



la Convention
de la Baie-James
et du Nord québécois

Comité consultatif
pour l'environnement
de la Baie-James

ᑭᑭᑭᑭᑭᑭᑭᑭ
ᑭᑭᑭᑭ
ᑭᑭᑭᑭᑭᑭᑭᑭ

Siège social :
Baie-du-Poste
Lac Mistassini, via Chibougamau, Québec
G0W 1C0

Secrétariat et correspondance générale :
Édifice Marie-Guyart, 6^e étage
675, boulevard René-Levesque Est
Québec (Québec) G1R 5V7
(418) 521-3895, poste 4642

**MINUTES OF THE 93rd MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
ADOPTED**

DATE: September 10-11, 1996

LOCATION: Eastmain Band Council office

PRESENT: Yves Désilets, Canada, Vice-Chairman
Robert Daigneault, Québec, Chairman
Susanne Hilton, CRA
Willie Iserhoff, CRA
Ginette Lajoie, CRA
Pierre Paulhus, Canada

Denis Bernatchez, Secretary

ABSENT: Denis Vandal, HFTCC
Louise Filion, Québec
Jacques Lefebvre, Québec
Diane Morneau, Canada
Diom Roméo Saganash, CRA

1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairman welcomed the members and called the 93rd 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 92nd meeting**
 3. **Business related to the 92nd meeting**
 4. **Draft JBACE-MEF administrative agreement**
 5. **Forestry issues**
 6. **Meeting with the Minister of the Environment and Wildlife**
 7. **MEF policy on contaminated soil**
 8. **Meeting with Pierre Fabi on solid waste**
 9. **Meeting with COMEX, COMEV and COFEX-South chairmen**
 10. **Points of information**
 - 10.1 **BAPE generic hearings on waste management in Québec**
 - 10.2 **Consultation procedure for Northern projects**
 11. **Tabling of documents**
 12. **Varia**
 - 12.1 **JBACE Secretary: performance review**
 - 12.2 **1995-1996 annual report**
 13. **Date and location of next meeting**

2. ADOPTION OF THE MINUTES OF THE 92ND MEETING

The minutes of the 92nd meeting were adopted with amendments.

3. BUSINESS RELATED TO THE 92ND MEETING

The follow-up discussion on the 92nd meeting began with the memo of May 22, 1996.

The CRA-appointed members again commented that the English translations do not always stick to the original French texts and asked that the situation be corrected. The Secretary will address the issue with the translators.

4. DRAFT JBACE-MEF ADMINISTRATIVE AGREEMENT

No new work was carried out by the subcommittee during the summer. It expects to submit a proposal to JBACE members for approval in the near future.

5. FORESTRY ISSUES

The members discussed the JBACE's responsibility to comment on forest management plans and changes thereto. Everyone agreed that to meet this responsibility properly, the JBACE needs much better information.

Since the JBACE will begin receiving the next set of general forest management plans (25 years) in 1997, it is imperative that the Ministère des Ressources naturelles (MRN) provide the JBACE with the information needed to analyze them. The JBACE should be given sufficient resources to fulfil its obligations under the JBNQA. It is also important that it receive the reports on consultations with Native communities. In this respect, the members agreed to give the Forestry Subcommittee the ad hoc mandate of identifying the JBACE's exact needs related to studying the forest management plans.

JBACE Resolution 96-09-10-01

After being duly moved and seconded, it is hereby unanimously resolved that the JBACE clarify the mandate of the Forestry Subcommittee and ask it to:

- stipulate the objectives to be targeted by the JBACE in order to properly comment on the forest management plans;
- draft an agreement between the JBACE and the MEF on the procedure for consulting the Committee, and on the type of data required for the JBACE to comment on the plans.

The JBACE Chairman hopes to meet with the Forestry Subcommittee during its next meeting, scheduled for October 31, 1996, in Montréal.

The members asked the Secretary to contact a MEF wildlife specialist to invite him/her to attend Forestry Subcommittee meetings as a resource person.

The members discussed the public consultations on forest management plans held by logging companies in Native communities. They noted that they know very little about how these consultations are carried out or their outcome. Since the JBACE has begun deliberating on the public consultation process in general, it would like a letter to be sent to logging companies in the territory to request information on all consultations held in Native communities.

JBACE Resolution 96-09-10-02

After being duly moved and seconded, it is hereby unanimously resolved that:

- the JBACE write a letter to all logging companies in the territory, requesting a report on consultations on forest management plans held in Native communities.

The members discussed two specific projects involving the construction of forestry infrastructures which, in the JBACE's opinion, should be submitted to the

Evaluating Committee (COMEV) for assessment. They are: the Chantiers Chibougamau camp near Lac Claverie and the Domtar camp at Lac Allard.

After discussing the matter, the members agreed to the following:

JBACE Resolution 96-09-10-03

After being duly moved and seconded, it is hereby unanimously resolved that:

The JBACE write to Les Chantiers Chibougamau (camp near Lac Claverie) and to Domtar (camp at Lac Allard), informing them that the JBACE does not recognize the authorizations granted by MEF for the establishment of these camps.

In the JBACE's opinion, these camps should be deemed to fall within the "grey area" and be submitted to the Evaluating Committee (COMEV). The JBACE does not agree with MEF that logging camps are exempt from the review and assessment procedure when they are indicated on the forest management plan map.

6. MEETING WITH THE MINISTER OF THE ENVIRONMENT AND WILDLIFE

In June, the JBACE attempted to schedule a meeting with Environment and Wildlife Minister David Cliche, but he was not available. The members asked the Chairman and Secretary to try again to schedule a meeting in order to discuss the following matters:

- the JBACE's mandate and relations with the government;
- the JBACE-MEF administrative agreement (financial and human resources allocated to the JBACE);
- the review of Section 22
- forestry issues (regulations, impacts on hunting and trapping, access to the territory, consultation of Native communities with regard to forest management plans, application of the regime);
- the proposed future sustainable development council;
- the regulatory process applicable to northern and southern Québec (e.g. waste management);
- MEF support for local environment administrators.

7. MEF POLICY ON CONTAMINATED SOIL

In March, MEF tabled a draft policy on contaminated soil for consultation purposes. The Secretary informed the members that Michel Beaulieu had called from MEF to inform the JBACE that it must submit its comments by late September if it wants MEF to take them into consideration.

The members asked the Secretary to draft a brief containing the JBACE's comments on the proposed policy. The main elements to be addressed are the decontamination criteria, the preventive approach advocated in the draft policy and the need for the policy to take greater account of the specific nature of the North.

The technical report prepared by Hervé Chatagnier (MEF) which describe the rehabilitation cases studied by the Evaluating Committee could be used as a basis for drafting the brief. The JBACE had little control on the progress of this report.

8. MEETING WITH PIERRE FABI ON SOLID WASTE

The Secretary informed the members that they can call Pierre Fabi, MEF coordinator of the waste management action plan, for information in this regard.

The members who attended the thematic information session on May 3, 1996 reminded the Committee that the MEF report on waste management in the North was incomplete. It is necessary to obtain a more accurate picture of waste management in the North so that the government can modify its waste management plan based on the realities of the North.

JBACE Resolution 96-09-10-04

After being duly moved and seconded, it is hereby unanimously resolved that the JBACE ask MEF to produce an adequate report on solid waste management in the James Bay territory, containing the following information:

- **a complete report on waste management in the territory, i.e., the number and location of waste disposal sites, including outfitting operations with a capacity of 30 people or more, camps and worksites related to energy and forestry development and operations;**
- **the amounts and types of waste (residential, industrial, commercial and institutional) disposed of annually in the James Bay territory;**
- **a description of the means used to transport waste according to location;**
- **the names of the individuals responsible for enforcing the regulations in the territory; and**

-
- a list of the number and type of notices of violation issued by MEF in respect of waste management.

9. MEETING WITH COMEX, COMEV AND COFEX-SOUTH CHAIRMEN

The members agreed to invite the chairmen of the Northern committees to the next JBACE meeting in order to meet them and find out more about how these committees apply the environmental and social protection regime established by the JBNQA. Ideally, the members would like to meet with the chairmen separately.

The members discussed Federal Administrator Michel Dorais's reply regarding the need to assess the Waswanipi sawmill project, as raised by Philip Awashish, Cree delegate for COFEX-South.

The Cree members of COFEX-South had sent the JBACE a resolution requesting that COFEX-South comply with the Local Environment Administrator's wishes to have the project's environmental and social impacts assessed under the federal review process given that the sawmill is to be built on Category 1A lands.

The members asked that the Federal Administrator be invited to meet with the JBACE to discuss the federal government's position on this issue. The following resolution was adopted:

JBACE Resolution 96-09-10-05

Whereas COFEX-South did not follow up on the Local Environment Administrator's request to submit the Waswanipi sawmill project to the federal review process even though the project is located on Category 1A lands;

Whereas Philip Awashish, as member of COFEX-South, asked for the JBACE's backing on this issue;

Whereas the Federal Administrator upheld COFEX-South's decision not to submit the project to the federal review process;

Whereas the Federal Administrator invited the JBACE to contact him as needed;

After being duly moved and seconded, it is hereby resolved that:

the Federal Administrator, Michel Dorais, be invited to meet with the JBACE to discuss the federal government's position with regard to the Waswanipi sawmill project.

INTERRUPTION OF THE MEETING

The JBACE meeting was temporarily adjourned to allow the members to visit the following environmental facilities in Eastmain: the in-trench disposal site, the sewage treatment plant, the water treatment plant, and the contaminated soil treatment site. The members were accompanied by Chris Merriman, Local Environment Administrator for Eastmain. The members greatly appreciated Mr. Merriman's collaboration and thanked him for making himself so available and for answering their questions on the visited sites.

10. POINTS OF INFORMATION

10.1 BAPE generic hearings on waste management in Québec

The members who attended the BAPE hearing in Oujé-Bougoumou presented a quick overview of the event. Chief Abel Bosum welcomed the participants and said that he was honoured that the BAPE and JBACE had agreed to hold the hearing in the Native community of Oujé-Bougoumou. The atmosphere was very cordial.

The JBACE Chairman was invited to sit at the same table as the BAPE chairperson and commissioners.

Briefs were presented by the following organizations:

- the Municipality of Chapais
- the Municipality of Chibougamau
- the Municipality of James Bay
- the Oujé-Bougoumou Band Council
- the Nemaska Band Council
- the Grand Council of the Crees (of Québec) and the Cree Regional Authority
- the JBACE

The members asked that thank-you letters be sent to Chief Bosum, the mayors of Chapais and Chibougamau and the BAPE chairperson expressing the JBACE's appreciation.

The JBACE and BAPE agreed to prepare a joint report for the part of the hearing held in the James Bay territory. To draft the report, the members would like to hire an outside consultant, Andrée Labrecque, a former BAPE analyst.

JBACE Resolution 96-09-10-06

After being duly moved and seconded, it is hereby unanimously resolved that:

Andrée Labrecque, former BAPE analyst, be offered a contract to draft, in conjunction with the BAPE, the report synthesizing the briefs presented in Oujé-Bougoumou, highlighting those aspects which are directly connected to the JBACE's responsibilities under the JBNQA.

Ms. Labrecque (or another person if she is unavailable), shall be supervised by the subcommittee on waste;

A maximum of \$5000 shall be allocated for this contract.

The JBACE Secretary is to contact Ms. Labrecque and finalize her contract.

Suzanne Hilton is available to supervise the person awarded the contract.

10.2 Consultation procedure for Northern projects

A CRA-appointed member informed the members that Pierre Lefebvre of MEF had invited her to comment, in an individual capacity, on a public consultation working document. During a meeting with him in the summer, the member had asked Mr. Lefebvre to formally submit the document to the JBACE for consultation. At the same time, she submitted her own working document entitled "Consultation and Public Participation in the Environment Regime Covered by the JBNQA". She tabled the MEF document on public consultations produced in January 1996.

11. TABLING OF DOCUMENTS

The Secretary has received the following documents since May 14, 1996:

1. "TRANSITION", the Indian and Northern Affairs Canada newsletter, Vol. 8, No. 13 (June/July 1996).
2. "Régime alimentaire des poissons du complexe La Grande et teneur en mercure dans leurs proies (1993-1994)", a study on the diet of fish in the La Grande complex and mercury levels in their prey, conducted by GENIVAR for Hydro-Québec, 105 pages, July 1996.

-
3. "Étude des parasites de poissons du complexe La Grande 1990-1992", a summary report on fish parasites in the La Grande complex, produced by the Department of Natural Resource Sciences, Institute of Parasitology, McGill University, 129 pages, June 1996.
 4. 1995 activity report, Environmental Advisory Committee, Hydro-Québec, 24 pages.

12. VARIA

12.1 JBACE Secretary: performance review

A Canada-appointed member tabled draft procedures and evaluation forms for the Secretary's performance review and briefly explained his proposed procedure. Responsibility for the Secretary's performance review falls to the Chairman. A review committee exists to ensure that personality conflicts are avoided and to examine the Chairman's performance report.

The Chairman will meet with the Secretary before the end of September to discuss his performance review. Objectives associated to the evaluation of the Secretary's performance will be developed and sent to members.

The same member tabled an acknowledgement of receipt (received by the JBACE on November 27, 1995) signed Pierre Mathieu (MRN). The member asked the Secretary to check and see whether the Minister of Natural Resources had replied to the letter mentioned by Mr. Mathieu.

12.2 1995-1996 annual report

The JBACE Secretary asked the members to submit their comments on the draft annual report as soon as possible.

Conference call, August 21, 1996

Because the last JBACE conference call, which took place at 9:30 a.m., August 21, 1996, lacked a quorum, the Chairman asked the members to ratify the decisions made during the call.

JBACE Resolution 96-09-10-07

After being duly moved and seconded, it is hereby unanimously resolved that the decisions made by the members present during the conference call of August 21, 1996 be ratified.

The decisions in question include the approval of two JBACE letters regarding changes to five-year forest management plans, and the adoption of the JBACE brief presented during the generic hearing on waste management in Oujé-Bougoumou. With regard to the two letters, both dated August 30, 1996, one was addressed to Luc Tellier of the MRN and dealt with a modification made to the five-year forest management plan for common area 87-20; the other, addressed to Normand Émond, also of the MRN, dealt with modification no. 3 made to the five-year forest management plan for common area 86-22.

13. DATE AND LOCATION OF NEXT MEETING

The next meeting will be held in Québec City on November 6-7, 1996. Items on the agenda include review of Section 22, the draft JBACE-MEF administrative agreement, and the meeting with the chairmen of the Northern committees responsible for overseeing the application of the regime established by the JBNQA.



DENIS BERNATCHEZ

Secretary

96-11-06