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RÉUNION DU CCEBJ # 126

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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 126th MEETING OF THE JAMES BAY ADVISORY COMMITTEE ON THE ENVIRONMENT

(ADOPTED)

**DATE:** April 19, 2002

**TYPE OF MEETING:** Conference call

**PRESENT IN JBACE MEETING ROOM:**

Claude Langlois, Canada, Chairperson  
Jean Comtois, ex officio member, HFTCC Chairperson  
Marc Jetten, Executive Secretary

**PRESENT BY PHONE:**

Carole Garceau, Québec, Vice-Chairperson  
Marian Fournier, Québec  
Pierre Moses, Québec  
Alan Penn, CRA  
Jacques Robert, Canada  
Denis Bernatchez, guest

**ABSENT:**

Sam Etapp, CRA  
Willie Iserhoff, CRA  
Louise Labrie, Canada  
Harm Sloterdijk, Canada



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

The following agenda was proposed:

1. Call to order and adoption of agenda
2. Approval of minutes of the 125th meeting and of the conference call on Bill C-19
3. Follow-up to 125th meeting
4. Adoption of Administrative Committee's mandate and composition
5. Adoption of administrative agreement with MENV
6. Financial results for 2001-2002
7. Budgetary proposal for 2002-2003
8. Adoption of human resources management policy
9. Status of annual report subcommittee's work
10. Study of changes to forest management plans
11. Financial resources of MENV's Abitibi regional office
12. JBACE/KEAC/HFTCC joint letter on rough shelter leases
13. Other business
14. Adjournment

Given that a lot of members were present by phone, it was agreed to postpone discussion of items 2, 3, 6 and 7. Three matters were added to Item 13, "Other business":

- Reimbursement of executive secretary's moving expenses
- Thank-you to Denis Bernatchez
- Dates and places of next meetings

The agenda was adopted with the requested changes.

**4. ADOPTION OF ADMINISTRATIVE COMMITTEE'S MANDATE AND COMPOSITION**

A member of the federal party proposed adding "*Sous l'autorité du CCEBJ, le Comité administratif a pour mandat de :*" ["Reporting to the JBACE, the Administrative Committee will perform the following functions:"] before the list of the Administrative Committee's functions.

A CRA-appointed member proposed adding "*notamment pour la préparation et le suivi des réunions*" ["notably in relation to the organization and follow-up of meetings"] at the end of the function defined in point 7.

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A member of the federal party asked whether it would be better if point 3 in the French text read “*faire l’évaluation de rendement du secrétaire exécutif*” rather than “*réviser l’évaluation.*” In this regard, the roles of the Administrative Committee and its chairperson are defined in the third paragraph of section 6 of the *Policy on Human Resources Management*, which reads as follows: “*Le président, conjointement avec le Comité administratif, a la responsabilité (...) de l’évaluation du rendement du secrétaire exécutif.*” [“The Chairperson, together with the Administrative Committee, is responsible for the (...) performance evaluation of the Executive Secretary.”]

The following function was added (#10): “*Faire rapport au CCEBJ.*” [Report to the JBACE]

A Québec member proposed that the composition of the Administrative Committee be expressed as follows: “*Que chacune des trois parties du CCEBJ nomme un membre au Comité administratif.*” [“Each of the parties on the JBACE (Canada, Québec and Cree Regional Authority) shall appoint one member to the Administrative Committee.”]

**Resolution 2002-04-19-01 regarding the mandate and composition of the JBACE Administrative Committee:**

**CONSIDERING** that the JBACE formed an administrative committee to handle administrative matters and assume its administrative and financial independence;  
**CONSIDERING** that the Administrative Committee requires a clearly defined mandate in order to be effective;

**It is unanimously resolved that the mandate and composition of the Administrative Committee be adopted with the above-mentioned changes.**

**5. ADOPTION OF ADMINISTRATIVE AGREEMENT WITH MENV**

The Administrative Committee made the final changes to the draft administrative agreement with the Ministère de l’Environnement (MENV) and submitted it for adoption by the JBACE. If adopted, the agreement will be submitted to MENV, following which the two parties would begin negotiations to hammer out the final details.

The Administrative Committee wanted to make certain provisions less specific in terms of funding amounts; for example, instead of taking \$40 000 from the budget allocated to the JBACE secretariat and transferring it to COMEV, the sum allocated for the secretariat costs of COMEV would vary according to its needs.

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The sections concerning the JBACE's reimbursement of expenses incurred by the Cree representatives on COMEX and COFEX-South raised some questions. For example, is the "secretariat" referred to in paragraph 22.6.2 of the JBNQA the JBACE secretariat? This is MENV's interpretation. This matter should be cleared up with COMEX, COFEX-South and the Canadian Environmental Assessment Agency (CEAA). A Cree representative on COFEX-South is apparently getting ready to claim reimbursement for expenses incurred for his participation in the committee's activities.

According to a member of the federal party, the JBACE must fulfil its obligations under the JBNQA. Regardless of how paragraph 22.6.2 is interpreted, there must be a separate provision in the JBACE's budget for the reimbursement of the expenses of the Cree representatives on COMEX and COFEX-South.

The following amendments are to be made to the draft administrative agreement:

- change "*article 22.6.1*" to "*article 22.6.2*" in the 6th "*Attendu que*" on page 2 of the French text
- add the date of the letter from the Deputy Minister in the 8th "Whereas" on page 2
- make the second date in section 2.3 read "April 1"
- combine sections 3.7, 3.8 and 3.9
- delete section 3.11

**Resolution 2002-04-19-02 regarding the administrative agreement between the Ministère de l'Environnement and the JBACE:**

**CONSIDERING** that MENV submitted an administrative agreement proposal to the JBACE in January 2002;

**CONSIDERING** that the JBACE wishes to enter into an agreement setting out the rights and obligations of each party;

**CONSIDERING** that the JBACE Administrative Committee amended the proposed agreement and is satisfied with the results;

**It is unanimously resolved to adopt the draft administrative agreement with the above-mentioned changes, and to submit it to the Ministère de l'Environnement du Québec.**

Depending on MENV's response, the JBACE will appoint one or more representatives to negotiate the terms and conditions of the agreement with MENV.

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**8. ADOPTION OF HUMAN RESOURCES MANAGEMENT POLICY**

The Administrative Committee considers its work on the human resources management policy to be finished. The original HFTCC policy was amended to reflect the needs and expectations of JBACE members and staff.

A Québec-appointed member proposed deleting section 2.2e, arguing that its information concerning the length of the workweek is superfluous. The members agreed.

**Resolution 2002-04-19-03 regarding the JBACE's *Policy on Human Resources Management*:**

**CONSIDERING** that the JBACE will soon be independent of MENV, both on a financial and an administrative level;

**CONSIDERING** that the working conditions of JBACE employees must be clearly defined while offering the parties a certain degree of flexibility;

**It is unanimously resolved to adopt the *Policy on Human Resources Management*, as proposed by the Administrative Committee, with the above-mentioned change.**

**9. STATUS OF ANNUAL REPORT SUBCOMMITTEE'S WORK**

The version of the 1999-2000 annual report approved by the annual report subcommittee (enclosed with the mailing) underwent a linguistic revision to make certain sentences clearer or lighter without altering the content of the report.

The English translation of the report will be available on May 2.

The chairperson for 1999-2000 still has not sent us his "chairperson's message" for the report. He will be asked to send it by May 15, 2002; otherwise, the annual report will be submitted without it.

**Resolution 2002-04-19-04 regarding the 1999-2000 Annual Report:**

**CONSIDERING** that the members of the annual report subcommittee have finalized the 1999-2000 Annual Report and are satisfied with the results;

**CONSIDERING** that the annual reports of the JBACE must be submitted to the National Assembly on the 30th day of June following the end of the fiscal year in question;

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**It is unanimously resolved to adopt the 1999-2000 Annual Report with the changes made in the linguistic revision, and to publish it once it has been tabled in the National Assembly.**

The subcommittee has started working on the 2000-2001 annual report and hopes to submit it for adoption at the JBACE's next meeting.

A CRA member proposed that, for the 2001-2002 annual report, the sections at the beginning (JBACE mandate, composition, meetings) be included at the end of the report as an appendix.

#### 10. **STUDY OF CHANGES TO FOREST MANAGEMENT PLANS**

Two JBACE members, one appointed by the CRA and the other by Québec, drafted a letter on the JBACE's role in the study of forest management plans (copy enclosed with the mailing), which is to be sent to the Cree and Québec representatives for the Cree-Québec Agreement signed on February 7, 2002.

A Québec member said that the JBACE can expect to receive a greater number of changes to forest management plans for consideration and comment as a result of the adapted forestry regime provided for in the Cree-Québec Agreement.

According to the member, it is important that we contribute to the adapted forestry regime's implementation by informing the MRN that plan amendments that result from the Cree-Québec Agreement need not be submitted to the JBACE. The Agreement provides for the establishment of joint working groups that will participate in the preparation of forest management plans. In the meantime, the JBACE would not extend the consultation process (90 days under the JBNQA) and would avoid needless distribution of voluminous documentation.

The draft letter was carefully worded and submitted to the CRA's and Québec government's attorneys for verification to make sure that no party could be accused of shirking its responsibilities under paragraph 22.3.34 of the JBNQA.

A member of the federal party said he was uncomfortable sanctioning a letter in respect of which the Cree and Québec parties have consulted their attorneys. He, too, would like to have the chance to consult experts before endorsing the federal government's backing out of an obligation under the JBNQA through the JBACE.

A CRA member has nothing against the federal party's seeking expert advice. He reminded everyone that this is a draft letter and that changes can always be made to it. He wants a consensus on the principle of the letter, i.e. to relieve the MRN

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and JBACE of an administrative burden and facilitate application of the adapted forestry regime.

The HFTCC Chairperson asked if forest management plans fall under provincial jurisdiction. The answer is yes. In this case, he feels it relieves the federal government of some responsibility should the JBACE decide not to study the plans. A member of the federal party said he was not terribly worried about the repercussions of the JBACE's changing its role with regard to forest management plans.

It was agreed that the JBACE executive secretary and Chairperson would rework the draft letter, maintaining the principles of the letter, before submitting it to two members, one CRA representative and one Québec representative, for approval and then to the Chairperson for his signature.

#### **11. FINANCIAL RESOURCES OF MENV'S ABITIBI REGIONAL OFFICE**

At the JBACE's March 13, 2002 meeting, there were concerns that the Abitibi regional office of MENV does not have the resources necessary to monitor the environmental impacts of the Eastmain-1 (EM-1) hydroelectric development project.

A CRA-appointed member was told by the Hydro-Québec official responsible for relations with the Crees that road construction and installation of power transmission lines between the Nemaska substation and Eastmain will begin in July 2002. The archeological digs to be carried out prior to this work will begin as soon as the snow has melted enough.

No decision has been made yet regarding the establishment of a satellite camp at the Nemaska substation: for the moment, the workers based in temporary camps, which are not subject to environmental impact assessment, will do the road work to be completed in spring 2003.

Land surveys will begin this summer and continue in 2003. Excavation is scheduled to begin in summer 2003, which is when the Abitibi regional office is supposed to conduct its initial monitoring activities.

This timetable allows the JBACE to act before the regional office's next budget is adopted. A Québec member proposed that the JBACE write to MENV to encourage it to allocate sufficient funding to the office so that it can fulfil its mandate with regard to EM-1.

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According to a CRA member, MENV has already discussed the staffing needs for EM-1. He feels it would be appropriate for the JBACE to write to MENV in a few months time supporting its proposed staffing plan.

A member of the federal party reiterated the need to invite someone from Hydro-Québec to explain the EM-1 project to us. This would give the members a chance to ask questions regarding the project's environmental and social impacts. The invitation will be made for the JBACE's meeting in September 2002.

## **12. JBACE/KEAC/HFTCC JOINT LETTER ON ROUGH SHELTER LEASES**

In the wake of the MRN consultation on the department's policy respecting rough shelter leases, representatives of the KEAC, JBACE and HFTCC met on March 20, 2002 to discuss the issue of leases and authorizations for public land in the Northern Québec and James Bay regions.

At the end of the meeting, it was resolved that the executive secretaries of the three committees would draft letters to the MRN and MENV expressing the committees' concerns. The letters would be signed by all three chairpersons.

The members of the JBACE subcommittee on rough shelter leases read the two draft letters and communicated their approval by e-mail. The JBACE Chairperson will read the letters and, if necessary, propose changes, which will be submitted to the subcommittee on rough shelter leases and the KEAC and HFTCC members for approval.

The HFTCC Chairperson proposed that we enclose copies of the committees' previous letters to the MRN concerning rough shelter leases. A member of the federal party agreed with this proposal, saying that it would fill the information gap in the joint letters, which the member feels are too general.

As regards the broader issue of access to the territory, a Québec member said that the Cree-Québec Agreement (s. 3.13.3) provides for the holding of a coordination table to identify and circumscribe issues concerning this matter. According to the member, it is important that the JBACE contact the signatories' representatives to request that two of its members, namely, a Cree and a Québec representative, participate in the coordination table. The principle of participation was the subject of consensus among JBACE members.

The same member agreed to draft a letter and have it approved by a CRA member. The letter would then be submitted to the JBACE Chairperson.

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**13. OTHER BUSINESS**

**13.1 Reimbursement of executive secretary's moving expenses**

At its meeting on February 13, 2002, the JBACE Administrative Committee implicitly agreed to reimburse all or part of the executive secretary's moving expenses, considering that he was uprooting his family in order to move from Québec City to Montréal.

At the Administrative Committee's March 28 meeting, the secretary estimated his moving expenses at \$2 000. He was asked to submit a written proposal to that effect.

The proposal submitted by the executive secretary was based on the tender submitted by the moving company Déménagement Sainte-Foy, which amounted to \$4 700. The higher amount is due to the packing/unpacking service, which was not included in the initial estimate, as well as the moving date, i.e. June 1, 2002 (rates go up closer to July 1).

**JBACE Resolution 2002-04-19-05 regarding reimbursement of the executive secretary's moving expenses:**

**CONSIDERING** that moving an entire family is costly for a new employee;  
**CONSIDERING** that it is hoped that the executive secretary would not have to take a lot of time off from work in order to get ready to move;

**It is unanimously resolved that the JBACE will cover the moving expenses of the executive secretary, Marc Jetten, up to a maximum of \$4 700.**

**In return, the executive secretary must agree to continue his employment with the JBACE for a minimum of 24 months from the date of his hiring. Should the executive secretary quit before the end of this period, he must reimburse the sum of \$2 700 to the JBACE.**

**13.2 Thank-you to Denis Bernatchez**

Denis Bernatchez, executive secretary of the JBACE for the past eight years, is retiring. All of the members officially thanked him for his excellent work over the years.

**13.3 Dates and places of next meetings**

The meeting on Tuesday, June 11, 2002 will be held in the JBACE meeting room in Montréal.

The following meeting, scheduled for September, will be held in the James Bay region, either in the Chibougamau/Waswanipi area so that the members can meet with the persons in charge of implementing the adapted forestry regime, or in Eastmain, to discuss the EM-1 hydroelectric project and related environmental monitoring on site.

The date of that meeting will be set according to the availability of our James Bay hosts.

14. **ADJOURNMENT**

  
Marc Jetten  
Executive Secretary

2002-09-16

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