



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 108th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: February 11, 1999

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

PRESENT: Yves Désilets, Canada
Susanne Hilton, CRA
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
Willie Iserhoff, CRA



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

The Chairperson welcomed the members and then called the 108th 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 105th and 106th meetings
3. JBACE management
 - 3.1 Overview
 - 3.2 1998-1999 budget proposal
 - 3.3 Relocation of secretariat
 - 3.4 Planned action
 - 3.5 1999-2000 budget proposal
 - 3.6 Granting of resources by MRN
4. Varia
5. Date and location of next meeting

2. **ADOPTION OF THE MINUTES OF THE 105th AND 106th MEETINGS**

The minutes of the 105th and 106th meetings were adopted with minor corrections.

3. **JBACE MANAGEMENT**

3.1 Overview

At the last meeting, it was proposed that the JBACE hold a special meeting to discuss its management and operations.

The JBACE has approached the responsible government authorities on numerous occasions in recent years to try to clarify its administrative standing, the resources needed to carry out its action plan, and its administrative independence in relation to MEF. It has met with or contacted the Québec environment ministers and the administrators of Section 22 of the JBNQA several times to discuss the matter. Given that the new fiscal year is about to begin, the JBACE felt it was important to plan its operations for the coming years.

3.2 1998-1999 budget proposal

The Secretary prepared a table showing the JBACE's budget submissions and expenditures for the past five years. While the budget requested has increased substantially during this time, the full amount has never once been granted.

The JBACE formerly had a technical advisor as well as a secretary—the equivalent of approximately 2.5 person-years. The secretariat is currently down to around 1.5 person-years, having lost its technical advisor a few years ago. Note that the JBNQA provides

for a secretariat consisting of up to five full-time persons. Canada reimburses the operating expenses claimed by Québec, up to \$95 000.

Under these conditions, the JBACE is not likely to obtain much more money than it currently receives. Some members therefore felt that the Committee should be reasonable in its budget requests and ask only for the resources that are absolutely necessary.

Following the discussion, the majority felt that, even though the Committee knows it will not obtain the sums requested for its secretariat and projects, it should still ask for the resources it feels are necessary to fulfil its mandate properly, rather than limit itself to the essentials.

Even if the governments refuse to grant the JBACE's requests, the Committee should still submit a budget every year. At the very least, this will show that the JBACE realizes the breadth of its mandate and that the governments have unilaterally decided to deny it the resources needed to carry out that mandate. Some members felt that \$1 million is a minimum budget for the JBACE given that Section 22 is a central pillar of the JBNQA. According to our interpretation of the Agreement, Canada and Québec do not have discretionary power to cut the JBACE's budget.

Following the discussion, a consensus was reached to the effect that the governments do not allow the JBACE the means to play its rightful role under the JBNQA and that the Committee's budgetary submissions must be realistic.

A member suggested dividing the budget proposal into two components: the resources needed for secretariat operations and the resources needed for JBACE projects. Someone else suggested submitting a budget that does not include the services provided to COMEV. That way, COMEV could receive its own resources and decide on the location of its secretariat.

3.3 Relocation of secretariat

After discussing the matter, the members maintained the position that the JBACE secretariat should be independent of the Ministère de l'Environnement from an administrative standpoint and should be able to enter into a service agreement with the HFTCC, for example, under an operating subsidy received from the government. Part of the JBACE budget proposal will deal exclusively with the funds needed to operate and maintain an independent secretariat.

3.4 Planned action

To make known the problems encountered by the JBACE in trying to fulfil its mandate under the JBNQA, members suggested contacting an organ such as the Joint Public Advisory Committee (JPAC), which advises the Commission for Environmental Cooperation (CEC). The CEC is directly related to NAFTA. A member suggested contacting the Biodiversity Secretariat in Montréal as well.

A number of members agreed that these organizations should be contacted, while others were against the idea, citing the negative aspects of getting international organizations involved. Some members were not convinced that it would help the JBACE obtain more funding for its secretariat and activities; in fact, they felt that it might tarnish Québec's and Canada's reputations. It was suggested that a better approach would be to denounce the situation within Québec and Canada before taking it to the international level.

Ginette Lajoie was mandated to contact the CEC and Harm Sloterdijk, the Biodiversity Secretariat, to find out how these organizations function and determine whether or not they would be worthwhile forums for the JBACE's purposes.

Someone suggested getting the Cree authorities more involved in the matter. For example, Grand Chief Matthew Coon Come could meet with the Prime Minister of Québec, Lucien Bouchard, to discuss the problems faced by the JBACE in carrying out its mandate. The Cree party will study the suggestion more closely.

Resolution 99-02-11-01 regarding possible recourse to international organizations and the publication of JBACE decisions

Considering the importance of the JBACE's role and mandate to oversee the application and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA;

Considering the difficulties encountered by the JBACE in convincing the governments to grant it the resources necessary to fulfil its mandate;

Considering that the JBACE is contemplating approaching international organizations in order to draw their attention to the problems experienced by the JBACE in reviewing and overseeing the administration and management of the environmental and social protection regime established by and in accordance with Section 22 of the JBNQA;

Considering that the JBACE does not have the ear of the governments and that it would be worth its while to make its actions known;

It is hereby resolved:

- **To mandate two JBACE members to approach certain international organizations with regard to this matter. Ginette Lajoie will contact the Commission for Environmental Cooperation (CEC) and Harm Sloterdijk, the Biodiversity Secretariat, to find out how these organizations function and determine their potential as a recourse for the JBACE. Ms. Lajoie and Mr. Sloterdijk will report on their findings at the next JBACE meeting.**

- **To use the means available to the JBACE to make public its decisions and its briefs on matters within its jurisdiction.**

Moved by: Claude Langlois (Canada)

Seconded by: Yves Désilets (Canada)

Passed unanimously.

3.5 1999-2000 budget proposal

JBACE budget proposals will henceforth be divided into two components: the resources required for secretariat operations and the resources required for carrying out the Committee's action plan.

Referring to the 1998-1999 budget proposal, the members discussed what changes needed to be made when drawing up the proposal for 1999-2000, and identified priorities and the amount allocated to each component. The Secretary will prepare a budget proposal based on these comments and submit it to the members. Following its adoption, the proposal will be sent to the Prime Minister of Québec, with an explanation as to why it is not being submitted to the Minister of the Environment, as in the past.

3.6 Granting of resources by MRN

The Chairperson and Secretary met with Jean-François Gravel of the MRN on February 5 to obtain an update on the JBACE's request for resources to evaluate general forest management plans.

Mr. Gravel said that the MRN was prepared to grant the JBACE the resources needed to comment on the next set of general plans. The MRN could either second members of its own staff or give the JBACE the financial resources to hire someone itself.

After discussing the matter, the members agreed to write to Rémy Girard to inform him of the agreement in principle reached with Mr. Gravel, namely:

- The MRN shall provide the JBACE with two resource persons, i.e. one forestry expert and one social sciences expert, for a period of six (6) months beginning no later than April 1, 1999;
- The MRN shall provide the JBACE with the required equipment (computer, etc.) and assume the travelling expenses of the said resource persons for the duration of their secondment;
- If the MRN has no resource persons available, it agrees to pay the JBACE an amount equivalent to \$50 000 per person-year to cover the wages, fringe benefits and operating and travelling expenses of experts to be hired by the JBACE for a period of six (6) months;

- It is understood that the two experts contemplated by this agreement in principle, whether seconded by the MRN or hired directly by the JBACE, shall answer directly to the Chairperson of the JBACE and work out of the JBACE secretariat or any other location determined by the Committee.

Resolution 99-02-11-02 regarding the granting of resources by the MRN to enable the JBACE to comment on the next set of general forest management plans

Given that, on February 5, 1999, the Chairperson and Secretary of the JBACE met with Jean-François Gravel of the MRN to discuss the resources required to enable the JBACE to comment on the next set of general forest management plans;

Given that an agreement in principle was reached on the resources to be granted and the terms for their use by the JBACE;

It is hereby unanimously resolved that the JBACE will write to Rémy Girard, Associate Deputy Minister of Natural Resources, to inform him of the agreement in principle reached with Jean-François Gravel.

Moved by: Yves Désilets (Canada)

Seconded by: Jacques Lefebvre (Québec)

Passed unanimously.

4. VARIA

INRS bill: On December 28, 1998, the JBACE received a bill for \$10 000 for the work on sustainable forestry criteria and indicators for Eeyou Istchee. The Secretary wrote to the INRS requesting an explanation, since the amount did not correspond to what had been formally agreed upon.

Susanne Hilton said that she was in charge of this file and that the agreement with the INRS had been verbal. The members nevertheless agreed to wait to hear from the INRS before paying the bill.

Public consultation on water management: The Minister of the Environment has announced that the Bureau d'audiences publiques sur l'environnement (BAPE) will be holding a vast public consultation on water management in Québec. It was agreed to write to the Minister to inform him that responsibility for public hearings in the James Bay territory falls to the JBACE and, consequently, the JBACE must be given the necessary resources. The JBACE could also enter into a harmonization agreement with the BAPE, as it did for the public hearings on waste management.

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

The JBACE will hold its next meeting on April 13 and 14, in Waswanipi.



DENIS BERNATCHEZ
Secretary

99-02-06