



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 100th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
ADOPTED**

- DATE:** October 15-16, 1997
- LOCATION:** Maison du Citoyen
Hull
- PRESENT:** Paul Chénard, Canada
Yves Désilets, Canada
Susanne Hilton, CRA
Willie Iserhoff, CRA
Ginette Lajoie, CRA, Vice-Chairperson
Jacques Lefebvre, Québec
Carol Martin, Canada
- Denis Bernatchez, Secretary
- ABSENT:** Luc Bouthillier, Québec
Diom Roméo Saganash, CRA, Chairperson
- GUEST PARTICIPANTS:** Sid Gershberg, Federal Administrator
J. Michel Bourgon, CEAA
Robert G. Connelly, CEAA



1. CALL TO ORDER AND ADOPTION OF THE AGENDA

In the Chairperson's absence, the Vice-Chairperson welcomed the members, especially new member Carol Martin, and called the 100th 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 99th meeting and the ad hoc meeting held on July 16, 1997
3. Business arising from the 99th meeting
4. Discussion with the Federal Administrator
5. Forestry issues
6. JBACE secretariat
7. Review of Section 22 of the JBNQA
8. Tabling of documents
9. Varia
10. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 99th MEETING AND THE AD HOC MEETING HELD ON JULY 16, 1997

The minutes of the 99th meeting were adopted as tabled. The minutes of the ad hoc meeting were adopted after making the necessary changes.

3. BUSINESS ARISING FROM THE 99th MEETING

The follow-up discussion on the 99th meeting began with the memo dated July 8, 1997:

1. Susanne Hilton and Paul G. Chénard will meet with the Chairperson of COMEV to discuss the JBACE's involvement in the public consultation on the access road to Waskaganish. This is the first time the JBACE will have collaborated with COMEV on a public consultation.

Should COMEV agree to the JBACE's participation, a conference call could be held to determine the duties of Ms. Hilton and Mr. Chénard.

2. The first mandate of the budgetary proposal working group, composed of Ginette Lajoie, Jacques Lefebvre and Yves Désilets, is to update the 1997-1998 proposal so that the JBACE can submit a regular supplementary estimates request to the parliamentary commission in December 1997. Its second mandate is to prepare the budgetary proposal for 1998-1999.
3. A working group to be composed of Susanne Hilton, Jacques Lefebvre and Luc Bouthillier, if he is available, was formed to rethink the presentation of the report.

4. Diane Gaudet, Deputy Minister of the Environment and Wildlife, will be contacted to inform her that the JBACE still has not received the list of projects which have undergone impact assessment and review pursuant to Chapter II of the EQA.
5. A letter will be sent to the Minister of MEF expressing the JBACE's disagreement with MEF's interpretation of the legislation (cf. August 29, 1997, letter to Diane Gaudet) to the effect that Hydro-Québec's in-trench disposal sites are "grey area" projects. In the JBACE's opinion, they should be automatically subject to the assessment and review procedure due to their size.
6. The new Assistant Deputy Minister for Northern Québec, Mr. Dubois, will be invited to the JBACE's next meeting.

4. **DISCUSSION WITH THE FEDERAL ADMINISTRATOR**

The Vice-Chairperson welcomed the Federal Administrator, Sid Gershberg, who was accompanied by Michel Bourgon and Bob Connelly of the Canadian Environmental Assessment Agency (CEAA).

The Vice-Chairperson briefly explained the JBACE's role and mandate under the JBNQA. The Advisory Committee would like to develop and maintain closer relations with the federal government and be more involved in the formulation of legislation and regulations affecting the James Bay territory.

In the JBACE's opinion, while certain issues may involve the CEAA, others are under the jurisdiction of Environment Canada and should therefore be addressed with that Department. The JBACE has made numerous attempts to meet with the federal Environment Minister but has been unsuccessful to date.

Although economic activity in the James Bay territory has changed considerably since the JBNQA was signed, communication between the JBACE and the governments, particularly at the federal level, remains poor, witness the fact that the Advisory Committee was not even consulted on the national environmental harmonization exercise.

Since projects in northern Québec are subject to chapters I and II of the EQA, it is crucial that the JBACE be involved in the harmonization process given that MEF applies the regimes applicable in both the north and the south to these projects. While the JBACE is not involved in environmental assessment per se, it has an interest in the matter given its mandate to review and oversee the management and administration of the environmental and social protection regime.

The JBACE is currently focusing its attention on three issues: forestry, public participation in the environmental and social impact assessment and review procedure, and the review of Section 22 of the JBNQA.

The Vice-Chairperson reminded everyone that forest development is a shared jurisdiction and, as such, is subject to review by the federal government as well as the provincial government. Since it is nearly time to review the general forest management plans, the JBACE should have access to a national forestry databank so it can do its job properly.

Where the review of Section 22 is concerned, the JBACE prepared a questionnaire and sent it to all committees responsible for applying the procedure. The Advisory Committee hopes the Federal Administrator and COFEX-South will complete and return the questionnaire as soon as possible.

After explaining the importance of public consultation for projects likely to have an environmental or social impact, the JBACE asked what kind of support it can expect from the Federal Administrator to ensure that public consultation is as efficient in the north as it is in the south.

Mr. Gershberg thanked the JBACE for inviting him, saying that this is his first meeting with the Advisory Committee. He described his role as being responsible for the administration of the Canadian Environmental Assessment Act. Although the Canadian Environmental Assessment Agency is a separate entity, it falls under the jurisdiction of the federal Environment Minister. As administrator of sections 22 and 23 of the JBNQA, Mr. Gershberg's role is restricted to ensuring projects under federal jurisdiction respect the guiding principles set forth in Section 22. Mr. Gershberg is also charged with appointing and remunerating the members of COMEV and COFEX-South and paying the federal party's share of the JBACE's budget.

Michel Bourgon mentioned that various working groups had conducted studies for the review of Section 22 (e.g. Tate and Cliche-Burger reports). However, the JBACE has not received any of these reports.

The federal share of the JBACE's budget is determined by the 1987 administrative agreement between Canada and Québec. The former federal administrator, Michel Dorais, saw to it that Ottawa's total contribution to the budgets of the JBACE, COMEV and the KEAC was maintained at \$95 000 per year, despite the budgetary restrictions. Mr. Gershberg does not think the federal government will be sympathetic to the Committee's pleas to increase its secretariat's operating budget.

The Vice-Chairperson pointed out that the federal and Québec governments negotiate the JBACE's budget behind closed doors. The Advisory Committee would like to participate in these negotiations and asks that discussions be based on its budgetary proposal. After all, the purpose is to ensure that the JBACE has sufficient resources to fulfil its obligations under the JBNQA. The Committee intends to submit a draft administrative agreement to the federal government sometime soon.

The Federal Administrator feels the Advisory Committee would have a better chance of obtaining resources for specific projects such as forest development, the review of Section 22 or public consultation rules and standards setting than for the general administration of its secretariat. Mr. Gershberg would like to be informed of the JBACE's decision regarding the environmental assessment procedure in relation to the review of Section 22. He said he will see that COFEX-South and COMEV complete the questionnaire as soon as possible. As for the CEEA, Mr. Gershberg was under the impression that the questionnaire had been sent to it for information purposes only.

The Vice-Chairperson asked the Federal Administrator to impress upon the departments responsible for appointing federal representatives to the JBACE the importance of appointing people who are available and who have experience in environmental assessment in the north.

She added that the JBACE plans to meet with the federal Environment Minister to discuss the environmental aspects of the regime. If possible, the Advisory Committee would also like to meet with representatives from Indian and Northern Affairs Canada (INAC). With ministers' changing all the time, raising their awareness is a never-ending process. This is only one of the reasons the JBACE needs a secretariat with sufficient resources.

Mr. Gershberg promised to discuss the matter with his colleagues in Ottawa and hopes the lines of communication with the JBACE will remain open.

The Vice-Chairperson thanked Mr. Gershberg, Mr. Bourgon and Mr. Connelly for coming and said she hoped there will be more meetings like this to ensure a common understanding of the issues. The Committee decided to write to the Federal Administrator to thank him for coming and to make sure everyone is clear on the issues discussed and the promises made.

A federal appointed representative thought it might be possible to obtain additional funding from INAC under its program for Cree involvement in forestry.

5. FORESTRY ISSUES

The Vice-Chairperson briefly went over the ad hoc meeting with TSFMA holders held in Val d'Or on July 16. The fact that all TSFMA holders were present is an indication of the importance of the procedures involved and shows there is a definite interest in the JBACE's role in forest development in the territory. However, the members are not convinced that the Committee succeeded in clearly and fully explaining its role, mandate and views on forest development and the criteria and indicators it wants to see in the next set of forest management plans.

The MRN and JBACE were supposed to meet to discuss forestry issues at the annual meeting of the Ordre des ingénieurs forestiers du Québec held in September. However, the meeting never took place. The JBACE has been trying to meet with the Minister of Natural Resources for the past two years. It was decided to write to the Prime Minister of Québec and the Grand Chief of the GCCQ to make them aware of the problem and ask for their help in arranging a meeting as soon as possible.

The Secretary tabled a memo summarizing the TSFMA holders' comments on the criteria and indicators to be integrated into forest management plans.

The Vice-Chairperson informed the members that the Committee has still not received money from the MRN to integrate the biophysical and sociocultural criteria, or the amount it feels is still owed it for the work carried out by INRS-Culture et société. This work should already be completed if we want the new criteria and indicators to be integrated into the forest management plans to be submitted for review beginning in April 1998.

Given the continuing lack of resources and the fact that the JBACE has not received the funds needed to integrate the biophysical and sociocultural criteria, the members agreed to write to the Minister of Natural Resources to ask that the submission date for the general forest management plans be deferred. Without additional resources, the Committee will be unable to study and comment on the plans, which, consequently, would not conform to the JBNQA. As far as the JBACE is concerned, the solution is to make the plans subject to environmental assessment given the potential environmental and social impacts of logging on the territory.

It will also be mentioned that the Committee will soon be formulating guidelines on the presentation of maps in forest management plans. The establishment of a joint MRN/JBACE databank has to be examined with interest.

The Vice-Chairperson reminded the members that a memorandum of understanding on new rules for presenting five-year forest management plans was signed between DOMTAR and the MRN. The Advisory Committee will write to the Minister of Natural Resources to state its disappointment at not being consulted and thus finding itself before a *fait accompli*. The Committee does not feel that the memorandum of understanding will make its job any easier. According to this new agreement, the five year plan would be revised every year, and possibly on a continuous basis. This will considerably increase the difficulty to get a global vision of forestry planning.

Therefore, the JBACE would like the MRN to explain the advantages and disadvantages justifying the change it provides for. Once this information has been received, the Forestry Subcommittee will meet to discuss the issue.

The JBACE received amendment no. 7 to Domtar's five-year forest management plan. Given the lack of information, however, the Committee decided to write to André Roy, head of the Harricana management unit, to inform him that Martine Boudreault's letter (September 16, 1997) did not contain sufficient information to enable the JBACE to make a recommendation. The MRN, which reviewed the amendment, will therefore be asked to send its report to the Committee so it can determine the environmental impacts involved.

A Cree-appointed member tabled a composite map of trapline W-21c prepared by DOMTAR and showing various aspects related to logging in this area.

Carol Martin will henceforth sit on the Forestry Subcommittee.

6. JBACE SECRETARIAT

The Chairperson met with Denis Vandal to discuss the administrative agreement. Very little headway is being made in this matter. In terms of the new MEF/JBACE administrative, it is up to the JBACE to decide where the secretariat will be located.

Paul G. Chénard will join Ginette Lajoie, Yves Désilets and Romeo Saganash on the administrative agreement subcommittee, which is to meet soon.

October 7, 1997, meeting with the Minister of MEF

The Chairperson and Vice-Chairperson met with Environment and Wildlife Minister Paul B egin on October 7, 1997. The Vice-Chairperson got the impression the Minister knew nothing about the draft MEF/JBACE administrative agreement. In response to the issue of insufficient funding, the Minister said that the government would be revising its estimates in December and promised to submit a request for supplementary estimates to enable the JBACE to fulfil its mandate, particularly as regards the review of forest management plans.

The JBACE will write to the Minister to make sure both parties are clear on what was said and promised during the meeting.

7. REVIEW OF SECTION 22 OF THE JBNQA

The Section 22 working group, composed of Susanne Hilton, Ginette Lajoie, Paul G. Ch nard and Carol Martin, will be meeting in Hull on October 29, 1997, to establish a work plan for determining which provisions need to be amended and the type and amount of resources required.

In response to Deputy Minister Diane Gaudet's proposal (August 20, 1997) to consider the resources which could be allocated to help the JBACE review Section 22, the Advisory Committee will submit a request as soon as the working group has drafted a proposal to this effect. The Vice-Chairperson discussed the type of resources involved.

The working group will also draft a strategy for determining whether JBNQA signatories are interested in amending Section 22.

8. TABLING OF DOCUMENTS

In preparation for the meeting, the Secretary sent the members the list of correspondence received since the 99th meeting. The documents and letters concerned are available for consultation.

9. VARIA

9.1 FACAL report

Due to the fact that the working group on government agencies (FACAL report) failed to consult the JBACE, the members agreed to write to Jacques L onard to:

- make him aware of the JBACE's role and responsibilities;
- inform him that the JBACE never received a copy of the report; and
- inform him that the fact that the JBACE was not consulted is unacceptable.

The JBACE would also like to know what is meant by "changing the JBDC's mandate" (page 75 of the report).

9.2 Conservation parks

The Vice-Chairperson tabled the report entitled "Conservation Parks in Cree Territories," prepared by James Morrison on behalf of the CRA, MEF and the World Wildlife Fund Canada. The Secretary will see about getting copies for the members.

Nathalie Zinger of the WWF will be invited to the JBACE's next meeting to talk about protected areas.

9.3 Sub-agreement on Canada-wide environmental harmonization

The Secretary will obtain copies of the sub-agreement on Canada-wide environmental harmonization or tell the members where they can find it on the Internet.

If ever the accord is submitted to the JBACE for consultation, the Committee must be prepared to comment on it quickly.

9.4 Fire protection north of the commercial forest

This item will be discussed at the next meeting.

9.5 100th meeting of the JBACE

The members agreed to celebrate the Advisory Committee's 100th meeting at the next meeting.

9.6 Business cards for JBACE members

The Secretary will order approximately 50 business cards for each member.

10. DATE AND LOCATION OF NEXT MEETING

The JBACE will hold its next meeting at the CRA offices in Montréal on December 15 (beginning at 1:30 p.m.) and 16, 1997.



DENIS BERNATCHEZ
Secretary

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