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

The Chairperson welcomed the members and called the 92nd 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 91st meeting**
3. **Business related to the 91st meeting**
4. **Draft JBACE-MEF administrative agreement**
5. **Forestry issues**
6. **COMEV/COMEX activities**
7. **Consultation on administrative restructuring at MEF**
8. **Points of information**
 - 8.1 **BAPE special hearings on waste management in Québec**
 - 8.2 **Consultation procedure for Northern projects**
9. **Tabling of documents**
10. **Varia**
 - 10.1 **Meeting with the Minister of the Environment and Wildlife**
 - 10.2 **JBACE Secretary: performance review**
 - 10.3 **Information documents**
11. **Date and location of next meeting**

2. **ADOPTION OF THE MINUTES OF THE 91ST MEETING**

The minutes of the 91st meeting were adopted with minor changes.

3. **BUSINESS RELATED TO THE 91ST MEETING**

The follow-up discussion on the 91st meeting began with the memo dated April 1, 1996.

The CRA-appointed members commented that the English translations of the French originals are not always faithful and asked that the situation be remedied. The Secretary said he would ask the translators to pay particular attention to this aspect.

The Chairperson asked that the JBACE minutes not indicate the name of the member making a given comment.

4. **DRAFT JBACE-MEF ADMINISTRATIVE AGREEMENT**

The section of the JBACE proposal drafted by Roméo Saganash and the document "Principes à retenir," which contains the main principles underlying the JBACE's proposal are tabled. The document is amended to reflect members' comments.

A Canada-appointed member asked that the JBACE mandate the administrative agreement subcommittee to negotiate the final agreement with the governments once the JBACE has approved the draft. Since the Government of Canada is a signatory to the JBNQA, the JBACE should ask it to take part in the negotiations, particularly discussions on the human and financial resources allocated to the JBACE. The members endorsed these proposals.

The members next discussed various aspects of the draft administrative agreement. Some feel that the JBACE should report directly to the MRN rather than MEF, given the importance of forestry issues for the JBACE. Others commented that, under the EQA, the JBACE falls under the jurisdiction of the minister and it would likely be difficult to change this reality. Other members feel that the MRN has an economic mandate, whereas the JBACE (like MEF) is primarily concerned with environmental protection. This alone may be reason enough to continue to report to MEF.

A Québec-appointed member feels that the administrative agreement with MEF should provide for a minimum budget agreement over several years, below which amount the JBACE cannot operate properly. The Committee's budget should nevertheless be renegotiated annually based on priorities. It is important that the administrative agreement define the budgetary rules, including human resources loans from different departments (federal and provincial).

5. **FORESTRY ISSUES**

The Secretary and members of the Forestry Subcommittee briefed the JBACE on the Subcommittee's most recent meeting with MRN representatives, who provided general information on the establishment and processing of general and five-year forest management plans, from submission to annual plans.

The MRN is preparing summary documents on logging in the James Bay territory. It is important that these documents be forwarded to the Subcommittee before the next meeting, which is scheduled for early July. The MRN representatives said they were willing to work closely with the CRA and the subcommittee on forestry, particularly as regards data exchange and validation. This collaboration has, in fact, already begun. Subcommittee member Robert Beaulieu has already requested specific data from the MRN.

A CRA-appointed representative showed the members a synthesis map entitled « Preliminary map, cut areas for period 1989-1999 » prepared by the CRA. The MRN data will enable the CRA, on behalf of the committee, to complete the map.

A Québec-appointed representative stressed how important it is that databases be sent to the CRA rather than to the JBACE, which does not have the necessary resources to process this information. The JBACE will support the CRA in its requests for data from the MRN.

Although the JBACE is mandated to comment on the general and five-year forest management plans, it is not in a position to do so. A Québec-appointed member feels that the CRA should comment on the plans and that the government should pay for this service.

A CRA-appointed representative emphasized that the general and five-year plans should be analyzed from the standpoint of trapline viability. Parameters that should be taken into account include accessibility, availability of moose, cottages, etc.

The CRA will submit a work plan to the JBACE in this regard and produce a summary map using the data obtained from the MRN.

The members decided that the legal opinion (excluding the legal specifics) drafted by Robert Daigneault should serve as the basis for the JBACE's recommendations to MEF regarding forest infrastructures subject to the assessment and review procedure. The JBACE holds that dividing road projects into branches is a major problem in the territory, and is concerned about it.

Gilles Frisque informed the members that this would be his last meeting. He will be submitting his official letter of resignation as soon as possible. The members thanked him for his services and wished him luck in his professional activities.

6. COMEV/COMEX ACTIVITIES

It was agreed by JBACE to invite the chairpersons of the committees responsible for applying the assessment and review procedure in the North (COMEV, COMEX, COFEX-South) to one of its meetings.

The JBACE, which is mandated to oversee the application of the environmental and social protection regime in the James Bay territory, has very little contact with these committees and is unable to ensure that the regime functions well and is properly enforced. It would

seem that certain problems which should have been drawn to the JBACE's attention were not.

The first meeting with the chairpersons would serve to build bridges between the northern committees and the JBACE, and discuss the following issues: problems in forestry project analysis, waste transportation into the territory, the need for two project authorization procedures (chapters I and II of the EQA), the role of the northern committees in public consultations held in the territory, and federal/provincial project harmonization.

A Québec-appointed representative decried the fact that the JBACE is not informed of projects examined by the northern committees under Section 22 of the JBNQA. The Committee should receive, on a regular basis, a list of these projects and an indication of their status as to the assessment and review procedure. A letter to this effect will be sent to the Deputy Minister.

A CRA-appointed member explained the Waswanipi sawmill project (Nabakatuk project) and distributed copies of Philip Awashish's May 10, 1996 letter to the JBACE Chairperson, informing the JBACE of a major problem raised by the Cree members of COFEX-South. Their request to have the project's environmental and social impacts assessed was denied, despite the fact that the Local Environment Administrator for Waswanipi expressly requested the assessment. COFEX-South Chairman Paul Lacoste asked the Federal Administrator, Michel Dorais, for his advice on the matter. Mr. Dorais concluded that, this being a forestry project, it falls under provincial jurisdiction. The Cree party disagrees, because the project also includes a sawmill to be built on Category I lands. Mr. Awashish requested that the JBACE, in its capacity as overseer of the regime, rule on the matter and ensure that the Local Environment Administrator's wishes are respected. The members agreed to ask the Federal Administrator and the Chairman of COFEX-South to meet with the JBACE to discuss the issue.

7. CONSULTATION ON ADMINISTRATIVE RESTRUCTURING AT MEF

After some discussion, the members agreed to compile their comments on the "Enjeux stratégiques du MEF" in a brief to Jean Pronovost, once these comments have been submitted to the Secretary.

8. POINTS OF INFORMATION

8.1 BAPE special hearings on waste management in Québec

A CRA-appointed member informed the JBACE that the BAPE secretariat and the local environment administrators had met. The BAPE is scheduled to hold hearings in Chibougamau on September 3 and in Oujé-Bougoumou on September 4. Yet, the chairperson of the hearing had confirmed that the hearing would be held in the Cree community of Oujé-Bougoumou.

The JBACE subcommittee and the BAPE have been experiencing coordination problems. The members agreed that, in future all communications should be addressed to the JBACE Secretary and one subcommittee member should be contacted, as is presently the case. This will enable the Secretary to be able to forward documents to subcommittee members and better meet the BAPE's needs. A letter to this effect will be sent to the BAPE.

Certain members pointed out that the draft regulation on solid waste disposal prohibits operation of in-trench disposal sites less than 100 km from a sanitary landfill site. This provision could be detrimental to Cree communities with in-trench disposal sites located this distance from a landfill (Oujé-Bougoumou, Mistissini, Waswanipi) and therefore may find themselves in a position of illegality.

Jean Pronovost will be asked to delegate Pierre Fabi, head of the MEF's Bureau de la gestion des résidus solides, to attend the JBACE's next meeting to explain MEF's proposals for waste disposal in the North. It was reported, following the BAPE's workshop held in Montreal, that the MEF report on solid waste management in the North is unsatisfactory. Certain members disapproved of the fact that the JBACE was not consulted on either the draft regulation or MEF's proposals on waste disposal in the North. These points will be raised in the letter to Mr. Pronovost.

Finally, the members agreed that if the JBACE drafts a brief, it should be sent to the Minister of the Environment and Wildlife, with a copy to the BAPE. The members will decide at the next meeting, following discussion with Pierre Fabi, whether or not to prepare a brief.

8.2 Consultation procedure for Northern projects

A CRA-appointed member reminded the Committee that MEF had produced a document on public consultations in the North and submitted it for his consultation. The member will be submitting his comments at the next meeting.

On July 18, 1995, then Minister of the Environment and Wildlife Jacques Brassard made a commitment to consult the JBACE on several issues, including the JBACE's working language, the amendment of schedules A and B, and other matters related to the regime governing the North. The MEF must be reminded of this commitment so that documents

can be submitted to the JBACE as soon as possible. A letter to this effect will be sent to Jean Pronovost.

9. **TABLING OF DOCUMENTS**

The Secretary tabled the documents received since the last meeting.

10. **VARIA**

10.1 Meeting with the Minister of the Environment and Wildlife

The Chairperson informed the members that the Minister of Environment and Wildlife, David Cliche, is available to meet with the JBACE to get information on the JBACE's position on several fundamental aspects of its operation, i.e. its independence, minimum resources required, priority issues, etc. A conference call will be scheduled to organize the meeting. The Secretary will contact the members to see if they are available on the dates proposed by the individual in charge of the Minister's agenda. It would be good if the administrative agreement were available for discussion at the same time. The meeting should be held before the week of June 17, 1996.

10.2 JBACE Secretary: performance review

A Canada-appointed member sent to JBACE members a draft policy and a form in order to evaluate JBACE personnel, but received no reply. He feels it is important that they make their comments known so that this matter can be followed up on.

The members agreed that the Secretary should report to the Chairperson, and that any other JBACE employees should report to the Secretary. This matter could be discussed at a subsequent meeting.

10.3 Information documents

Hervé Chatagnier has completed his mandate to study the issue of contaminated soil in the North. The JBACE hopes to receive his report as soon as possible.

Since MEF has a new policy on the restoration of contaminated soil, it is important that the JBACE begin its reflection taking into account the information contained in Mr. Chatagnier's report. The Chairperson will be commenting on the new policy in the context of other activities, and those comments will be adapted and incorporated into the JBACE's opinion.

11. DATE AND LOCATION OF NEXT MEETING

The next meeting will be held in Eastmain on July 23 and 24, 1996. On the agenda will be the meeting with Pierre Fabi to discuss solid waste disposal in the North, the JBACE brief to the BAPE on the special hearings on waste disposal, and the policy respecting the restoration of contaminated soil.

DENIS BERNATCHEZ

Secretary
96-06-19

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