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REUNION DU CCEBJ # 125

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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 125th MEETING
OF THE JAMES BAY ADVISORY COMMITTEE
ON THE ENVIRONMENT
(ADOPTED)**

DATE: March 13, 2002

PLACE: JBACE meeting room, Montréal

PRESENT: Yves Désilets, Canada
Marian Fournier, Québec
Carole Garceau, Québec
Willie Iserhoff, CRA (afternoon)
Claude Langlois, Canada
Pierre Moses, Québec
Alan Penn, CRA, Vice-Chairperson
Jacques Robert, Canada
Harm Sloterdijk, Canada

Marc Jetten, Executive Secretary

ABSENT: Sam Etapp, CRA
Jacques Lefebvre, Québec
Diom Romeo Saganash, CRA, Chairperson¹

¹ Romeo called that morning to announce his resignation as chairperson and member of the JBACE, effective immediately.

1. CALL TO ORDER AND ADOPTION OF AGENDA

In the absence of Romeo Saganash, Alan Penn, in his role as Vice-Chairperson, facilitated the 125th meeting of the JBACE. Carole Garceau moved that the agenda be adopted with the noted additions to Agenda Item No. 9, “Other business.” Pierre Moses seconded the motion. The motion passed unanimously.

1. Call to order and adoption of agenda
2. Follow-up to 124th meeting
3. Approval of minutes of the 124th meeting
4. Rough shelter leases
5. Cree-Québec Agreement and the JBACE’s forestry mandate
6. Water management policy
7. Annual reports for 1999-2000 and 2000-2001
8. Information from the administrative committee
9. Other business:
 - 9.1 Bill C-19
 - 9.2 Environmental monitoring of Eastmain-1
 - 9.3 Status of observers at JBACE meetings
 - 9.4 Creation of an executive committee
 - 9.5 Change to a five-year forest management plan
10. Date and place of next meeting

2. FOLLOW-UP TO 124th MEETING

** cf. memo enclosed in the mailing*

7. A Québec-appointed member asked why there was no follow-up on the suggestion to hold a conference call on Bill C-19. The executive secretary said that the Chairperson’s instructions were very clear: at the JBACE’s last meeting, it was decided to submit the brief prepared by the Committee in March 2000 at the hearings of the House of Commons Standing Committee on Environment and Sustainable Development.

3. APPROVAL OF MINUTES OF THE 124th MEETING

Item 8 on Bill C-19, page 6: the following will be added, in the first paragraph, after «March 2000»: «Ms. Lajoie stressed the urgency of requesting a hearing given that the hearings have apparently already begun, or are about to begin.»

At the last paragraph of the Bill C-19 item, after «Following the discussion», it will be added: «and considering the urgency of the matter expressed by Ginette Lajoie».

Jacques Robert moved that the minutes be adopted with the noted changes. Pierre Moses seconded the motion. The motion passed unanimously.

4. ROUGH SHELTER LEASES

In fall 2001, the Ministère des Ressources naturelles (MRN) undertook a public consultation on its policy for allocating rough shelter leases. A Mrs. Pelletier contacted the JBACE to ask whether we planned to participate in the consultation, and she was prepared to extend the deadline for submitting our comments. The MRN intends to begin a broader consultation in 2003 on all leases issued on public land, with a view to adopting a Regional Vacation Development Plan (RVDP) for Northern Québec.

The important number of leases issued in recent years is of growing concern to the members of the JBACE. Development of the forest road network opens adjacent Cree hunting grounds to the public.

The location of rough shelters is not clear from the MRN figures and maps. And the fact that the James Bay territory overlaps two different administrative regions (Abitibi and Saguenay-Lac-Saint-Jean) adds to the confusion given that each region has its own types of leases. It is crucial that special attention be given to areas with a high concentration of leases.

It was also pointed out that the JBACE has a duty to intervene if the concentration of leases on public land and the resulting level of wildlife harvesting threaten the way of life of Cree beneficiaries guaranteed by section 24 of the JBNQA.

Members of the federal party suggested contacting the MRN to propose that a joint committee be set up to draft the policy for allocating leases and the next RVDP.

A Québec member pointed out that the current consultation process began prior to the signing of the Cree-Québec Agreement on February 7. The Agreement provides for consultation and participation of the Crees in the review of rules for allocating leases and in the adoption of RVDPs. Until such time as the bodies established by the agreement are set up, the MRN must consult the Cree Regional Authority regarding all applications for a private vacation lease situated in the territory. According to the Québec member, the JBACE should avoid proposing solutions that would result in overlapping of the bodies already provided for in the Cree-Québec Agreement.

According to a member of the federal party, the JBACE could withdraw from the issue altogether once it is assured that the bodies provided for in the Cree-Québec Agreement are adequate and effective.

The MRN policy for allocating leases on public land is also of concern to the Kativik Environmental Advisory Committee (KEAC) and the Hunting, Fishing and Trapping Coordinating Committee (HFTCC). In fact, the KEAC Chairperson has invited the JBACE to a meeting of the three committees on March 20, 2002, to share information, voice our concerns and possibly adopt a common position.

It was decided to form a rough shelter subcommittee to:

- quickly prepare a reply to Mr. Gagnon of the MRN, informing him that we intend to comment on the current policy for allocating rough shelter leases;
- attend the tripartite meeting with the KEAC and HFTCC on March 20, 2002, for the purpose of conducting a comprehensive review of the issue of leases on public land and, if necessary, submitting an opinion to the MRN.

The rough shelter subcommittee is composed of Jacques Robert, Pierre Moses and Alan Penn.

5. CREE-QUÉBEC AGREEMENT AND THE JBACE'S FORESTRY MANDATE

The Cree-Québec Agreement² provides for the establishment of a Cree-Québec Forestry Board and the establishment of joint working groups in each of the Cree communities. These joint bodies will participate in the preparation and review of forest management plans. Currently, forest management plans are submitted to the JBACE for consultation and comment. The Committee will have to review its forestry mandate as a result of the new agreement between the Crees and the Québec government.

A CRA-appointed member thinks that the JBACE will continue to play a role at the forestry level, since it will still receive forest management plans. A representative of Canada feels that the JBACE's role should be to oversee the new forestry bodies to ensure that they are effective. In the event that one fails to fulfil its mandate, the JBACE could resume its current mandate.

² The text of the Agreement is available on the Secrétariat aux affaires autochtones Web site. The executive secretary will send a copy to each of the members.

In the short term, the new agreement will apparently have a minor impact, since the general and five-year forest management plans have all been approved. The five-year plans are in effect until 2005, and any changes to them continue to be submitted to the JBACE. Normally, the bodies established by the Cree-Québec Agreement will start assuming this responsibility within the next year or two.

Since the Cree-Québec Agreement changes the JBACE's mandate and, by extension, the terms of the JBNQA, the members appointed by Canada and the CRA wonder whether the Government of Canada shouldn't be party to the Agreement. Schedule A of the Agreement contains the text of Complementary Agreement no. 14 modifying the JBNQA by adding Section 30A. A member representing the CRA pointed out that, to date, the complementary agreements to the JBNQA have only been signed by the Québec government and the CRA, because they fall under provincial jurisdiction.

The members agreed that they need more information on the Cree-Québec Agreement and its implications, especially as regards forestry, to which 70% of the Agreement is devoted. It was agreed to invite someone from the Québec government or CRA to each of the next two meetings to present a different aspect of the Agreement (forestry, mining, etc.) and give the members a chance to ask any questions they might have.

A CRA-appointed member feels that the JBACE should also send a letter to both the MRN and the CRA to express its intention to review its forestry mandate according to the Cree-Québec Agreement.

6. REGULATIONS ON DRINKING WATER

The government of Québec adopted the *Regulation respecting the quality of drinking water* in May 2001. As this Regulation involved the updating of data on distribution systems in Cree communities, the JBACE turned to the Ministère de l'Environnement (MENV) regional office for Abitibi-Témiscamingue and Northern Québec for a status report on drinking water systems in the Territory. The regional office responded by indicating that the assessment of drinking water systems on Category 1A land is the local governments' responsibility.

As part of follow-up concerning letters from the JBACE to MENV, a Québec member informed the Committee that MENV and the CRA were working on a draft by-law on drinking water for the community of Eastmain. Moreover, Indian and Northern Affairs Canada (INAC) was about to undertake a national study on municipal infrastructures (aqueduct and sewers) in the Native communities. The Québec member asked whether anybody else could provide information on this file.

A CRA-appointed member informed the Committee that INAC had offered the Crees and Naskapis the chance to administer the questionnaire on water supply and wastewater treatment systems in their respective territories. Martin Desgagnés and Alan Penn accepted to administer the questionnaire on behalf of the CRA so that they could make specific recommendations for the James Bay territory.

Although they have not completed their report yet, Alan Penn presented the preliminary findings. While there has been heavy investment in water supply and wastewater treatment infrastructures, the training of plant personnel is clearly wanting. Moreover, there are no operating plans or manuals.

In southern Québec, plants are managed by civil engineers in accordance with the Québec Water Purification Plan (PAEQ). In the James Bay region, local administrators have replaced the MENV, but there is no program equivalent to the PAEQ.

7. **ANNUAL REPORTS FOR 1999-2000 AND 2000-2001**

A copy of the draft 1999-2000 annual report adopted by the annual report subcommittee was enclosed in the mailing sent to members. A subcommittee member subsequently proposed changes to the text, but they were not unanimously approved. The subcommittee plans on resolving the matter at its next meeting. We're still waiting for the Chairperson's Message, but Romeo Saganash promised the executive secretary that he would send it to him. If the text is not received, the executive secretary in 1999-2000, Denis Bernatchez, will be asked to draft the message and submit it to Romeo Saganash for approval.

The subcommittee will continue working on the 2000-2001 annual report. Lastly, the members of the subcommittee intend to do everything they can to see that the annual report for the current year is submitted for the June 30, 2002 deadline.

8. **INFORMATION FROM THE ADMINISTRATIVE COMMITTEE**

The administrative committee is currently drafting a human resources management policy based on that of the HFTCC. The administrative committee hopes to table a finalized version of the policy at the next JBACE meeting.

Work has also begun on the proposed administrative agreement submitted by MENV in January 2002. The secretariat services the JBACE is supposed to provide the Evaluating Committee (COMEV) pursuant to the Environment Quality Act (s. 150) poses problems, because the cost of these services is assumed by MENV, which, accordingly, proposes to reduce the JBACE's funding by \$40 000.

A representative of Canada questioned the usefulness of an administrative agreement binding the JBACE and MENV. He feels that a simple budgetary proposal should be enough, since the governments' obligations are already set out in the JBNQA. A Québec-appointed member stressed that the agreement defines the obligations of each party and ensures the JBACE of stable funding.

To ensure that COMEV's share of funding is not cut from the JBACE's budget, it was suggested that we consult COMEV with regard to its budgetary needs and then claim these costs in addition to the JBACE's regular budget.

The members of the administrative committee also informed the JBACE of a discussion concerning the wage conditions of the new executive secretary. The latter left the room so that the JBACE members would be at ease discussing the matter. It was agreed that wage conditions granted when the executive secretary was hired, on February 11, 2002, will be maintained for one year.

9. OTHER BUSINESS

9.1 Bill C-19

In March 2001, the federal government tabled Bill C-19, *An Act to amend the Canadian Environmental Assessment Act* (CEAA). At the Committee's last meeting, on January 23, 2002, the members had agreed to appear before the House of Commons' Standing Committee on Environment and Sustainable Development that was about to study Bill C-19's amendments. At the time, JBACE members hadn't had the opportunity to read the proposed amendments.

To that end, a conference call will be held on April 2. Bill C-19 will be the only thing on the agenda. The executive secretary will supply documentation, such as the text of Bill C-19, the brief submitted by the Grand Council of the Crees on the draft bill and KEAC's opinion and recommendations on Bill C-19, to provide a basis for an informed discussion,.

It is the policy of the JBACE to appear before a parliamentary committee when a common position is shared by the three parties represented on the JBACE. The JBACE will therefore only appear before the Standing Committee in connection with Bill C-19 if such a consensus can be reached at the proposed conference call.

9.2 Environmental monitoring of Eastmain-1 (EM-1)

In accordance with the JBNQA, there will be no environmental impact study for the EM-1 hydroelectric development project. However, MENV's Abitibi-

Témiscamingue and Northern Québec regional office is supposed to monitor the project's environmental impacts. The JBACE should inform the Québec government that the Abitibi-Témiscamingue and Northern Québec regional office does not have the necessary resources to carry out such monitoring at present time.

A CRA-appointed member said that road work is not supposed to begin until summer or fall 2002. This gives us time to meet with Hydro-Québec or MENV officials to find out the type of work involved and the resources required for environmental monitoring.

First, the executive secretary will invite someone from Hydro-Québec to come and explain the extent and type of work involved.

9.3 Status of observers at JBACE meetings

The members asked for a clarification as to the status of observers at JBACE meetings. According to the rules of internal management, any member may invite one or more observers to a meeting (s. 9). If an observer wishes to have the right to speak, a request to that effect must be made to the Chairperson and authorized by the Committee.

9.4 Creation of an executive committee

With a view to rendering the JBACE more effective, a CRA-appointed member requested the creation of an executive committee composed of one member from each party. The executive committee would assist the executive secretary in planning JBACE meetings and ensure minimum consultation on all decisions made between meetings. This would prevent the Chairperson from having to make decisions on his own, and the secretariat from being paralysed if the Chairperson is not available.

The administrative committee will discuss the matter at its next meeting and submit a proposal at the following meeting of the JBACE.

9.5 Change to a five-year forest management plan

On January 6, the JBACE received an application to amend a five-year forest management plan for common area 86-20. Mr. Chabot, of the MRN office in Amos, called to find out whether the JBACE intended to comment on the amendment according to the routine procedure.

The proposed change may stem from the shift to an adapted forest regime, as provided for in the Cree-Québec Agreement. A CRA-appointed member said it is important that a copy of the amendment be sent to the CRA, as is customary.

The Cree-Québec Agreement provides for the establishment of a Cree-Québec Forestry Board, which would be involved in the different planning processes of forest management activities (s. 3.30e), and for the establishment of joint working groups to ensure the implementation of the processes relating to the preparation, consultation and monitoring of forest management plans (s. 3.41f). Alan Penn and Marian Fournier therefore agreed, after checking with the Cree party, to draft a letter to the MRN proposing that the JBACE withdraw from the review of forest management plans. In the event that one of the signatories is not satisfied with the way the bodies established by the Cree-Québec Agreement function, the JBACE reserves the right to reassess its involvement in forestry issues.

10. DATE AND PLACE OF NEXT MEETING

The JBACE will hold its next meeting, not counting the conference call on Bill C-19, on April 16, 2002, in the meeting room of the JBACE's Montréal office, 383 rue Saint-Jacques, Room C-220, on the mezzanine floor, at 9:30.


Marc Jetten
Executive Secretary

2002-09-30