
1. CALL TO ORDER AND ADOPTION OF THE AGENDA

The Chairperson welcomed the members and called the 103rd 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 102nd meeting
3. Business arising from the 102nd meeting
4. Forestry issues
5. Meeting with Denis Vandal (MEF)
6. JBACE communications policy
7. Mégiscane river
8. JBACE annual report
9. Tabling of documents
10. Varia
11. Date and location of next meeting

2. ADOPTION OF THE MINUTES OF THE 102nd MEETING

The minutes of the 102nd meeting were adopted with minor changes.

3. BUSINESS ARISING FROM THE 102nd MEETING

The follow-up discussion on the 102nd meeting began with the memo dated March 19, 1998.

The Advisory Committee will write to Grand Chief Matthew Coon Come to thank him for supporting its proposal to amend Section 22 of the JBNQA and to inform him of the steps taken in this regard.

It will also write to the federal (Christine Stewart) and Québec (Paul Bégin) environment ministers to inform them of Matthew Coon Come's support for the Section 22 review and of the JBACE's requests for resources addressed to Diane Gaudet and Sid Gershberg.

It was also decided to write to the Cree-Québec and Cree-Canada negotiating tables to make them aware of the JBACE's role and mandate and to stress the importance of environmental and social protection in the James Bay territory, particularly as concerns forestry operations and the JBACE's desire to amend Section 22.

The members agreed to try and meet with the House of Commons Standing Committee on the Environment (chaired by Charles Caccia), which published a report on Canada's environmental

performance. The Secretary will see if he can obtain a copy of the report for the JBACE's archives.

The Advisory Committee will write to Mary Ann Simon, chair of the Joint Public Advisory Committee, to inform her of the problems it encounters, especially in getting forest companies to comply with the guiding principles of Section 22 of the JBNQA regarding developmental activity affecting the James Bay territory.

With respect to Hydro-Québec's strategic plan 1998-2002, which contains a list of partial river diversions and other projects for 6 TWh, the members agreed to write to André Caillé to ask whether any projects are slated for the James Bay territory and whether state of the environment reporting was carried out for existing projects before forging ahead with new ones.

4. FORESTRY ISSUES

4a) Public hearings on general forest management plans

A CRA representative expressed concern over the fact that new TSFMA's might be allocated in the James Bay territory. The Native communities affected by forestry operations have noted substantial changes in their way of life as a result of logging and nothing is being done to correct the situation, which they have been denouncing for years. There appears to be a total lack of political will to solve this problem.

The Cree are concerned about the upcoming submission of the next set of general forest management plans. More and more of them feel that, as the body established to oversee the administration and management of the environmental and social protection regime, the JBACE should hold public hearings on these plans. The communities need help in understanding the issues involved, which the JBACE could no doubt provide if it were given the means.

A Québec representative explained that the Forest Act requires TSFMA holders to disclose information on the management activities they intend to carry out. The JBACE can also request this information. Moreover, the JBNQA provides for the involvement of the JBACE in matters of forestry. If the Cree communities were to ask the JBACE to hold hearings on forest management plans, the Committee would no doubt consider it.

After discussing the matter, it was unanimously agreed to hold public hearings on the next set of general plans in the communities affected by forestry operations. The ways and means and the JBACE's responsibility with regard to these consultations (organizer or community advisor) need to be determined, along with the consultation framework and logistics. A resource person will likely be available to advise the JBACE in this regard.

4b) Standard guidelines for the submission of forest management plans

During any given year, the JBACE regularly receives amendments to management plans for its consideration and comments, in accordance with paragraph 22.3.34 of the JBNQA. It has 90 days to transmit its comments to the MRN.

The lack of resources available to it, coupled with the lack of information provided in the amendments in particular, have always made it hard for the JBACE to comment on both the amendments and the management plans.

To remedy this situation, and until new rules and a new framework have been established to enable the JBACE to carry out this fundamental responsibility properly, the members agreed to write to the Deputy Minister of Natural Resources, Rémy Girard, to propose interim guidelines for the submission of forest management plans.

Even though the Cree Regional Authority (CRA) is represented on the JBACE, the Advisory Committee does not pretend to know all of the needs and values of the James Bay Cree communities. Defining those needs using a multicriteria approach and measurable indicators is a long, complicated process and, ultimately, the Cree themselves will have to say which criteria and indicators apply and could be used as a basis for studying management plans.

In the meantime, below are the minimum guidelines the JBACE would like to see followed each time the MRN submits management plans or amendments for its consultation and comments:

- Family traplines should be outlined on all maps and plans submitted.
- Accompanying documents should include a clear, accurate description of the areas affected, the work performed and its impacts on Cree hunters and trappers. They should also describe the anticipated economic spinoffs for the Cree in terms of jobs and services, and, where needed, the planned mitigation measures.
- The synthesis map for five-year and general forest management plans should be drawn to a scale of 1:250 000 to provide an overall view of forestry operations in the territory. The synthesis map should show the boundaries of traplines, forest roads, camps and the Native communities affected.
- The synthesis map for amendments to five-year and general plans should be drawn to a scale of 1:50 000 and be accompanied by clearly identified maps (scale of 1:20 000). The maps should use a colour key clearly identifying new and cancelled areas of operation. A 1:250 000 map should be included to show the general location of areas

affected by the planned management activities. The report accompanying the maps should indicate to what extent the amendment will increase the harvesting rate on traplines and access to the territory. The report should include a table containing data on the size of proposed cuts for each trapline. These data should be cumulative to allow the JBACE to evaluate the impact of the planned management activities in comparison to the state of the land prior to their realization. Data on roads should also be provided.

- The maps and accompanying documents should bear the names of TSFMA holders, the responsible agents and the community affected, the trapline number, and the name of the tallyman and individuals consulted in the community/communities concerned.

The JBACE has noted that the documents submitted to it for consultation and comments fail to show TSFMA holders' sensitivity to the need to protect the Cree way of life. They contain no comments or reference to the guiding principles set forth in Section 22 of the JBNQA, which are the basis for all developmental activity carried out in the territory.

- The JBACE would like to see the documents submitted by the MRN and TSFMA holders establish more direct links between field work and sites or areas of cultural importance to the Cree, e.g. burial grounds, archeological sites, camps, wildlife areas, breeding grounds (mammals).
- The 90-day period for transmitting its comments should only begin once the JBACE has enough information in hand to properly study and comment on the management plans or amendments.

These interim guidelines constitute the minimum measures for ensuring that forestry operations in the James Bay territory respect the intent of the JBNQA. Depending on the results of their use, the JBACE will modify the content and scope of the guidelines, integrating the comments and suggestions received from the Cree and forest companies, in keeping with the guiding principles of Section 22. The JBACE hopes that these interim guidelines will take effect as soon as possible so that forest companies can comply with them immediately.

4c) Specific amendments to management plans

The JBACE has been asked to comment on the amendments to the management plans for the following common areas:

- AC 26-05, tabled on April 15, 1998. TSFMA holders are: Les Chantiers de Chibougamau ltée, Kruger and Les Entreprises Bertrand Tremblay de Chibougamau inc. This update concerns forest fires in 1996-1997. The JBACE received verbal

information from the MRN regarding this amendment at the last forestry subcommittee meeting.

- AC 86-10, tabled on March 13, 1998. Additional information was provided on April 27, 1998. TSFMA holders are: Scierie Landrienne, P.F. Tembec, Scierie Gallichan, Scierie Amos, Matériaux Blanchet and Norbord Lasarre.
- AC 85-20, tabled on May 20, 1998. The TSFMA holder is Tembec. The amendment primarily entails new precommercial thinning and new cutting areas in Dieppe township.

Where these particular amendments are concerned, the members noted that new or cancelled areas of operation are generally not indicated in colour on the maps submitted and that there is a lack of information on the communities consulted, the traplines affected, the impact of the amendments on the Cree way of life, compliance with the guiding principles of Section 22, etc.

It was agreed to write to the MRN to remind it of the minimum elements that must be contained in management plans or their amendments (see interim guidelines above).

The JBACE in no way wishes to cause undue delays in the processing of these files, nor in field work. It promises to comment on the amendments swiftly if the MRN forwards the requested information rapidly.

4d) MRN resource development program in the James Bay territory

After discussing the scope of the MRN's resource development program, the members decided to write to the Minister of Natural Resources to raise the following points:

- The Québec government has established local and regional consultation structures in each of Québec's administrative regions. The JBACE would like to know more about their purpose and the possibility of interfacing with the Advisory Committee.
- In the Nord-du-Québec administrative region, there are nine Cree communities in the James Bay territory covered by the JBNQA, which itself established a number of regional structures to provide the signatories with a preferential and official forum for the free exchange of views, concerns and information.
- The JBACE would like the Minister to appoint someone in his Department to help develop a mechanism to foster ongoing exchange between the JBACE and the MRN.
- The JBACE also has questions about the MRN's development program, which appears to be taking on increasing importance in the James Bay territory if the heavy

investments are any indication. As a multipartite body, the JBACE feels it has a role to play in this program. In fact, it feels it should have been consulted during the planning stage and before program implementation. Without passing judgment on the program as such, the JBACE would like to be involved in managing program budgets, identifying priorities and aims, and deciding which projects will receive funding.

- The JBACE hopes to work on this proposal for collaboration as soon as possible, as it would ensure integrated coordination of activities carried out in the James Bay territory.
- The JBACE's recent discussions with André Paul and Henrico Laberge regarding the development program only reinforce its belief that it should be a partner in the program.

5. **MEETING WITH DENIS VANDAL (MEF)**

The JBACE had invited Diane Gaudet to the meeting to discuss various issues related to the Advisory Committee's operations and the environmental and social protection regime established by Section 22 of the JBNQA. Madame Gaudet was unable to attend due to previous engagements, but sent Denis Vandal, Acting Regional Director of the DRNQ, in her place.

Mr. Vandal apologized on behalf of Madame Gaudet for not being able to attend the meeting. The Deputy Minister would like to meet with the JBACE as soon as she can find some time in her busy schedule.

The Chairperson stated the issues we wished to discuss with Mr. Vandal, namely the JBACE's operations and budgetary proposal, the review of Section 22 of the JBNQA, and forestry issues in the context of the JBACE's mandate to comment on general forest management plans.

With respect to forestry issues, Mr. Vandal informed the Advisory Committee that MEF, the MRN and the Secrétariat aux Affaires autochtones (SAA) will be meeting to discuss the JBACE's request for resources in its 1998-1999 budgetary proposal. While several aspects of forest development fall under the specific jurisdiction of the MRN, others fall under the jurisdiction of the government in general. The question is to determine what the government and other departments can do to meet the JBACE's needs. In Mr. Vandal's opinion, studying and commenting on forest management plans is a permanent mandate of the JBACE, whereas reviewing Section 22 is an ad hoc activity. MEF and the MRN are scheduled to meet in June 1998 to discuss forestry issues, among other things.

As regards JBACE operations and its request to have the JBACE secretariat grouped with that of the HFTCC, Mr. Vandal sees no objection, but said he does not have the budget to transfer the secretariat at this time. Having the status of a public servant, the JBACE secretary is on MEF's payroll, not the JBACE's. The budget needed to transfer the secretariat is the equivalent of the secretary's salary, and Mr. Vandal, in consultation with the Deputy Minister, must take this money from another envelope, since he does not have full administrative control in this area. The HFTCC has a budget of \$105 000 and, because it receives an annual operating subsidy, controls its own expenditures.

A member representing Canada informed Mr. Vandal that the JBACE previously passed a resolution (a copy of which was sent to Diane Gaudet) stating its desire to move out of MEF in order to share services with the HFTCC. After the members stressed how much they wanted this issue resolved, Mr. Vandal promised to take the matter up with the Deputy Minister as soon as possible.

The members also pressed Mr. Vandal to see that the JBACE's budgetary proposal be studied quickly, since the Committee is in the midst of developing criteria and indicators that are supposed to be integrated into the next set of general forest management plans. In addition, the JBACE must be able to hire technical support staff to help it study the plans. It is urgent that the JBACE be given the means to fulfil this mandate as intended under the JBNQA.

The Chairperson reminded the Québec party that it still has two vacant positions on the Advisory Committee and that they must be filled as quickly as possible. With only two members instead of four, the quorum is shaky and the two Québec representatives have to do the work of four.

The Chairperson thanked Mr. Vandal for coming.

6. JBACE COMMUNICATIONS POLICY

The JBACE was established to review and oversee the administration and management of the environmental and social protection regime provided for in Section 22 of the JBNQA. In this capacity, it is a consultative body to the federal and the provincial governments and the to the Crees.

Over the years, the members have noted that the JBACE has tremendous difficulty to obtain an adequate follow up of its recommendations, advice and resolutions it submits to the responsible governments. In fact, it would seem that its briefs, resolutions and annual reports are often (if not always) left to gather dust.

In an attempt to rectify this situation, the JBACE plans to adopt a communications policy that reflects its role and status and its mandate with the governments. The JBACE does not want to become a militant organization; it simply wants to ensure that information gets passed on and that it gets a chance to explain and defend its position on important issues. For specific dossiers, the JBACE may issue a press release that must obtain the approval of the Committee.

JBACE contacts are generally the chairperson, vice-chairperson and secretary. However, where special issues are concerned, another member may be designated to meet with the press or give technical explanations. The JBACE has to act swiftly on issues in order to maintain the press's interest.

The members discussed the possibility of the JBACE's getting its own Web site to allow it to disseminate information it feels is of public interest. The Secretary and a few other members will evaluate the cost of setting up and maintaining a Web site.

7. **MÉGISCANE RIVER**

The proposed diversion of part of the Mégiscane river will impact on the James Bay territory. As overseer of the application of the environmental and social protection regime, the JBACE got involved in this file the moment it learned that the Provincial Administrator had decided to exempt this project from the impact assessment and review procedure provided for in the JBNQA and Chapter II of the Environment Quality Act. The facts are as follows:

On November 21, 1997, Hydro-Québec filed written notice with MEF of its intention to divert part of the Mégiscane river, which flows into the James Bay drainage area. The Mégiscane river is a tributary of the Bell river, itself a tributary of the Nottaway river, which empties into James Bay.

The project consists in diverting part of the natural runoff from the drainage area for the upper course of the Mégiscane river (4790 km²) to the drainage area for the Saint-Maurice river (which flows into the St. Lawrence). This entails pumping part of the waters of the Mégiscane river into the Gouin reservoir, reducing the flow at the mouth of the Nottaway River by around 6%, the flow at the mouth of the Bell river by approximately 17% and the flow at the mouth of the Mégiscane river by 46%, but increasing the flow of the Saint-Maurice river. The project will raise the Saint-Maurice river's hydroelectric potential by 0.9 TWh.

As the JBACE understands it, the construction work (dams, dikes, roads, pumping station) will be sited south of the territory governed by Section 22 of the JBNQA. However, the project will nonetheless have impacts (both during construction and operation) on this territory.

On April 24, 1998, Grand Chief Matthew Coon Come wrote to Diane Gaudet (the Provincial Administrator) asking her to take the necessary steps to ensure that Hydro-Québec prepares an environmental and social impact statement for the project, in accordance with the procedure established for the James Bay territory.

Diane Gaudet wrote to the Grand Chief on May 19, 1998, informing him that, because of the siting of the planned infrastructures, this project is subject only to the procedure referred to in section 31.1 of the Environment Quality Act.

Not satisfied with this response, the JBACE decided to write to the Provincial Administrator to demonstrate that the project should also be subject to the procedure established by Section 22 of the JBNQA because it will have definite impacts on the territory governed by said Section. The JBACE has no objection to both procedures (the one for northern Québec and the one for southern Québec) being applied simultaneously but an harmonisation process will have to be developed with the assistance of the JBACE.

8. JBACE ANNUAL REPORT

The members were asked to submit their comments on the annual report by June 15, 1998.

9. TABLING OF DOCUMENTS

The Secretary tabled the list of documents received since the last meeting. Steps will be taken to obtain the list of TSFMA holders from the MRN.

10. VARIA

Financial assistance to COMEV for the consultation on the road into Waskaganish

A CRA representative informed the members that some 60 Waskaganish residents had attended the public consultation on the planned construction of a road into the community. The consultation, organized by COMEV, was a success, since it enabled the participants to voice their concerns regarding this project. Apart from the hearings on the Great Whale hydroelectric project, this was the first consultation to be held on a directive.

The JBACE members would like to see consultations held on the directives for all major projects planned for the territory. A consultation on the directive for an in-trench disposal site, for example, would not necessarily be relevant.

The Chairperson will write to his counterpart at COMEV to ask for his evaluation of the Waskaganish consultation and the outcome.

11. DATE AND LOCATION OF NEXT MEETING

The JBACE will hold its next meeting in Waskaganish, on October 5-7, 1998. The third regular meeting will coincide with the meeting with local environment administrators organized by the CRA. The fourth is scheduled for March 23-24, 1999, in Hull.



DENIS BERNATCHEZ
Secretary