

NAME
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The following agenda was proposed:

1. Call to order and adoption of agenda
2. Approval of minutes of the 125th, 125-A and 126th meetings
3. Follow-up to 126th meeting
4. Presentation on the forestry component of the Cree-Québec Agreement
5. Consultation on forest management units and the northern limit of commercial allocations
6. Nionatta forest awareness project
7. Information on the forestry symposium in Lebel-sur-Quévillon and the Radisson summit
8. Adoption of 2001-2002 income statement
9. Adoption of 2002-2003 budgetary proposal
10. Adoption of 2000-2001 Annual Report
11. JBACE action plan
12. Water management study
13. Draft Regulation respecting the elimination of residual materials
14. Other business:
 - a) Appointment of CRA member to the Administrative Committee
 - b) Event to mark the departure of Denis Bernatchez
 - c) Proxies
15. Date and place of next meeting

Morning session

Due to lack of quorum, the members present at the morning session decided to discuss those items not requiring a JBACE decision, namely:

3. Follow-up to 126th meeting
6. Nionatta forest awareness project
7. Forestry symposium in Lebel-sur-Quévillon and Radisson summit

3. FOLLOW-UP TO 126TH MEETING

4. Bill C-19 amending the CEEA

According to information obtained from the CRA, Guy St-Julien, Liberal MP for Abitibi-James Bay-Nunavik, is to table an amendment to Bill C-19 that may satisfy the Grand Council of the Crees. The amendment would empower the federal Environment Minister to refrain from applying the Canadian

Environmental Assessment Act (CEAA) procedure where previous legislation allows a band council to apply a different procedure.

5. Work of annual report subcommittee

The 1999-2000 Annual Report is at the printer. As for the 2000-2001 Annual Report, there seems to be a mistake in the summary statement of JBACE/COMEV expenditures: the amounts are the same as those in the 1999-2000 Annual Report. Michael O'Neill, executive secretary of COMEV, has been contacted to obtain the correct amounts from MENV.

The description of COMEV activities in 2000-2001 is missing. Since the subcommittee members consider this description to be an integral part of the 2000-2001 Annual Report, a Québec member suggested postponing adoption of the report.

7. Financial resources of MENV's Abitibi regional office (Eastmain-1)

After consulting with a Québec member, the executive secretary will draft a letter supporting the Abitibi regional office's proposed staffing plan for environmental monitoring of the Eastmain-1 hydroelectric development project. The draft letter will be submitted to the members for approval.

8. JBACE/KEAC/HFTCC letters concerning rough shelter leases

Given that a letter signed by the chairpersons of the three committees was sent to the Ministère des Ressources naturelles (MRN), a Québec member questioned the relevance of sending a letter to the Ministère de l'Environnement (MENV): we can no longer talk about a joint letter, since one of the three committees is no longer involved. The two remaining committees, i.e. the JBACE and the KEAC, have yet to agree on the final content of the letter.

9. Participation in the coordination table on issues concerning access to the Territory

In follow-up to the request made in writing to Diane Gaudet, of the Secrétariat aux Affaires autochtones (SAA), and Abel Bosum, of the Grand Council of the Crees, *Ms Gaudet's secretary, François Dupuis, could be contacted to obtain a reply.*

6. **NIONATTA FOREST AWARENESS PROJECT**

The executive secretary briefed the members on the two Nionatta project meetings he attended with the Chairperson's approval. In the secretary's opinion, this project, which targets forest research and awareness and is headed by the

Université du Québec à Trois-Rivières, is a great opportunity for the JBACE to promote the expertise acquired over the years by its forestry subcommittee. In addition, the proponents are taking a historical approach to the project, and the JBACE secretary could collaborate, given his training.

The project proponents would like to partner with the First Nations so as to benefit from their real-life experience and facilitate funding (under the educational component of the MRN's Forest Resource Development Program). So far, only the Wôlinak Abenaki Band Council has signed on as a partner.

Members wondered why the background document on the project names the JBACE as a partner when no such resolution was ever passed. *It was agreed that the executive secretary would transmit the invitation to participate in the project to the CRA and the Cree band councils. It will be specified that the JBACE is not a financial partner for the project. The secretary will try and provide more information on the project in English. The JBACE's involvement in the Nionatta project will depend on the amount of interest shown by the Cree people in charge of forestry.*

7. **INFORMATION ON THE FORESTRY SYMPOSIUM IN LEBEL-SUR-QUÉVILLON AND THE RADISSON SUMMIT**

The secretary tabled his draft proceedings of the sustainable forest development symposium held May 27-28, 2002, in Lebel-sur-Quévillon. An English translation should be available around July 10. Two members who participated in the guided tour of forest operations on day one of the symposium said they were satisfied. The guides demonstrated various development and enhancement techniques for each type of forest.

The papers delivered during the symposium dealt with constructive action for forest development. Discussions were stimulating. John Kitchen, director of the Nabakatuk sawmill, and Rhonda Oblin, of the Waswanipi Cree Model Forest, were the only Cree delegates at the symposium.

Afternoon session

Quorum was achieved in the afternoon. Due to a lack of time, the members agreed to discuss the following items:

4. Presentation on the forestry component of the Cree-Québec Agreement
5. Consultation on forest management units
11. JBACE action plan
12. Water management study
13. Regulation respecting the elimination of residual materials

14. Other business
15. Date and place of next meeting

4. **PRESENTATION ON THE FORESTRY COMPONENT OF THE CREE-QUÉBEC AGREEMENT**

Jean-François Gravel, native affairs coordinator at Forêt Québec, and Sam Etapp, forestry coordinator for the Grand Council of the Crees, agreed to give a joint presentation on the Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees of Québec (Cree-Québec Agreement). Mr. Gravel distributed a copy of the PowerPoint presentation to each of the members.

Mr. Gravel presented a map of the territory of application for the purposes of Chapter 3 (forestry) of the Cree-Québec Agreement. This territory differs from the territory contemplated by the James Bay and Northern Québec Agreement (JBNQA) in that it does not include the southeast portion of the JBNQA Territory, including the cities of Matagami and Lebel-sur-Quévillon. For the purposes of the other chapters of the agreement, the "Territory" is the territory defined in the JBNQA.¹

Mr. Gravel reminded the participants that the negotiations leading to the nation-to-nation agreement were initiated by the Québec government in December 2000. The negotiators worked relentlessly to hammer out an agreement, which was signed on February 7, 2002, and its implementation is making good progress. Currently, the joint working groups provided for in section 3.41 of the agreement have been set up in each of the Cree communities. The Cree party is seeking candidates to represent it on the Cree-Québec Forestry Board (s. 3.30), and the Québec government and Cree Regional Authority (CRA) are approaching possible candidates to chair the board (the chairperson is appointed by joint recommendation), which Mr. Gravel hopes will be operational beginning in fall 2002.

The Standing Liaison Committee provided for in Chapter 11 of the agreement has also been set up. The committee is currently increasing contacts with forestry enterprises in order to find a mutually acceptable solution to the allocation of harvesting rights. The Waswanipi and Mistissini band councils have apparently been under pressure from forest companies looking to skirt the regulations arising from the Cree-Québec Agreement. The Waswanipi Band Council passed a resolution supporting the agreement's provisions as well as Bill 93 enacting the agreement.

¹ Mr. Gravel left a map of the territory subject to Chapter 3 at the secretariat for consultation purposes.

Section 3.55 of the agreement stipulates that Québec is to make available to the Cree enterprises, not later than 5 years after the signing of the agreement, an annual volume of 350 000 m³ of wood. A consensus must be reached on where the wood is to be harvested. Sam Etapp said that, currently, the remoteness of the area of harvesting rights allocated to Cree enterprises from Waswanipi is a problem.

A working group has been created for the transfer of land to the Mistissini Crees (Schedule G, s. 20). The group is to study, in conjunction with the federal government, the Mistissini Crees' claim in respect of hunting territories lying east of the height of land (James Bay/Lac Saint-Jean). These territories lie beyond the JBNQA Territory. Within six months following the signing of the agreement, Québec must establish a process with concerned parties for the settlement of this claim.

The Grand Council of the Crees, in consultation with the communities, is preparing a proposal regarding exceptional forest ecosystems in need of protection (s 3.62). The community of Waskaganish has proposed the territory of Muskuchii, and other bands are apparently working with anthropologists and botanists to the same end.

The CRA and MRN have begun identifying, for each trapline, sites of special interest to the Cree. Robert Beaulieu, a forest engineer for the CRA, has been working hard to consult Cree tallymen for the purpose of delimiting sites of special interest using GPS. Sites of interest may cover up to 1% of the total area of a trapline included in a management area (s. 3.9). Similarly, the signatories must agree on the boundaries of wildlife habitat within traplines that require special forest management standards. The surface area of these sites of wildlife interest may cover a maximum of 25% of the productive forest area of each trapline (s. 3.10). Mr. Gravel presented a virtual map showing a trapline with the maximum surface areas allowed for sites of special and wildlife interest.²

Sam Etapp said that the Québec government and the Crees are currently studying the La Sarre Crees' claim in respect of the territory between Waskaganish and La Sarre. Like the Crees of Oujé-Bougoumou a few years ago, the Crees of La Sarre asked to be recognized as a band and a beneficiary of the JBNQA.

A member of the federal party asked whether the federal government, as a signatory of the JBNQA, would be involved in the Cree-Québec Agreement. Sam Etapp did not want to get into the politics of the agreement, so referred such matters to Bill Nemagoose of the Grand Council of the Crees. He did not feel that the mandate of the JBACE would change. Even if the bodies created by the Cree-Québec Agreement take over roles that previously belonged to the JBACE, the

² The map is available for consultation at the JBACE secretariat.

Advisory Committee reserves the right to intervene where necessary. In this regard, coordination with the joint working groups may be advantageous.

According to Jean-François Gravel, the complementary agreements added to the JBNQA under the Cree-Québec Agreement necessarily modify the JBNQA. As a signatory of the JBNQA, the federal government should of course be involved in the process.

A Québec member asked whether Mr. Gravel and Mr. Etapp have heard anything about the request to have the JBACE participate in the coordination table studying issues concerning access to the Territory. In Mr. Gravel's opinion, organizations such as FAPAQ and the JBACE should of course sit on the table.

5. **CONSULTATION ON FOREST MANAGEMENT UNITS AND THE NORTHERN LIMIT OF COMMERCIAL ALLOCATIONS**

The executive secretary presented his document entitled: "Preliminary Comments Concerning the Delimitation of Forest Management Units (FMU) in Response to the Ministry of Natural Resources' Consultation." The document examines the positions adopted by the JBACE in September 2000 in response to Bill 136 and the resulting new forest management units (FMU). These positions are being revisited in the light of the current application of Bill 136 and the Cree-Québec Agreement.

A CRA member corrected an error in the document, saying that the provisional Cree-Québec working group has actually been set up. The group oversaw the meticulous job of delimiting all Cree traplines in consultation with the tallymen of the five communities concerned. Grey areas remain, especially at the community limits, and additional funding has been requested to cover the cost of this process. The provisional working group dissolved after the proposal for FMU boundaries had been made.

FMUs normally encompass whole traplines. However, the Assinica FMU includes 6.5 traplines. A Québec member explained that the northern limit of commercial allocations can sometimes result in the inclusion of only part of a trapline; it may also be that part of a trapline is located on Category I land.

There were questions concerning the criteria used to define the northern limit of commercial allocations. Is there still a buffer zone above the northern limit where one-time harvesting of trees can be carried out? The answer is "yes." A Québec member added that forest harvesting activities above the northern limit, when allowed, are not carried out under a timber supply and forest management agreement (TSFMA or «CAAF», in French). In the past, some TSFMA holders

would use their harvesting rights above the northern limit to harvest more wood in the south. Such abusive exercise of a right is no longer possible.

A member for Canada proposed writing a letter stating the JBACE's approval of the FMU boundaries and northern limit, adding that the Advisory Committee intends to monitor factors that could affect the northern limit, such as protected areas. A CRA member approved and asked that the draft letter be sent to the members.

11. **JBACE ACTION PLAN**

Discussion was postponed until the next meeting.

12. **DRINKING WATER MANAGEMENT**

The Cree Regional Authority is working with Eastmain to develop a drinking water by-law under the authority of the Cree and Naskapi Act but in consultation with MENV. It is intended that the model by-law will also be studied for possible application by other Cree First Nations. Alan Penn briefed the committee on the status of this work and undertook to consult the committee further once a firm proposal has been prepared.

13. **DRAFT REGULATION RESPECTING THE ELIMINATION OF RESIDUAL MATERIALS**

The Québec government is planning to adopt a new solid waste management regulation. Alan Penn proposed that this regulation be studied by the committee with particular reference to its application in the James Bay territory and to the Cree communities. Of particular relevance to the Cree population are the provisions relating to in-trench backfill. This approach to waste management will continue to be tolerated by MENV in northern Québec, but will in the future be subject to more rigorous planning and operating criteria, notably with respect to measures aimed at avoiding the contamination of groundwater. It was noted that several communities are already having difficulty with existing in-trench backfill operations.

14. **OTHER BUSINESS**

a) **Appointment of CRA member to the Administrative Committee**

The secretary said that the CRA party should be appointing a member to the Administrative Committee to replace Alan Penn.

b) Event to mark the departure of Denis Bernatchez

Due to the difficulty in getting all of the members together for an event to underline Denis Bernatchez's contribution as executive secretary, it was suggested that Denis be invited to join the JBACE members at a future meeting in Québec City.

c) Proxies

Given that the three parties have appointed new members to the Advisory Committee, the secretary asked all of the members to fill out the proxy form.³

15. DATE AND LOCATION OF NEXT MEETING

At the last meeting, it was suggested that the JBACE hold a meeting in the James Bay region so that the members can discuss the EM-1 hydroelectric project and related environmental monitoring on site. People from the SEBJ or Hydro-Québec would give a presentation and the Cree chiefs would be invited to express their opinions on the project.

A CRA member proposed holding the meeting in Nemaska, given the installation of power transmission lines between the Nemaska substation and Eastmain, and the proximity to the EM-1 site. September 4 and 5 were proposed as possible dates, so the meeting would take place before the Goose Break. The members present agreed.

The next meeting will be held on September 4-5, 2002, in Nemaska. The members should reserve September 3 and 6 for travelling.



Marc Jetten
Executive Secretary
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³ The proxy form can be faxed to members who were absent.