chairperson
Jacques Lefebvre, Québec
Pierre Paulhus, Canada
Diom Roméo Saganash, CRA

Denis Bernatchez, Secretary

ABSENT: Kenny Blacksmith, HFTCC
Diane Morneau, Canada



1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairperson welcomed everyone and then called the 91st meeting of the JBACE to order.

The following agenda was adopted.

1. Call to order and adoption of the agenda
2. Adoption of the minutes of the 90th meeting
3. Business related to the 90th meeting
4. Consultation regarding administrative restructuring at MEF
 - 4.1 JBACE's uncertain future
5. 1996-1997 budget proposal
6. Draft administrative agreement between the JBACE and MEF
7. Forestry issues
8. BAPE special hearings on waste management in Québec
9. JBACE Secretary: performance review
10. Consultation procedure for projects in the North
11. Mining in the James Bay territory
12. COMEV, COMEX and COFEX-South activity reports
13. Tabling of documents
14. Varia
15. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 90th MEETING

The minutes of the 90th meeting were adopted as tabled.

3. BUSINESS RELATED TO THE 90th MEETING

The follow-up discussion on the 90th meeting began with the memo dated December 13, 1995.

JBACE letter to the Provincial Administrator regarding the availability of Québec-appointed members

A Quebec appointed member wanted to know why the Committee had written to the Provincial Administrator regarding the Québec members' alleged lack of availability. A CRA appointed member explained that the members' lack of availability is affecting the operation of the JBACE as well as the subcommittees. For example, on several occasions, meetings have had to be adjourned because of Québec representatives' early departure. There is no longer a quorum and further discussion of issues must be postponed.

Moreover, when the main resource person is unable to attend, the meeting has to be cancelled, thereby delaying decision-making.

A Quebec appointed member felt that the Committee's letter was not sent to the right person and did not address the real issue. "Availability" must not be seen just in terms of attendance at meetings, but rather should also take into account the work done outside meetings, such as the legal opinion M^c Daigneault himself wrote on forestry development as subject to the environmental assessment and review procedure. The purpose of proxies is to allow members who are present at meetings to act on behalf of members who are absent. As long as there is a quorum, the meeting can go ahead, even if some members are absent. If the expertise of a specific member is needed, but that member is not in attendance, it is simply a matter of deferring the discussion--it's done all the time. Before laying blame, the Committee should have heard the Québec members out. The latter enjoy the freedom to speak independently.

A Quebec appointed member took offense at the letter. In his opinion, the fact that the Québec members are not paid is not an issue. What's more, certain Cree members are often absent from meetings, but the JBACE doesn't complain to the CRA. The Quebec appointed member felt that the Committee should not have written to the Provincial Administrator.

A Quebec appointed member concurred that the JBACE has not taken similar action with respect to the repeated absence of certain Cree representatives. However, while he had initially endorsed the Committee's decision to write to the Provincial Administrator in light of the various points discussed at the last meeting, he has changed his mind after today's discussion. He now has a better understanding of the situation and accepts the other Québec members' objections.

Opinion of M^c Robert Daigneault on forestry development as subject to the environmental impact assessment and review procedure

Considering the Cree members' reservations about the opinion's conclusion that the division of a road project into branches may legally exempt it from the procedure, the members discussed the issue and will clarify the situation.

MRN report and commitments regarding forest biodiversity

The JBACE had written to M. Jacques Robitaille, MRN Assistant Deputy Minister to lament the lack of time given the Committee to study and comment on the document. Certain members found the document to be very interesting, while others remarked more on its political undertones. Once the document has been officially published, the JBACE will be in a position to rule on its content.

4. **CONSULTATION REGARDING ADMINISTRATIVE RESTRUCTURING AT MEF
(STRATEGIC VISION)**

Jean Pronovost asked the JBACE for an opinion on MEF's new administrative structure. Since a number of subjects discussed in the document, particularly sections 2.7, 2.8 and 2.9, are related to the territory covered by the JBNQA, the JBACE shall be submitting its comments.

The members noted a major change in policy regarding the implementation of ISO standard 14 000. Henceforth, the responsibility for project monitoring will be borne by the proponents. Previously, this was the responsibility of the government which, for lack of money, passed it off onto the proponents. This change of direction is dangerous given that firms have not demonstrated an ability to monitor projects adequately.

If the MEF document addresses the issues of sustainable development and biodiversity, it must do so in relation to the communities living within the territory. Similarly, the development of parks and wildlife seems to have been given greater importance than their protection and conservation.

It was suggested that the Committee take the time to examine the document. The Secretary will draft a three to four-page summary and submit it to the members for consultation. A conference call will be scheduled to discuss the matter and decide on comments to be submitted to the Deputy Minister.

One member pointed out that summarizing a document can be difficult and that it would be far better for the members to consult the complete version in order to fully appreciate the authors' theses. That way, the members will be responsible for their own interpretation and analysis of the issues at hand and cannot accuse the Secretary of leaving information out of the summary.

4.1 JBACE's uncertain future

According to the Secretary, the MEF has not committed to suspend JBACE activities, but rather has proposed the idea as just one of many means of cutting Department spending.

A Quebec appointed member reminded the members that as far back as 1985, the Gobeil Report proposed eliminating all advisory bodies. It is deplorable that MEF would even consider making such a proposal and the JBACE has no choice but to take a stand.

It was agreed to write to Jean Pronovost to inform him that the Committee is aware of the proposal, to point out that he is not in a position to make such a decision, and to remind him of his obligations towards the JBACE.

5. 1996-1997 BUDGET PROPOSAL

A CRA appointed member went over the draft budget proposal prepared by the subcommittee.

A Canada appointed member suggested specifying that the item "travel expenses" refers to the Secretary, since the members' travel expenses are defrayed by the appointing parties.

On the whole, certain members found that the amounts requested are not realistic and that such a high budget risks undermining the JBACE's credibility. Gilles Frisque opposed the budget proposal, which he felt was totally unrealistic.

A Quebec appointed member questioned the inclusion of "digitalizing maps" and "studying general and five-year forest management plans". They wondered whether these activities were justified. If so, they are the responsibility of the MRN and the corresponding amounts should be deducted from the JBACE's budget. Managing technical data is not necessarily part of the Committee's mandate. In fact, it falls to COMEX.

A Quebec appointed member felt that unless the Committee is sure its budget proposal will be approved, it should ask for less and increase its chances of obtaining the requested financing. Greater justification is needed to understand the scope of the Committee's budget. Being very sensitive to forestry issues, M^e Daigneault did not feel that this aspect of the budget had been approached in the right manner. If the Committee disagrees with the way in which the general and five-year management plans are studied, it should point out the strategy's illegality. The Committee's job has changed from several years ago, when one of its duties was to comment on forest management plans that no longer even exist. If the JBACE needs databases in order to do its job, then it must request them from the MRN.

A Quebec appointed member felt it was important to obtain feedback on the new strategy and to take a proactive stance. For instance, the budget proposal could be presented as an action plan. If financing is not available, the Committee could look to the MRN as an alternative. A CRA appointed member suggested including a note stipulating that the Committee will provide any information necessary to the full understanding of the action plan.

A member moved that the budget proposal be submitted to the Minister as is, mentioning that the Committee will provide any necessary explanations or justifications on request. Instead of a budget proposal, the document will be entitled "proposed action plan and related costs".

Moved by: Susanne Hilton, CRA
Seconded by: Jacques Lefebvre, Québec

A vote was taken.

The following members voted in favour:

Ginette Lajoie, CRA
Susanne Hilton, CRA
Yves Désilets, Canada
Jacques Lefebvre, Québec
Willie Iserhoff, CRA
Roméo Saganash (Willie Iserhoff proxy), CRA

The following members voted against:

Gilles Frisque, Québec
Robert Daigneault, Québec
Pierre Paulhus, Canada

Motion carried.

In the afternoon, the members went to the Centre de formation et de recherche en environnement du moyen nord inc. (CFRE) and met with Gérald Lebrun, Roger Nadeau and Michel Boivin. The purpose of the meeting was to establish a first contact between CFRE and JBACE. The members learned how CFRE works on forestry planning and development, on cartography and on computer software associated to these activities. Samples of their works were presented to members. Each member received documentation related to the Centre.

The regular meeting resumed at around 3:30.

6. DRAFT ADMINISTRATIVE AGREEMENT BETWEEN THE JBACE AND MEF

The draft administrative agreement submitted to the JBACE was deemed unsatisfactory. A subcommittee composed of Yves Désilets, Roméo Saganash and Robert Daigneault was therefore formed to draft a new proposal.

It is important that the administrative agreement reflect the true nature of the JBACE. Currently, MEF has the Committee boxed into a rigid framework that is incompatible with its mandate. The JBACE is at MEF's mercy, whereas MEF should be under the JBACE's supervision.

Robert Daigneault read the members the text he had prepared and invited them to submit their comments. The part prepared by Mr. Saganash will be ready soon. Mr. Désilets was appointed to work on the strategy.

The subcommittee will be meeting again to finalize the draft agreement. The final version will be sent to the members for consultation and comments, which could be shared during a conference call.

7. FORESTRY ISSUES

- 1- The Committee has not been informed as to when the RNI comes into force. MRN regional directors will be asked about this.
- 2- The Committee has not heard anything about the forestry mandate given to Raymond Houle. A CRA appointed member informed the members that she has had enormous difficulty getting any kind of confirmation from Pierre Lefebvre. Every time she broaches the subject, the conversation turns to the lack of technical equipment, such as light-tables. Nothing is getting done and it does not appear that Mr. Houle is working on any kind of report, since nothing has been received.
- 3- The Secretary told the members that he had been informed by Jean-François Gravel that the Minister of Natural Resources will be responding separately to the Committee's second letter (January 29, 1996).

Roméo Saganash, Chairman of the Subcommittee on Forestry, brought the members up to date on the March 20 meeting with the MRN regional directors. Jean-François Gravel, MRN Native Affair Coordinator, was also present at the meeting. The regional directors apparently would like to establish close relations between the MRN and the trappers. This direct approach would appear to garner favour of MRN.

With respect to information exchanges, the MRN proposed making all information it receives from companies available to the JBACE and providing any necessary explanations. The MRN did not promise to respond to all the Committee's individual requests, but said it was willing to share any information in its possession. Often, forest companies reach an agreement with the Crees, but then do not respect that agreement once they actually begin logging.

A Quebec appointed member felt that the MRN has changed its tune for the better and that the Committee should see its proposal in a positive light. The Committee must ensure that it receives information on a regular basis and that action is also taken with respect to the trappers.

Another meeting with MEF representatives is planned to determine more concrete means of collaboration. Possible dates for the meeting are April 16 or 23, in Montreal.

Yves Désilets informed the Secretary that he would like to sit on the Subcommittee on Forestry.

8. BAPE SPECIAL HEARINGS ON WASTE MANAGEMENT IN QUÉBEC

As a follow-up to JBACE Resolution 95-12-04-01 regarding the Committee's intention to participate in the special hearings on waste management in Québec, the JBACE invited representatives from the Bureau d'audiences publiques sur l'environnement (BAPE) to today's meeting to discuss the role of the Committee and the Cree communities in said hearings.

The BAPE representatives present at the meeting were: Claudette Journault (Vice-President), Michel Légère (Commissioner), Andrée Labrecque and Serge Labrecque (technical assistants for the hearings).

The chairman welcomed them and thanked them for attending.

Claudette Journault thanked the Committee for inviting them and said she wanted the JBACE's participation in the hearings to be as effective as possible. Since the Committee had not received the BAPE's letter, on the above mentioned resolution, Andrée Labrecque read it aloud. A copy will be sent to the members at a later date.

The BAPE representatives explained their mandate and how the hearings are to unfold, and tabled related information. The main documents pertaining to the hearings are available in Cree and Montagnais. A status report on solid waste management in northern Québec is to be prepared by the MEF regional office, and its contents substantiated by the BAPE. The BAPE would like to determine the consultation approach which would most facilitate its work in the James Bay territory.

Following questions from the members, Claudette Journault explained that although the BAPE answers to the Ministère de l'Environnement et de la Faune, it is an independent body. However, like all other government agencies, it is affected by government cutbacks. When issues need to be taken up with MEF, the BAPE meets with the responsible chief of staff or political attaché. The special hearings on waste management will be carried out at a cost of \$800 000, out of a total budget of \$1.8 million.

Some members felt that the BAPE's role needs to be defined in relation to the JBACE, since the environmental and social protection regime applicable in the James Bay territory provides for special status and involvement for the Cree people in public consultations.

However, it must be understood that consultation in the North is not as structured as in southern Québec. In relation with the consultation on solid waste, a CRA appointed member suggested that the BAPE meet with the local environment administrators as soon as possible, before the hunting season. The LEA could become depositary of the documents produced by the BAPE. The whole issue of inter-regional and transboundary transport of waste also needs to be discussed. JBACE members felt it important to have a good coordination with the BAPE who is in charge of consultation in the North.

The Chairperson thanked the BAPE representatives for their cooperation.

The members continued discussing the matter and agreed to the following:

RESOLUTION #96-03-21-01

WHEREAS the BAPE has been mandated to hold an inquiry and public hearings on waste management in Québec, especially as concerns the following:

- **waste recovery and at-source reduction means;**
- **the roles and responsibilities of all partners;**
- **the economic and institutional tools allowing these roles and responsibilities to be assumed;**
- **the democratic, administrative and political mechanisms for regional management;**
- **waste disposal methods;**

WHEREAS the Bureau d'audiences publiques sur l'environnement has agreed to study waste management problems in northern areas;

WHEREAS the BAPE has expressed its intent to consult residents of northern areas;

WHEREAS the Cree territory is governed by the environmental protection regime established under Section 22 of the James Bay and Northern Québec Agreement;

WHEREAS the BAPE's mandate will likely result in amendments to waste management legislation;

WHEREAS this regime provides for the special participation of the Cree people;

WHEREAS the JBACE is mandated to supervise the enforcement of this regime;

IT IS HEREBY RESOLVED THAT:

the JBACE is in favour of the BAPE carrying out consultations with residents of the territory;

this consultation shall be consistent with regime guidelines, i.e. it shall ensure special participation of the Cree people in the process;

the JBACE shall host the consultation and accompany the BAPE as it performs its duties on the territory, on the understanding that the consultation itself shall remain under the exclusive authority and discretion of the BAPE commissioners;

an advisory subcommittee formed of Yves Désilets, Susanne Hilton and Jacques Lefebvre shall provide the BAPE with advice and information on the form of consultation best suited to the rights and interests of the Cree people for each phase in the process.

The main steps in the consultation process as agreed to by the Committee and BAPE representatives are as follows:

- early April, meet with local environment administrators;
- May 3, meeting on waste management in Montreal;
- workshop on waste management in Chisasibi;
- September 3, 1996, hearing in Oujé-Bougoumou.

9. JBACE SECRETARY: PERFORMANCE REVIEW

The Chairperson asked the Secretary to leave the room so the members could discuss his performance review. The Chairperson will write to Pierre Lefebvre to inform him of the Committee's decision in this regard.

10. CONSULTATION PROCEDURE FOR PROJECTS IN THE NORTH

Discussion of this item was postponed until the next meeting.

11. MINING IN THE JAMES BAY TERRITORY

Discussion of this item was postponed to a later meeting.

12. **COMEY, COMEX AND COFEX-SOUTH ACTIVITY REPORTS**

The adopted reports appear in the list of correspondence.

13. **TABLING OF DOCUMENTS**

The list of correspondence received since the last meeting was sent to the members. The Secretary will send the actual documents to the members at their request.

14. **VARIA**

OPINIONS PREPARED BY OUTSIDE EXPERTS

Following a brief discussion, the members agreed that when someone from outside the Committee is hired to write an opinion or report, that person should not sign said opinion or report, as the latter are considered the property of the JBACE. Instead, the person's name will be mentioned in the cover letter.

THANK-YOU FROM THE OUTGOING CHAIRPERSON

The outgoing chairperson, Willie Iserhoff, thanked the members for their collaboration over the past year. He wished Robert Daigneault good luck in his position as new Committee Chairperson.

RELATIONS BETWEEN THE JBACE AND COMEV AND COMEX

A Canada appointed member received comments to the effect that the JBACE does not pay enough attention to COMEV and COMEX. He felt this matter should be placed on the agenda of the next meeting.

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

The next meeting will be held in the CRA offices on May 1-2, 1996.



DENIS BERNATCHEZ

Secretary
96-05-23