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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 106th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: November 27, 1998

LOCATION: Ministère de l'Environnement et
de la Faune (MEF) offices
675 boul. René-Lévesque Est
Québec (Québec)

PRESENT: Yves Désilets, Canada
Ginette Lajoie, CRA, Acting Vice-Chairperson
Claude Langlois, Canada, Chairperson
Jacques Lefebvre, Québec
Diom Romeo Saganash, CRA
Harm Sloterdijk, Canada

Denis Bernatchez, Secretary

ABSENT: Luc Bouthillier, Québec
Susanne Hilton, CRA
Willie Iserhoff, CRA

**GUEST
PARTICIPANT:** Diane Gaudet, Deputy Minister, MEF



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

The Chairperson welcomed the members and then called the 106th 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 103rd and 104th meetings
3. Business arising from previous meetings
4. Forestry issues
5. Meeting with Diane Gaudet, Deputy Minister, MEF
6. Senate Subcommittee
7. Tabling of documents
8. Varia
9. Date and location of next meeting

2. **ADOPTION OF THE MINUTES OF THE 103rd and 104th MEETINGS**

The minutes of the 103rd and 104th meetings were adopted with minor changes.

3. **BUSINESS ARISING FROM PREVIOUS MEETINGS**

The follow-up discussion on the 103rd meeting began with the memo dated June 5, 1998.

It was agreed to defer discussion of the following points (follow-up to the 103rd meeting) to the next meeting:

- Notice of changes to an authorization certificate;
- World Wildlife Fund (WWF) report on conservation parks in Cree territories;
- Conseil régional de la Radissonnie (Radissonnie regional council);
- JBACE response to Chief John Kitchen's (Waswanipi) request for technical assistance.

4. **FORESTRY ISSUES**

The JBACE set up a multidisciplinary working group to draft a plan for implementing the criteria and indicators to be integrated into the next set of general forest management plans. The working group, comprises the following representatives: Michel Cantin (MRN), Denise Tardif (MRN), Marc Plante (MRN), Gilles Fournier (MRN), Lothar Marzell (MEF), Pierre Blanchette (MEF), Magella Morasse (MEF), Susanne Hilton (CCEBJ), René Dion (ARC), Carole Lévesque (INRS), Denis Bernatchez (CCEBJ) et Sylvain Robichaud (Barrette-Chapais). The working group met on October 27-28, 1998, in Montréal, and on November 19-20, 1998, in Québec City.

After studying the criteria, indicators, objectives and measures contained in the proposal submitted for its consideration, the working group identified those which could feasibly be integrated into the next set of general plans. All of the criteria, indicators, objectives and measures were closely examined and some were reformulated for greater accuracy or clarity. A total of 15 were chosen for integration into the next set of general plans. MRN representatives promised to study them with a view to entering them in the analytical grid used by the working group. This grid deals with the following aspects:

- interpretation and meaning of indicators and measures;
- proposed units of measurement;
- short, medium and long-term availability;
- party responsible for collecting information;
- party responsible for transmitting information and through what channels;
- party responsible for keeping the information and where;
- frequency of measurements;
- reference scale;
- specific comments;
- integration into next set of general plans.

Everyone on the working group was satisfied with the unfolding and outcome of the working meetings.

The JBACE representatives insisted that the general forest management plans submitted for its consideration and comments include a summary of the 15 elements selected in order to facilitate study of the plans and avoid any undue delays in submitting the Committee's comments to the MRN.

The remaining indicators and measures examined by the working group will be integrated over the medium and long terms; some into the next set of five-year plans.

The members of the JBACE were disappointed that only one industry representative (Barrette-Chapais) participated in the working meetings. Initially, the industry was to be more involved; however, the forest companies apparently decided to study the issue on their own and then meet with the JBACE later to discuss the outcome. The JBACE members said they would be willing to meet with forest company representatives who wished to present their views directly.

The members also said they would like to discuss the latest changes to the management plans received by the Committee at the next JBACE meeting. Abitibi Consolidated will be invited to attend, having expressed a desire to meet with the JBACE to explain the procedure followed by TSFMA holders in preparing the general plan for common area 26-04.

5. MEETING WITH DIANE GAUDET, DEPUTY MINISTER, MEF

The Chairperson welcomed the Deputy Minister and thanked her for making herself available to discuss the issues raised in the JBACE's letter of invitation. Although she had met with some of the members before to address specific matters, this was the first time the Deputy Minister had met with the Committee as a whole.

The JBACE had written to Diane Gaudet, in her capacity as Deputy Minister of the Environment and Wildlife and Provincial Administrator of Section 22 of the JBNQA, on October 19, 1998, inviting her to meet with the Committee to discuss various matters related to the administration of the environmental and social impact assessment and review procedure and the operation of the JBACE secretariat.

Section 22 review

The Chairperson broached the review of Section 22 by referring to Diane Gaudet's August 13 letter, in which she indicated that the review should be carried out in the context of the MOU (memorandum of understanding), which could impact directly on the application of this Section. The Deputy Minister therefore wondered whether it was advisable for the JBACE to begin reviewing Section 22 and thought perhaps the Committee should put the project on hold.

At the 106th meeting, the Deputy Minister confirmed that the Québec government had not yet discussed the issue of the Section 22 review and that the matter was currently not part of the government agenda. She did not want to see the JBACE waste its time by giving it the go-ahead when the government, a signatory of the JBNQA, is not in favour of the review at this time. This does not mean, however, that it won't eventually reconsider the matter.

In reply to a member who said that the Canadian Environmental Assessment Agency (CEAA) is apparently open to the review, the Deputy Minister said that while that may very well be true, according to her sources, the federal government is no more interested than the Québec government. And since the government is not in favour of reopening the JBNQA, there is no need to allocate resources to review it. Should the governments eventually change their minds, however, they will certainly grant the necessary resources. While the Deputy Minister admitted that the JBACE is free to review Section 22 on its own, she cannot grant it resources given the government's position.

Mégiscane river

In its June 29, 1998, letter to Diane Gaudet, the JBACE showed that partial diversion of the Mégiscane river will impact on the James Bay territory and, consequently, this project should be subject to the environmental and social impact assessment and review procedure established by Section 22 of the JBNQA. MEF had recommended its exemption. The Deputy Minister wrote back on October 26 saying that MEF had examined the JBACE's grounds for applying this procedure and was sensitive to the reasons given.

The Deputy Minister also mentioned that Hydro-Québec has decided to put its project on hold until it can reach an agreement with the Native communities concerned.

In response to members' comments regarding the fact that the proponent had filed written notice with the Minister and that MEF had issued a directive indicating that the project was subject only to the procedure applicable in southern Québec, the Deputy Minister felt that there was no point in taking any action given that Hydro-Québec has shelved the project. However, the situation could have been handled differently and this will be considered as soon as the project is reinitiated by the promotor.

JBACE-MEF administrative agreement

In her letter of August 13, Diane Gaudet also informed the JBACE that she had no objection to the delivery of secretarial services outside MEF's current facilities, provided it is within MEF's budgetary means.

The Deputy Minister told the members that the Conseil du trésor had been asked to earmark sums to allow the JBACE to be independent from an administrative standpoint. She is addressing the issue so as to give the Committee the financial capacity to be independent. She also wants to verify whether the government is willing to give the JBACE more money.

She hopes this matter will be resolved by April 1999. If the government is willing to increase its contribution, the Deputy Minister hopes the money will come from a budgetary item other than MEF, which is already suffering from substantial cutbacks. While the Deputy Minister is more than open to this matter, the problem is finding the means to make it happen.

Forestry issues

The Deputy Minister is aware of the JBACE's responsibility to comment on forest management plans and the lack of resources available to it to fulfill this mandate. She is looking into the possibility of providing qualified resources that will be appointed solely to the JBACE. Talks with the MRN are going well. All that remains to be determined are the number and the manner of proceeding. This is a priority issue for both MEF and the MRN.

Appointment of Québec members

The Chairperson reminded Madame Gaudet that Québec has not yet appointed its members to the JBACE and that, until it does, the position of vice-chairperson will be held by a representative of the Cree party.

The Deputy Minister said that the names of possible candidates had been submitted last April, but that the process had been suspended following the withdrawal of a person whose name had not been removed from the list submitted to Cabinet. The process was suspended again when the elections were called. She promised to make the matter a short-term priority at the upcoming caucus meetings.

The Chairperson thanked the Deputy Minister for coming and said he hoped we would have an opportunity to meet with her again.

6. SENATE SUBCOMMITTEE

The Subcommittee on Boreal Forest of the Standing Senate Committee on Agriculture and Forestry invited the JBACE to meet with it to examine the progress Canada is making in achieving its national goals of sustainable forest management and protection of biodiversity. The hearing is slated for 5:00 p.m., December 2, 1998, in Ottawa, and is expected to last two hours. The members' travelling and living expenses will be assumed by the Senate Subcommittee.

Four members were designated to represent the JBACE: Luc Bouthillier (Québec), Claude Langlois (Canada), Diom Romeo Saganash (CRA) and Denis Bernatchez (JBACE Secretary). They will draft a brief of predetermined length dealing with the following:

- the JBACE: Roles and responsibilities, the guiding principles set forth in the JBNQA, forestry development in the James Bay territory and the review of Québec's forest system (15 minutes).
- Sustainable forestry in Eeyou Istchee (10 minutes).
- Special status and involvement for the James Bay Crees under the JBNQA, four observations and conclusion.

A map indicating the territory covered by the environmental and social protection regime and a synthesis map showing site disturbance will be submitted to the Senate Subcommittee.

7. TABLING OF DOCUMENTS

The Secretary tabled the list of documents received since the last meeting. The members were asked to indicate which documents they would like to borrow.

8. VARIA

A member said he would like to see the letters received and sent by the JBACE translated more quickly. It was asked that all of the minutes of the forestry subcommittee meetings be translated.

9. DATE AND LOCATION OF NEXT MEETING

The JBACE will hold its next meeting in Montréal, on January 13-14, 1999. The exact location, possibly the Biosphere, has yet to be confirmed.



DENIS BERNATCHEZ
Secretary

99-01-13