



Comité consultatif
pour l'environnement
de la Baie-James

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**MINUTES OF THE 121-A MEETING OF THE
JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT**

(ADOPTED)

DATE: March 22, 2001

PLACE: 400 Youville, Montréal

PRESENT: Yves Désilets, Canada
Ginette Lajoie, CRA
Claude Langlois, Canada, Vice-Chairperson
Pierre Moses, Québec
Jacques Robert, Canada

Denis Bernatchez, Executive Secretary

ABSENT: Marian Fournier, Québec
Carole Garceau, Québec
Susanne Hilton, CRA
Willie Iserhoff, CRA
Jacques Lefebvre, Québec, Chairperson
Diom Romeo Saganash, CRA
Harm Sloterdijk, Canada

GUESTS: François Boulanger, CEAA
Steve Burgess, CEAA
Sid Gershberg, Federal Administrator, CEAA

MEETING WITH FEDERAL ADMINISTRATOR

Sid Gershberg accepted the JBACE's invitation to meet to discuss the following matters: (1) JBACE secretariat's autonomy and budget; (2) review of the Canadian Environmental Assessment Act accounting for the comments made in the JBACE's brief. The JBACE had requested a meeting with the President of the Canadian Environmental Assessment Agency (CEAA) because the agency holds part of the budget envelope allocated to the Committee.

In the Chairperson's absence, the Vice-Chairperson welcomed everyone present and invited them to introduce themselves.

1. JBACE secretariat: autonomy and budget

The Vice-Chairperson mentioned the scanty budget allocated to the JBACE and the few resources granted to its secretariat. According to the JBACE's estimate, the Committee requires an annual budget of approximately \$300 000 in order to function independently. This amount covers the secretariat's regular operations only; it does not include the sums required to work on the priority issues determined by the Committee. Moreover, every year, the JBACE submits an action plan separately from the secretariat's budget. At this point, it is urgent that the Committee receive an answer regarding its basic operating budget so that it can reach an agreement with the HFTCC regarding the sharing of office space. The JBACE must have an answer from the governments before April 1, 2001.

Mr. Gershberg thanked the JBACE for inviting him. He said that a task force composed of MENV and CEAA representatives had been set up to draft a proposal regarding JBACE financing. The CEAA obtained approval from the Treasury Board of Canada on March 1, and the approval of Québec's Conseil du trésor is expected very soon. The JBACE should be receiving joint notification from MENV and the CEAA regarding the funding allocated for the budget year commencing April 1 within eight to ten days. The amount committed by the federal government is for a period of five years, to ensure stability in the JBACE's financing. However, Mr. Gershberg reminded the members that the funds are subject to annual review. With no Québec government representatives present, Mr. Gershberg did not want to give any details about the agreement. (Québec had informed the CEAA just today that the request had been submitted to the Conseil du trésor.) Mr. Gershberg did say, however, that the Canadian and Québec governments settled on an amount which they feel is reasonable. As to whether or not the CEAA would be receptive to special requests from the JBACE for specific projects, Mr. Gershberg said that the Committee could always ask, although he is not very optimistic because money is scarce.

A JBACE member reminded everyone of the draft administrative agreement submitted to the Government of Canada on January 20, 1998, which provided for, among other things, the JBACE's direct involvement in funding negotiations with the government authorities.

Mr. Gershberg is open to studying the draft administrative agreement prepared by the JBACE. Someone asked whether it would be possible for the CEAA to pay its share of the funding directly to the JBACE (i.e. 50% of the total budget). The response was that Québec will be responsible for JBACE financing, since it is easier and more cost effective to operate in this manner, especially for a small agency like the CEAA.

The Vice-Chairperson said that the JBACE would be updating its draft administrative agreement as soon as it receives confirmation on its funding.

2. Review of the Canadian Environmental Assessment Act

The Vice-Chairperson said that the JBACE's comments on the legislative review were submitted to federal Environment Minister David Anderson on March 27, 2000, and that a letter was sent to Mr. Gershberg on November 15 of the same year. The JBACE made specific recommendations to the federal government, and the Vice-Chairperson wanted to know whether they had been taken into account. He also wanted to know the timetable for the review process and passage of the bill. Finally, he said it was important that the procedure established by Section 22 of the JBNQA be applied to development projects in the James Bay territory.

Mr. Gershberg said that numerous meetings were held across Canada for the Act's review. Over 200 formal submissions were received. Both the procedure and the degree of public participation were examined. Aboriginal people received financial assistance to allow them to make their views known, and their traditional knowledge can be integrated into environmental assessment studies. There will also be better harmonization between the various federal departments. Mr. Gershberg gave several examples of the new legislative measures provided for in the new Act. The CEAA favours harmonization of the federal and Québec procedures. In principle, each project should be submitted to a single procedure. However, he cannot decide for the other departments, since they each have their own legislation to enforce. Overall, the federal authority must ensure that an adequate environmental assessment has been performed before issuing an authorization. The federal government decided not to amend the Act in this regard. In Mr. Gershberg's opinion, the CEAA can simplify the process through an administrative agreement with the federal departments. He agreed to work with the JBACE to define the administrative rules for ensuring application of the Section 22 procedure. The bill is to undergo second reading by June 2001, and the parliamentary committee will hold hearings in fall 2001. The law should be enacted at the end of 2001 and come into force six months later.

The Vice-Chairperson thanked the Federal Administrator and his colleagues for coming.

3. Next JBACE meeting

Ginette Lajoie informed the members that the CRA Board of Directors has decided to appoint new members to the JBACE. The Committee should be receiving the names of the new members before April 1, 2001, the date on which the Cree party assumes chairmanship and vice-chairmanship of the JBACE.

Unless the Cree party informs the members otherwise, the JBACE will hold its next meeting on April 11, in Val d'Or.



DENIS BERNATCHEZ
Secretary

01-03-27