



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 96th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: March 20, 1997

LOCATION: Cree Regional Authority (CRA)
277 Duke St.
Montréal

PRESENT: Yves Désilets, Canada, Vice-Chairman
Luc Bouthillier, Québec
Robert Daigneault, Québec, Chairman
Ginette Lajoie, CRA
Jacques Lefebvre, Québec
Denis Bernatchez, Secretary

ABSENT: Louise Filion, Québec
Susanne Hilton, CRA
Willie Iserhoff, CRA
Diane Morneau, Canada
Pierre Paulhus, Canada
Diom Roméo Saganash, CRA
Denis Vandal, HFTCC

**GUEST
PARTICIPANTS:** Jean Dionne, MRN



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

The Chairman welcomed the members, particularly Luc Bouthillier, the recently appointed Québec representative, and called the 96th 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 95th meeting
3. Business arising from the 95th meeting
4. Forestry issues
5. Review of Section 22
6. Mine site rehabilitation
7. Updating of Section 24 of the JBNQA
8. Tabling of documents
9. Varia
 - 9.1 strategy for implementing JBACE recommendations
 - 9.2 trans-northern snowmobile trail
 - 9.3 government jurisdictions (COFEX-South)
 - 9.4 Oujé-Bougoumou in-trench disposal site
10. Date and location of next meeting

2. **ADOPTION OF THE MINUTES OF THE 95TH MEETING**

The minutes of the 95th meeting were adopted with minor changes.

3. **BUSINESS ARISING FROM THE 95TH MEETING**

The follow-up discussion on the 95th meeting began with the memo dated February 5, 1997. The members agreed on the following action:

- Send forest company agents a copy of the JBACE resolution on the overharvesting of seven Cree traplines;
- Thank the agents who responded to the JBACE's letter requesting information on the consultation process followed, and send a reminder to those who have not yet responded;
- Robert Daigneault will adapt the JBACE brief on the administrative agreement so it can be sent to the federal Minister of the Environment;

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- Roméo Saganash and Yves Désilets will determine the need and best time to meet with Diane Gaudet (MEF) to discuss the relocation of the JBACE secretariat.

Eastmain mine:

A Cree representative gave an overview of the Eastmain mining project. Several years ago, this project underwent the impact assessment and review procedure established by Section 22 of the JBNQA (COMEX-COMEV and certificate of authorization issued).

Initially, the project consisted in ore extraction only. There was to be no transporting of ore during winter and no milling on the mine site.

After two years of operation, the mine proved to be less profitable than expected and was closed, even though some ore remained. The proponent therefore applied to have the certificate of authorization amended to allow for the construction of a permanent road leading south of the territory, as well as for milling on site (ore had previously been transported to the Ressources MSV plant in Chibougamau for milling).

MEF forwarded the proponent's application to COMEX, which ruled that this was not an amendment, but rather a new project altogether and that the social commitments made in the original impact statement and set forth on the certificate of authorization had to be upheld.

Since then, the proponent has shut down its mining operations and the mine site still contains ore with acid-generating potential. There is no buffer zone around the site and no rehabilitation measures have been taken. Furthermore, the Témiscamie River shelters an indigenous species of brook trout that no one was officially notified of.

A formal demand on behalf of the Grand Council of the Crees (of Québec), the Cree Regional Authority and the Cree Nation of Mistissini was sent to Diane Gaudet, provincial administrator of the environmental and social protection regime, requesting that the project directive be rescinded and citing numerous irregularities in support of the request. The guidelines prepared by COMEV were modified by the Provincial Administrator. Copies of the document were distributed to the members for consultation.

The members agreed to write to the Provincial Administrator to point out apparent irregularities in MEF's processing of this project.

The main issues that will be raised relate to:

- the type of consultations to be conducted by the administrator should COMEV's recommendation be modified;
- the inconsistency between the modifications to the guidelines made by the administrator and the guiding principles set forth in Section 22 of the JBNQA;
- the fact that the directive was sent to someone other than the proponent. Directives and certificates of authorization (CA) can be used only by the natural or legal person to whom they are issued.

Finally, given that the mine has not operated for some time, the JBACE would like to know what restoration measures MEF intends to take in this regard.

4. FORESTRY ISSUES

A Cree representative informed the members on the discussions which took place and the decisions taken at the Forestry Subcommittee's 8th meeting on March 18-19, 1997.

The deadline for defining the forest management plan study criteria has been set for early June 1997, after which the subcommittee, MRN representatives and TSFMA holders will meet to determine how the criteria are to be built into forest management plans.

So far, the Forestry Subcommittee has defined the environmental protection criteria, which leaves the social protection criteria. On March 26, INRS-Culture will be giving a presentation on social protection criteria for forestry development in Aboriginal territories. All JBACE members are invited to attend.

The MRN consulted the JBACE regarding the background document on sustainable forestry criteria and indicators entitled "Critères et indicateurs de développement forestier durable - Plan de mise en oeuvre - Document de consultation." The MRN asked the JBACE to submit its comments no later than March 21, 1997. The committee now has until the end of April.

The letters sent to Guy Chevrette regarding the JBACE's budget submission and resolution on the overharvesting of seven Cree traplines were also discussed.

It was agreed to write another letter to the Minister to inform him that:

- the JBACE deems the situation in these seven traplines to be critical and the MRN must take immediate remedial action given that it is about to sign the annual harvesting permits. The JBACE wants to know what the Minister intends to do about the situation;
- the JBACE feels that the guiding principles set forth in the JBNQA and the problems related to logging in the James Bay territory substantiate the need for the MRN to adopt a separate regulation respecting standards of forest management for forests in the public domain (RNI) specifically for the North;
- the JBACE has to define the assessment criteria for forest management plans very soon so that they can be used for the next set of forest management plans, hence the urgency of obtaining financial support from the MRN.

At its 8th meeting, the Forestry Subcommittee discussed the studies commissioned in relation to the case of Lake Barrière. The Secretary will try and obtain a copy from the Secrétariat aux Affaires autochtones.

The members agreed to send a copy of the JBACE resolution on overharvesting to the chiefs of the five communities concerned.

5. REVIEW OF SECTION 22

The Secretary informed the members that the questionnaire on the review of Section 22 was sent to the following northern committees: COMEV, COMEX, COFEX-South.

The questionnaire will be also be sent to the local, federal and provincial administrators, environment ministers Sergio Marchi and David Cliche, and Grand Chief Matthew Coon-Come to inform them that the committees responsible for overseeing the procedure's application have been approached for comments on the review of Section 22.

6. MINE SITE REHABILITATION

At the JBACE's request, Jean Dionne of the MRN's Service des titres d'exploitation was at the meeting to discuss the policy respecting mine site rehabilitation and the related protocol agreement between MEF and the MRN.

Copies of the overheads from Mr. Dionne's presentation are available on request.

7. UPDATING OF SECTION 24 OF THE JBNQA

A federal representative asked that the Chairman of the Hunting, Fishing and Trapping Coordinating Committee (HFTCC) attend all JBACE meetings. He informed the members that the HFTCC has not submitted a document on the review of Section 24 of the JBNQA.

8. TABLING OF DOCUMENTS

The Secretary tabled the amended federal endangered species protection legislation.

9. VARIA

9.1 Strategy for implementing JBACE recommendations

This item will be discussed at the next meeting.

9.2 Trans-northern snowmobile trail

A Cree representative informed the members of a project to build a trans-northern snowmobile trail in the James Bay territory. It seems that the proponent is not aware of the procedures provided for in schedules 1 and 2 of the JBNQA. The JBACE decided to write to the Provincial Administrator stating its concern with regard to this project, since it does not know what the environmental and social impacts will be. The administrator should inform the proponent that its project falls within the "grey area" and is subject to the impact assessment and review procedure.

9.3 Government jurisdictions (COFEX-South)

A Cree representative informed the members that a similar dispute to that which arose for the Nabakatuk sawmill project is looming. In the case of Nabakatuk, the Local Administrator had asked that COFEX-South submit the project to the federal review procedure, since it was located on Category 1A lands.

This time, the project concerned involves the operation of a quarry on Category 1A lands. The federal members of COFEX-South have established criteria for determining which projects should undergo the provincial procedure and which, the federal procedure. The JBACE will try to get a copy of this document.

9.4 Oujé-Bougoumou in-trench disposal site

The Municipality of James Bay (MJB) sent the JBACE a copy of a resolution criticizing the fact that the Oujé-Bougoumou in-trench disposal site was not approved by either the James Bay Development Corporation (R.S.Q., c. D-8) or the MJB, as required under its urban planning by-laws.

The JBACE decided to write to the director of the Abitibi-Témiscamingue regional office to ask for the exact location of the in-trench disposal site, the authorizations issued by the regional office, and whether the project has been authorized under section 54 of the EQA.

10. DATE AND LOCATION OF NEXT MEETING

The next meeting will be held in Waskaganish on June 18-19, 1997. The members agreed to invite Chief Billy Diamond to the meeting to share his experience as a former northern committee member and to discuss the application of the impact assessment and review procedure and the environmental and social protection regime in general.



DENIS BERNATCHEZ

Secretary
97-04-15