



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 99th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: June 19-20, 1997

LOCATION: Waskaganish Band Council office

PRESENT: Luc Bouthillier, Québec
Paul Chénard, Canada
Yves Désilets, Canada
Susanne Hilton, CRA
Ginette Lajoie, CRA, Vice-Chair
Jacques Lefebvre, Québec
Diom Romeo Saganash, CRA, Chairman

Denis Bernatchez, Secretary

ABSENT: Carol Martin, Canada
Willie Iserhoff, CRA

GUEST PARTICIPANTS: Billy Diamond, Chief of Waskaganish
David Erless
Carole Lévesque, INRS-Culture et Société
Bert Moar, LEA
Jimmy Trapper, Vice-Chief



1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairman welcomed the guest participants and members and called the 99th 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 96th, 97th and 98th meetings
3. Business arising from previous meetings
4. JBACE secretariat
5. Forestry issues
6. Meeting with Chief Billy Diamond
7. Review of Section 22 of the JBNQA
8. Harmonization of federal and provincial procedures
9. Tabling of documents
10. Varia
 - 10.1 1996-1997 annual report
 - 10.2 Reimbursement of expenses: Bruce Byford
 - 10.3 Reimbursement of travel expenses: Carole Lévesque
 - 10.4 Oujé-Bougoumou in-trench disposal site
 - 10.5 LG-4 in-trench disposal site
11. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 96TH, 97TH AND 98TH MEETINGS

The minutes of the 96th, 97th and 98th meetings were adopted with a few changes.

3. BUSINESS ARISING FROM PREVIOUS MEETINGS

The Secretary will contact Robert Daigneault to propose modifying the brief to be submitted to the federal Environment Minister (ref. draft JBACE/MEF administrative agreement). The members agreed on the following resolution:

JBACE Resolution 97-06-19-01 regarding changes to the brief to be submitted to the federal Environment Minister

It is hereby unanimously resolved:

- to mandate the JBACE Secretary to sign an agreement with Robert Daigneault enabling him to adapt the draft administrative agreement submitted to the Québec Minister of the Environment and Wildlife in November 1996 for submission to the federal Environment Minister.

Moved by: Ginette Lajoie
Seconded by: Yves Désilets

MJB Participation in JBACE meetings

The JBACE agrees to allow the Municipality of James Bay to attend its regular meetings as an observer. A letter to this effect will be sent to Pierre Moses, who made the request on behalf of the MJB.

4. JBACE SECRETARIAT

The Chairman briefly reviewed the latest developments regarding the secretariat's relocation. In November 1996, the JBACE submitted a brief and draft administrative agreement to the Minister, David Cliche.

The JBACE has since written numerous letters stating its objection to MEF's unilateral decision to relocate the secretariat to the Northern Québec regional office (DRNQ). JBACE representatives met with Diane Gaudet, Suzanne Giguère and Normand Carrier to sensitize them to the JBACE's role and mandate, and its supposed autonomy under the JBNQA. The Committee is hoping that these provisions will be respected. It appears that MEF officials have decided to move unilaterally on this matter and relocate the secretariat without consulting the JBACE.

Ginette Lajoie tabled the minutes and went over her June 17, 1997 meeting with the Minister of the Environment and Wildlife, David Cliche. It was agreed to write to the Minister to remind him of the different issues discussed at this meeting.

In a letter faxed to the Chairman on June 2, 1997, the Deputy Minister stated that she was prepared to consider alternative solutions for maintaining the JBACE secretariat, and to sign an agreement recognizing its full autonomy. She will also consider the possibility of granting the secretariat an annual operating budget. Ms. Gaudet has mandated Denis Vandal, DRNQ Director, to negotiate this agreement with the JBACE.

The JBACE will write to Mr. Vandal to transmit the draft administrative agreement prepared by the Committee and to inform him that the JBACE considers the secretariat's relocation to the DRNQ a temporary measure.

The Chairman reminded the members that the Minister has stated he did not intend to ask the National Assembly to vote additional appropriations for the JBACE's current budget year.

Annual appropriation requests are submitted to a parliamentary commission in the fall, which leaves the JBACE little time to prepare its budget submission for 1997-1998. A working group composed of Ginette Lajoie, Yves Désilets and Jacques Lefebvre was therefore formed to prepare the submission using the JBACE's budgetary proposal for 1996-1997 and the \$190 000 funding application submitted to the MRN. The final submission, which is to be connected to the JBACE's mandate under the JBNQA, should be ready by late September.

5. FORESTRY ISSUES

The Chairman went over the last Forestry Subcommittee meeting, during which Carole Lévesque, on behalf of INRS-Culture et Société, submitted a proposal for the development of socioeconomic and cultural indicators and criteria to be integrated into the next set of forest management plans.

The INRS proposal amounts to \$26 250. An additional \$10 000 will be needed to hire someone to incorporate the environmental protection criteria established by another working group. The JBACE approved both proposals.

The JBACE applied to the MRN for funding to cover the cost of these two contracts. The Chairman informed the members that the MRN agreed to allocate a budget of \$20 000, \$6 250 less than the INRS proposal. Furthermore, this budget does not include the incorporation of criteria into the forest management plans.

At the Chairman's request, Carole Lévesque explained the work she is doing under her mandate with the JBACE. She discussed:

- the need to understand the forest from the perspective of the local Cree culture, society and economy;
- the "what" (biophysical environment);
- the "why" (forest needs);
- the "how" (forest quality);
- the "who" (forest users);
- the "in what way" (type of planning).

Her work has shown that forest management practices are incompatible with the Cree way of life.

Ms. Lévesque also discussed the two notions related to the forest (way of life and financial aspects) and the two types of forest tenure (TSFMAs and traplines).

In her opinion, forest uses should be determined based on Cree knowledge and wisdom so as to ensure that Crees participate in decisions regarding forestry activity and that impacts are properly managed. It is important that the intent of the indicators developed be stated in order to ensure that they are both appropriate and understood. The indicators must be developed in keeping with the objectives established by a JBACE working group.

This exercise will only have meaning once the Crees have approved and adopted the indicators.

The goal is to get forest companies to build Cree values into their forest management plans. These values still need to be clearly defined, however, and this will be an exercise in dialogue and power-sharing.

The JBACE cannot act in the Crees' stead; rather, its role is that of a facilitator between the communities and forest companies.

Carole Lévesque's presentation was followed by a question period. The Chairperson thanked Ms. Lévesque for coming and said he would contact André Paul to schedule a meeting with forest companies during the summer.

Paul Chénard said he would be interested in sitting on the Forestry Subcommittee.

FIELD TRIP TO WASKAGANISH

The members, accompanied by the Local Environment Administrator, spent from 8:30 to 11:00 on the morning of June 20 touring the following environment-related facilities in Waskaganish: the new water intake, the wastewater treatment lagoon, the solid waste disposal site and the metallic waste recovery area.

6. MEETING WITH CHIEF BILLY DIAMOND

The Chairman thanked Chief Billy Diamond for coming. For the past two years in particular, the JBACE has repeatedly raised the problem of insufficient resources, which prevents it from being able to fulfil its mandate as stipulated in Section 22 of the JBNQA.

The JBACE had invited Chief Diamond to get his view of Section 22.

His opinions are summarized below.

Before the JBNQA, the Crees were considered squatters and had no rights, water, electricity or jobs.

The environmental and social protection regime was intended to protect the Crees' rights and way of life. Chief Diamond referred to the guiding principles set forth in Section 22 of the JBNQA. All mining, forestry, hydroelectric and tourism-related developments should be subject to environmental impact assessment.

The JBACE is the principal forum and is mandated to oversee administration and management of the regime.

JBACE members need to work together, regardless of their appointing party. As specialists, it is up to the members to ask the necessary questions pertaining to development in the territory. The JBACE should have the human and financial resources necessary to fulfil its mandate and should be independent.

The JBACE should issue opinions on projects, mitigative measures and project impacts.

Trappers from Waskaganish do not get the technical support they need to fully understand how mining and forestry operations will affect their way of life.

Another problem looming on the horizon is the effect of ecotourism on the Cree way of life; for instance, the potential conflicts between recreational fishing and traditional resource use. Again, the JBACE specialists should be in a position to advise the communities.

Chief Diamond suggested that the JBACE rethink its role by attempting to improve the regime rather than by limiting itself to its application. Any regime that has been around for 20 years needs to be reworked.

At the time the James Bay and Northern Québec Agreement was signed, there was very little forestry development in the territory and what development there was people believed to be compatible with the Cree way of life. Forest roads were subject to environmental impact assessment. It is crucial that the JBACE review forest management plans to ensure they respect the guiding principles set forth in the JBNQA. The local administrators do not see TSFMA's for what they really are. All they see are maps which provide very little information on the actual sites.

7. REVIEW OF SECTION 22 OF THE JBNQA

The JBACE received acknowledgements of receipt from COMEV and COMEX for its questionnaire on the planned review of Section 22. The committees should be submitting their comments by summer's end.

It was agreed to send the questionnaire to the federal and provincial administrators as well as to the federal and Québec environment ministers.

It was further agreed to ask those responsible for a list of all projects which have undergone impact assessment and review since the signing of the JBNQA, indicating which projects have been the object of public consultation of any kind.

The JBACE itself should make an effort to answer the questionnaire. Paul Chénard asked to be part of this working group.

8. HARMONIZATION OF FEDERAL AND PROVINCIAL PROCEDURES

The JBACE Chairman wrote to the COMEV Chairman on May 27, 1997, regarding the holding of a public hearing on the proposed construction of a permanent road into Waskaganish. COMEV had asked the local and provincial administrators to try to harmonize the procedure so that public hearings could be held in keeping with the wishes of the community, the local administrator and COMEV itself.

The JBACE feels that public consultations should be held for all projects targeting access to communities, regardless of the category of land involved. In this respect, the JBACE feels that COMEV should hold a consultation on the directive issued for the Waskaganish road project and that COMEV and JBACE representatives should meet to organize it. The JBACE will inform COMEV that it is prepared to pay for the consultation out of its operating budget.

9. TABLING OF DOCUMENTS

No documents were tabled.

10. VARIA

10.1 1996-1997 annual report

The Secretary tabled the draft annual report for 1996-1997. The members will submit their comments to the Secretary no later than September 15, 1997.

10.2 Reimbursement of expenses: Bruce Byford

The Committee passed the following resolution with respect to the reimbursement of expenses incurred by Bruce Byford.

JBACE Resolution 97-06-19-02 regarding Bruce Byford's request for reimbursement of costs incurred to attend a meeting of the Forestry Subcommittee

It is hereby unanimously resolved:

that the JBACE and CRA shall share the cost of Bruce Byford's participation in a meeting of the Forestry Subcommittee. The request, dated March 31, 1997, amounts to \$1082.02. The JBACE and the CRA will each pay \$541.01.

Moved by: Yves Désilets
Seconded by: Susanne Hilton

A member appointed by Canada asked that the JBACE be informed in advance when it is going to have to cover the costs incurred by a guest participant to attend a regular meeting of the Committee or the Forestry Subcommittee.

10.3 Reimbursement of travel expenses: Carole Lévesque

JBACE Resolution 97-06-19-03 regarding reimbursement of travel expenses incurred by Carole Lévesque.

It is hereby unanimously resolved:

that the JBACE shall assume the travel expenses of Carole Lévesque for her participation in the JBACE meeting held in Waskaganish on June 19-20, 1997.

Moved by: Luc Bouthillier
Seconded by: Ginette Lajoie

10.4 Oujé-Bougoumou in-trench disposal site

It was agreed to write to the Minister of the Environment and Wildlife, David Cliche, to state the JBACE's position on the Oujé-Bougoumou in-trench disposal site.

On July 26, 1994, Jean Pronovost, Deputy Minister of the Environment and Wildlife, issued a certificate of authorization to the Oujé-Bougoumou Band Council (in accordance with section 164 of the EQA) to establish a waste management system servicing the Cree village of Oujé-Bougoumou.

On May 26, 1997, Serge Corbeil of the Abitibi-Témiscamingue regional office wrote to the JBACE informing it that his office had also issued a certificate of authorization under Chapter I of the EQA.

The JBACE feels that one certificate of authorization for this site should be enough and that notices of offence should not be issued as though the site was illegal. In the JBACE's opinion, this is an overlapping of procedures and should be corrected immediately.

Since solid waste collection and disposal projects are automatically subject to impact assessment and review as stipulated in Schedule 1 of Section 22 of the JBNQA, this project was reviewed by the various committees responsible for the application of the northern procedure. COMEV issued a directive for the impact statement to be prepared by the proponent and the statement was subsequently studied by COMEX. As mentioned above, a certificate of authorization was then issued by the Deputy Minister of the Environment and Wildlife. The JBACE deems that the procedure was carried out properly and therefore there is no reason to issue another certificate of authorization under Chapter I of the EQA.

The in-trench disposal site is currently operating and, based on recent information obtained by the JBACE, all environmental impacts are under control.

The JBACE considers the spirit and letter of the JBNQA to have been respected and that the authorization issued by the deputy minister at the time should be considered sufficient and final.

10.5 LG-4 in-trench disposal site

Hydro-Québec asked MEF to exempt the LG-4 in-trench disposal site from impact assessment and review.

According to the JBACE's interpretation of the legislation, however, this project is automatically subject to the assessment and review procedure by virtue of paragraph (1) of Schedule A of the EQA, since it is a "system for the collection and disposal of solid waste."

The Committee will write to the Deputy Minister to inform her that the issues raised by Denis Vandal in his June 2, 1997 letter to the Chairman of COMEV apply to all in-trench disposal sites and, consequently, these sites should be considered automatically subject to the procedure.

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

The JBACE will hold its next meeting in Hull on October 1-2, 1997, either at the Maison du Citoyen or the Museum of Civilization. The federal Environment Minister and the Federal Administrator will be invited to attend.



DENIS BERNATCHEZ
Secretary

97-07-25